

FAYETTE COUNTY COMMISSION
REGULAR SESSION
JANUARY 5, 2000
COURTHOUSE
FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in regular session on this 5th day of January, 2000.

The meeting was called to order at 9:35 a.m.

Commissioner John Lopez made motion to elect Commissioner Gene Carte, Jr. as President for the year 2000; Commissioner John Witt seconded. Commissioner Witt moved to appoint Commissioner John Lopez as Purchasing Agent and Deborah A. Berry designated Assistant Purchasing Agent for the year 2000. Commissioner Gene Carte seconded. The Commissioners signed Organization Order.

Exonerations were approved and signed.

The Commissioners signed the Governor's Community Partnership Grant Program Contracts for the Senior Citizens Program, Boomer Ballfield, Gauneka Ruritans Building, Sheriff's Department, Comprehensive Sewer Study, Emergency Study.

The Commissioners signed order having been advised that effective January 1, 2000, the rate of reimbursement set by the Secretary of the Department of Administration for mileage allowance has been increased to thirty-two and a half cent (.325¢) per mile.

The Commissioners signed order reappointing Clifford "Duke" Ramsey a member on the Fayette County Board of Zoning Appeals, term to expire on January 1, 2003.

Commissioners Lopez informed the Commission that Kenneth Winters would like to be appointed a member on the Page-Kincaid Public

Service District when a vacancy is open.

The Commissioners approved for John Witt to attend the National Association of Counties annual meeting being held in Washington, D.C.

Commissioner Witt informed the Commission that Region I Local Elected Official Board will met in the Commission room tomorrow at 11:00 a.m.

The Commission received and reviewed a check in the amount of \$30,305.26 for the Emergency Telephone System Fee for the month of November, 1999.

The Commissioners received and reviewed check in the amount of \$11,119.66 representing a disbursement of Wireless E-911 subscribers fees for the months of July, August, September, 1999.

The Commissioners received and reviewed minutes of the Page-Kincaid Public Service District for the month of December 1999.

The Commissioners received and reviewed Application for Extended Leave without pay for Joetta Armstrong.

Kelvin Holliday, County Clerk appeared before the Commission with a request to purchase a laser printer and personal computer the Indexing Clerk.

Commissioner Witt approved request and asked the County Clerk to check to see if it can be purchased through a state bid. Commissioner Lopez seconded.

The Commissioners discussed and reviewed lease of the Memorial Building.

Outstanding bills were approved.

The Commissioners received and reviewed update from Charter Communications.

After a brief discussion of the Sick Leave Policy, the

Commission decided to get more information from other counties and get with the Prosecuting Attorney to discuss.

Earl Pauley, Park Superintendent presented to the Commission a invoice from the Fayette County Animal Control to the City of Oak Hill for caring of dogs. The Commission approved.

Mr. Pauley presented to the Commissioners quotes from Fayette Awning and Glass, Inc. for porch and door for the mobile home at the Fayette County Animal Center.

The Commissioners approved signs for county vehicles from Shelton Signs, cost \$400.00.

The Commissioners approved two part-time employees for the Animal shelter at \$5.15 an hour to work 4 days a week, 4 hours a day, one would have Saturday off, one would have Sunday off.

Commissioners Lopez moved to go into Executive Session with Earl Pauley to discuss personnel problem. Commissioner Witt seconded.

Upon reconvening from the Executive Session, Commissioner Carte informed no action was taken in Executive Session.

Upon the recommendation of Earl Pauley, Park Superintendent, Commissioner Witt moved that Earl Pauley be named the temporary Dog Warden until completion of the Animal Shelter and that Mark Campbell be Assistant Dog Warden with reduction in salary to \$1,100 a month plus benefits.

Mr. Pauley asked that the 911 Center be informed not to call Mr. Campbell on any calls but to call him or Peggy Bennett.

Josh Anguis appeared before the Commission to ask for assistance with trip to Washington, D. C.

The Commission informed Mr. Anguis they would have to check with the Prosecuting Attorney to see if they would be allowed to assist in

this matter.

Commissioner Witt suggested to Mr. Anguis that he attend and present details in writing to the Rotary Program for assistance.

The Commissioners also suggested he contact the Fayette County Bar Association.

John Doyle, America's Promise informed he would check into.

John Doyle appeared before the Commission to report major activities for the fourth quarter of 1999. Mr. Doyle informed the Commission that his term of fellowship ended December 15, 1999 but was asked to serve a second one-year term beginning December 16, 1999.

Selena Vickers, Coordinator of the Fayette County Family Resource Network informed the Commission that they had applied for funding but needed a letter of intent from the Commission for fiscal July 2000 to June 2001.

Commissioner Lopez informed Vickers the Commissioners can not give a letter of intent until they receive the figures from Coal Severance Tax. The Commissioners informed they will consider in the budget.

The Commissioners received and reviewed letter from the West Virginia Association of Counties informing of their Annual Meeting scheduled for February 6th to February 8th. Commissioner Witt will be attending.

The Commissioners received and reviewed letter from Allen, Guthrie, and McHugh regarding the McCormick's lawsuit.

The Commissioners received and reviewed the County Clerk's Employees Sick Leave list for 1999.

The Commissioners received and reviewed letter from the State

Tax Department regarding submitting budget for the PVC Fund.

The Commissioners received and reviewed a copy of a letter to David Pollard with the Fayette Transition Team from Page-Kincaid Public Service District requesting a letter of support and assistance to pay the cost for the sewage systems project on WV 61/Loup Creek.

The Commissioners received and reviewed letter from David Neal, E911 Coordinator informing that effective December 31, 1999 Robert S. Massey resigned as Full-time Communications Specialist.

The Commissioners received and reviewed from the Secretary of State Office an updated version of the Political Party Executive Committee Guide.

The meeting was adjourned at 11:15 a.m. Next scheduled meeting is January 14, 2000.

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FAYETTE COUNTY COMMISSION
REGULAR SESSION
JANUARY 14, 2000
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in regular session on this 14th day of January, 2000.

Commissioner Carte called meeting to order at 9:32 a.m.

Exonerations were approved and signed.

Commissioner Lopez asked a bout getting a printer for the Payroll clerk. Commissioner Lopez informed he had received several complaints on how light the W-2's were.

Kelvin Holliday, County Clerk informed the Commissioners he's too receive a bid from Software System today for the purchase of a personal computer and laser printer for the Index clerk. Mr. Holliday informed the Commission he would give the Payroll Clerk the printer that the Index Clerk is using.

Rod Lang, Region 4 Planning and Development Council presented to the Commission a drawdown request for payment regarding the Fayette County Commission/New haven Public Service District Water Extension project, 1997 Small Cities Block Grant B-97-DC-54-001, amount \$6,820.18. Commissioner Lopez moved to adopt resolution, approved and authorized the payment for services. Commissioner Witt seconded. Unanimous.

The Commissioners approved Fire Levy bills to be paid today.

The Commissioners signed order reappointing Russell G. Deering to serve on the Gauley River Public Service District.

The Commissioners signed invoices to the Town of Fayetteville,

City of Mount Hope, and the City of Oak Hill for the confinement of inmates at the Southern Regional Jail for the month of December.

The Commissioners signed letter to Penelope Crandall, Director, Family Law Masters with request for reimbursement for rent in the amount of \$1,200.00 for the month of January, 2000.

The Commissioners signed the Governor's Community Partnership Grant Program Contracts for the Marquis de LaFayette Statue, Weatherization, and the Minden Community Meeting Center.

The Commissioners received and reviewed Application for Employment from Roger Dennis Ferrell, Jr.

The Commissioners approved for Thelma Kincaid, Circuit Clerk to hire a part-time employee to help with the upcoming election.

The Commissioners approved Thelma Kincaid request for one set of Emergency Absentee Ballot Commissioners for the upcoming Primary Election.

The Commissioners received and reviewed form Thelma Kincaid a list of the vacation and sick days for her employees for the period January 1, 1999 through and including December 31, 1999.

Kelvin Holliday, County Clark also informed the Commission that he would be asking for part-time help for the upcoming election.

The Commissioners received and reviewed proposal from the Fayette Transition Team for the Commission to hire Dave Pollard, Fayette County Resource Coordinator as the Zoning Officer upon the resignation of Gary Harding.

The Commissioners received and reviewed resignation of Joseph Tuholsky from the Fayette County Beautification Committee effective January 11, 2000. The Commissioners suggested having the Beautification Committee make recommendation for his replacement.

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

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

The Commissioners received and discussed the monthly rate for basic service increase of \$1.95 from Charter Communications effective February 1, 2000.

The Commissioners received and reviewed letter from the West Virginia Agromedicine Program asking for the names, addresses and phone numbers of the recipients who will be attending a Farmedic Training course. Original forwarded to Steve Cruikshank, OES Director.

The Commissioners received and reviewed letters from the Workers' Compensation Division.

The Commissioners received and reviewed letter from the Eastern Data Systems, Inc. requesting that they be placed on the county bid list.

Outstanding bills and payroll approved.

The Commissioners approved to pay Upper Kanawha Valley Little League \$3,000 contribution fiscal year 1999-2000.

The Commissioners approved for the Library board to drill a hole at the Memorial Building to run cable line.

Kelvin Holliday presented to the Commission a fax from Software Systems, Inc. for purchase of a IBM personal Computer, Color Monitor and Laser Printer for the Indexing Clerk, cost \$4,670.00.

Commissioner Witt informed the Commission he had gone to a meeting with the Firefighters Association, William Caudill, Larry Parsons, Fayette County Beautification Committee to discuss what to

do and what needed to be done to eliminating the old dilapidated houses and building in Fayette County.

Commissioner Lopez moved to go into Executive Session to discuss 911 Personnel problem. Commissioner Witt seconded. Unanimous.

Upon reconvening the Commission informed that no action was taken in Executive Session.

Commissioner Lopez made motion to withhold 911 employee payroll check. Commissioner Witt seconded. All approved.

Commissioner Lopez informed the Commission that he think the County should consider pulling out of the 4-C Economic Development Authority. Commissioner Lopez and Commissioner Carte informed that Fayette County is not getting nothing for the amount of contributions they're invested into the Authority. Commissioner Carte informed that he's not against Economic Development but thinks the county should form their own Authority.

Commissioner Witt informed he think if the County pulled out of the 4-C they would be making a big mistake.

The meeting was adjourned at 11:30 a.m. Next scheduled meeting is January 26, 2000.

A handwritten signature in black ink, appearing to be 'R. Witt', written over a horizontal line. The signature is stylized and somewhat illegible.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
JANUARY 26, 2000
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in regular session on this 26th day of January, 2000.

Commissioner carte called meeting to order at 9:37 a.m.

Exonerations were approved and signed.

The Commissioners received and reviewed letter from Pocahontas Land Corporation requesting a date for a hearing with the Board of Equalization and Review.

The Commissioners signed order reappointing James E. Lively, Sr., C. R. "Bud" Hill and Joseph H. Deligne members of the Fayette County Building Commission.

The commissioners signed renewal agreement with the Vision Service Plan for the period February 1, 2000 to January 31, 2002.

The Commissioners signed order reappointing Eddie Chornobay a member to the White Oak Public Service District.

The Commissioners signed order appointing William Laird, IV a member of the Fayette County Board of Health due to the death of Russell Matthew.

The Commissioners signed Fire Levy Pumper Replacement agreement for Rainelle Volunteer Fire Department for the period July 1, 1999 to June 30, 2000.

The Commissioners received and reviewed two orders from the Division of Highways ordering (1) Mountain Side Lane (Montgomery Heights Area), Catholic Church Road (Spring Dale Area), Oak Springs

Road (Maplewood Area), Rocky Road (Backman Area), Holly Street (East Kingston Area), First Avenue (Dixie Area), and (2) Gentry town Road (Whipple Area), Shady Tree Drive (Charlton Heights), and Lively Hollow Road (Nr. Meadow Bridge) to the Home Access Road Program (HARP).

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

The Commissioners signed order subject to the approval of the Assessor that Clark W. and Donna D. Tesky be afforded tax relief for tax year 1998 in the total amount of \$537.76 in the form of a credit against taxes owing for the following year or years with said tax relief being spread over the year or years until the debt is paid.

The Commissioners received and reviewed a check in the amount of \$29,120.93 for the Emergency Telephone System Fee for the month of December, 1999.

The Commissioners received and reviewed a check in the amount of \$64.23 from Citizens Telecommunications Company for 911 fee for the month of December, 1999.

The Commissioners received and reviewed letter from the Minden Community Meeting asking that the Commission assist in securing a grant from the Governor's Contingency Budget Digest Funds, if funds are available.

The Commissioners received and reviewed Settlement Agreement, General Release, Order of Dismissal with Prejudice from Allen, Guthrie and McHugh regarding the McCormick's lawsuit.

The Commissioners received and reviewed a letter form delegate William R. Laird, IV informing that during the budget hearing before the House Finance Committee, Steven Canterbury, Executive Director of

the Regional Jail and Correctional Facility Authority announced that there would be no increase next year in the per diem charge for inmates housed in regional jails, per diem rate is \$39.50.

The Commissioners received and reviewed Employer Loss Activity Statement from Workers' Compensation Division.

The Commissioners received and reviewed letter from the Family Law Master informing that every second and fourth Tuesday of every month between the hours of 6:00 p.m. and 8:00 p.m., the Children's Home Society of West Virginia will be conducting classes at the Courthouse Annex.

The Commissioners received and reviewed notice that the Governor's Mobile Office will visit the Courthouse on Monday, January 31, at 10:00 a.m. to 12:00 noon.

The Commissioners approved part-time worker Anna Vandall for primary election to work in Voter's Registration Office.

The Commissioners received and reviewed letter from Kathryn Claywell informing that her property tax has been assessed at the higher rate of Class 3 rental property. Copy forwarded to the Assessor for review.

The Commissioners received and reviewed letter from Paul Blake, Prosecuting Attorney informing that his office has 3 IBM computers, monitors and keyboards stored in the basement of his office.

The Commissioners received and reviewed letter from Sun Mountain Enterprises, Inc. to express their support of the 4-C Economic Development Authority.

The Commissioners received and reviewed letter from 4-C Economic Development Authority inviting the Commission to hear a presentation for a potential Fayette County project to be held on February 16th at

9:00 a.m. at the Holiday Inn, Oak Hill.

Bill Caudill, Chairman, Fayette County Beautification Committee appeared before the Commission to inform the Commission that 4 property owners (George Walker, Ruth Boyd, Chalmer Roles and Steve Campbell) have refused to comply with the notices sent by the Committee. Mr. Caudill informed the Commission that the Committee agreed to turn the property owners names to the Commission for them to make a decision on the next step to take. Commissioner Witt suggested sending notices to the property owners and inform them that if property not cleaned up within 10 days they would be charged \$50.00 a day after February 15th.

The Commissioners informed they would send information over to the Prosecuting Attorney's Office for review.

Commissioner Witt informed the Commission that Dianna Smallwood would like to replace Russell Matthew on the Region 4 Development Council. Commissioner Carte asked if she could serve since she is a member of the Oak Hill City Council. Commissioner Carte to check.

Outstanding bills and payroll were approved. The Commissioners approved to release payroll Friday.

Gary Harding, Zoning Officer appeared before the Commission to present for disposition: Z-476-00-1: Request of Glen Jean Station, Inc. owner, by Roger s. Lipscomb, Secretary/Treasurer, for a change in land classification from RR-1, Agricultural and Rural Residence District, to B-2, General Business District, on approximately 7 acres, old Glen Jean Elementary School site located on Route 25, Glen Jean, Plateau District.

Mr. Harding informed the Commission that the Planning Commission did by a vote of 8-0 recommend that this proposed change be approved.

After a brief discussion, Commissioner Lopez made motion that this be approved as recommended by the Planning Commission. Commissioner Witt seconded. Vote passed 3-0.

The Commissioners received and accepted resignation form Gary E. Harding, effective February 29, 2000.

Commissioner Lopez mad emotion to hire Timothy Richardson as Zoning Officer effective February 16, 2000. Commissioner Witt seconded. Unanimous.

After a discussion of burning old dilapidated structures, the Commissioners decided to meet with Tim Richardson, Tim Hannah, Steve Cruikshank, Bill Caudill, Larry Parsons on Tuesday, February 1, 2000 at 11:00 to discuss matter.

Commissioners Carte informed that due to the shortage of money coming into the Coal Severance Fund, Commissioner Carte made motion to put a freeze on purchasing supplies, travel, equipment an hiring.

Commissioner Lopez informed the Commission the he was ready to make a decision on pulling out of the 4-C Economic Development Authority.

After a lengthy discussion the Commission agreed to have a hearing with the 4-C Economic Development Authority on Friday, February 4, 2000 at 11:00 a.m. to discuss staying or pulling out of the organization.

The meeting was adjourned at 11:42 a.m. Next scheduled meeting is February 1, 2000.

A handwritten signature in black ink, appearing to be 'H. P.', is written over a horizontal line. The signature is stylized and somewhat illegible.

FAYETTE COUNTY COMMISSION
SPECIAL SESSION
BOARD OF EQUALIZATION AND REVIEW
FEBRUARY 1, 2000
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in special session on this 1st day of February 2000 as Board of Equalization and Review of Property Assessment.

Commissioner Carte called meeting to order at 10:29 a.m.

Since there were no hearings scheduled, Commissioner Carte asked that Board of Equalization and Review be adjourned.

The Commissioners reconvened for regular County Commission meeting.

Tom Aiello, Assessor appeared before the Commission to request 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 Carte asked Tom Aiello if Legislature could be changed to have some of the Dog Tax money used as support for animal shelters. After a brief discussion, Mr. Aiello informed the Commission that he would check into.

Commissioner Carte signed Application for a Certificate of Title for a Motor Vehicle confiscated in a drug seizure by the Sheriff.

The Commissioners approved invoice from C-PAC Spay Fund for the month of December, amount \$166.50.

The Commissioners signed Zoning minutes for meeting held on

Wednesday, January 26, 2000.

The Commissioners received and reviewed from the West Virginia Housing Development Fund brochure and application package describing a program that may be Used by landlords in Fayette County to upgrade their rental units.

The Commissioners unanimously approved to allocate \$8,000 to the Upper Kanawha Valley Economic Development for refurbishing of houses in the Valley District for fiscal year 1999-2000 and to include in the fiscal year budget 2000-2001.

The Commissioners met with Steve Cruikshank, OES Director, Tim Richardson, Fire Chief, City of Oak Hill, Tim Hannah, Fire Chief, Loup Creek Volunteer Fire Department, Bill Caudill, Chairman and Larry Parsons, Fayette County Beautification Committee to discuss demolishing of unsightly vacate structures in Fayette County.

Steve Cruikshank informed the Commission of the Air Quality Control regulations and rules. Discussion was held but no decision regarding burning and tearing down of old dilapidated houses were made.

Paul Blake, Prosecuting Attorney appeared before the Commission and asked if they would go into Executive Session.

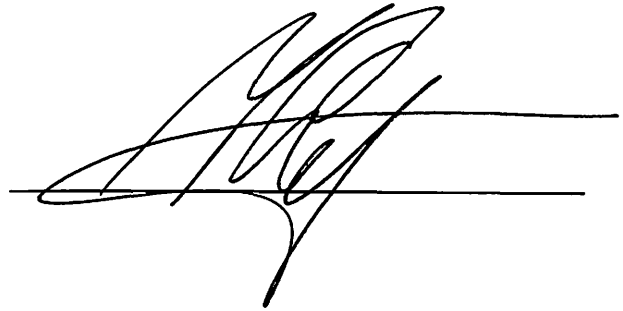
Commissioner Lopez made motion to go into Executive Session to discuss McCormick's lawsuit. Commissioner Witt seconded.

Upon reconvening from Executive Session, Commissioner Lopez made motion to stop payment on check issued January 26, 2000 regarding the McCormick's lawsuit. Commissioner Witt seconded. Unanimous.

Larry Parsons informed the Commissioners that he received information from Carl Harris, Assistant Prosecuting Attorney informing that before the Commission take any action on the 4

property owners, the Commission would have to have a petition from the Fayette County Beautification Committee regarding the property owners, after the Commission receive the petition they would have to notify the property owners of the Committee's findings an give them ten days to clean up property and then after the ten days if nothing's been done then the Commission would send order informing they would be fined.

The meeting was adjourned 12:14 p.m. Next scheduled meeting is February 4, 2000.

A handwritten signature in black ink, written over two horizontal lines. The signature is stylized and appears to be the initials 'M.B.' or similar, with a large loop on the left side and a vertical stroke on the right.

FAYETTE COUNTY COMMISSION
SPECIAL SESSION
BOARD OF EQUALIZATION AND REVIEW
FEBRUARY 4, 2000
COURTHOUSE
FAYETTEVILLE, WV 25840
MEMBERS Present: Gene Carte, Jr., John H. Lopez, John L. Witt

The Fayette County Commission met in special session on this 4th day of February, 2000 as Board of Equalization and Review of Property.

Commissioner Carte called meeting to order at 10:05 a.m.

Since there were no hearings scheduled, Commissioner Carte asked that Board of Equalization and Review be adjourned.

The Commissioners reconvened for regular County Commission meeting.

The Commissioners signed order 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.

The Commissioners received and reviewed letter from the Wooten Law Firm regarding the Springdale Corporation real property assessment. Per Commissioner Carte he talked with Tom Aiello, Assessor and he is forwarding copy of letter to Jerry Knight, State Tax Department for his opinion.

Commissioner Lopez made motion to get Larry Parsons, Litter Control Director for the Fayette County Solid Waste Authority a portable radio. Commissioner Witt seconded. All approved.

Commissioner Lopez made motion to authorized the Fayette County Solid Waste Authority to convey truck to the Town of Fayetteville.

Commissioner Witt seconded. All approved.

The Commissioners received and reviewed letters from the Workers' Compensation Division.

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 February, 2000.

The commissioners signed Order of Substitution regarding the Estate of Verna Mae Turner.

The Commissioners received and reviewed from the County Clerk's Office number of frames ready to load for the Primary Election.

The Commissioners received and reviewed Application of Employment from Jeffrey Edward Nichols.

Commissioner Lopez made motion to appoint Adona Pugh to the Fayette County Planning and Zoning Commission to replace David G. Perry who resigned as of January 31, 2000.

The Commissioner met with Judy Radford, Executive Director, 4-C Economic Development Authority and several members of the Authority, Mayors and other concerned citizens voicing their opinions as to why Fayette County should stay in a regional economic development authority.

Ms. Radford gave an update of the history of the Authority and other programs the Authority offer.

Ms. Radford informed the Commission the Authority is participating in a pilot pre-employment training program to correct educational deficiencies.

Sharon Roose informed the Commission that she and her husband still have plans on building a Wildlife Kingdom in Glen Jean. After a brief discussion, Ms. Roose informed the Commission that she speaks

in support of the Commission staying with the Authority.

Mike Martin a member of the Central Appalachian Empowerment Zone (CAEZ) Board spoke in support of 4-C. Mr. Martin informed the Commission of Ms. Radford role in helping with getting the Industrial Park in the Mount Hope area. Mr. Martin informed he would hate to see it not remain in place.

Commissioner Witt informed the Commission he talked with Paul Lansat and he informed him that the Sun Mountain project is still an ongoing project.

Commissioner Lopez informed the Commission that Fayette County has nothing to show to justify the expense to the taxpayers.

Commissioner Witt informed the Commission that Fayette County cannot provide an effective economic development organization without competing against other counties.

Commissioner Carte and Commissioner Lopez informed they would take under advisement. No decision made.

The meeting was adjourned at 12:25 p.m. Next scheduled meeting is February 9, 2000.



02/04/00

4-C EDA Hearing
Attendance

Judy Radford, Exec. Dir.

Tom Blankenship - Nichols Co. 4-C

Bud Hill

Geno Hinkle

Lonnie Mullins

David Riggs

Sharon Rose, Wild Life

Kathy Calhoun

Emmett Pugh, Mayor Beckley

Gene Kistler

Michael Martin, Dir. CAEZ

Harold Bragg

Bill Baker

~~Donna Rose~~

Debbie Sizemore

Wanda Dickerson

FAYETTE COUNTY COMMISSION
BOARD OF EQUALIZATION AND REVIEW
FEBRUARY 9, 2000
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in regular session on this 9th day of February, 2000.

Commissioner Carte called meeting to order at 9:35 a.m.

Exonerations were approved and signed.

Commissioner Witt informed the Commission he received from Mark Lokant, West Virginia Power/Eastern State Oil and Gas agreement to be signed for gas at the Fayette County Park. The Commissioners asked that this be referred to the Prosecuting Attorney's Office for review. The Commission informed contract to be signed only if Eastern State Oil and Gas supply gas to the Fayette County Park.

Ms. Holly informed the Commission she received a letter from the State Tax Department informing that a programming error that has resulted in an undervaluation of all reserve coal appraisals throughout the State was the result of a failure of the new valuation methodology program to properly filter the original database.

Ms. Holly informed the Commission that this would have to be advertised as a Class II-0. The Commission approved to sign order informing that the increase is intended to be made on Monday, February 28, 2000 at 10:00 a.m. Order signed.

Commissioner Witt moved that an order be signed designating that for the Presidential Primary Election that the total number and type of election boards for the various precincts shall be seventeen standard receiving boards and order notifying the executive

committees of the democrats and republican parties the number of nominations for each party which may be made for poll clerks, election commissioner, alternates, and emergency absentee ballot commissioner. Commissioner Lopez seconded.

The Commissioner signed letter to the Elected Officials and Department Heads requesting that each office, prior to March 2, 2000 submit 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. Attached also are budget proposal workpapers prescribed by the West Virginia Auditor's Office and a budget worksheet.

Commissioner Witt asked Ms. Holly to check on decals for county cars for the next meeting.

Commissioner Lopez suggested making a decision on the 23rd of February regarding the 4-C Economic Development Authority.

The Commissioners received and reviewed letter from the State Auditor's Office confirming they will be auditing the general purpose financial statements of the Commission as of and for the year ended June 30, 1999. Standard hourly rate \$46.00.

The Commissioners signed several minutes from County Commission meetings.

The Commission signed order appointing Adona Pugh a member of the Fayette County Planning Commission to fill the unexpired term of David G. Perry.

The Commission received and reviewed Application for Employment from Stacy Lynn Holliday.

The Commissioners signed order subject to the approval of the

Assessor that Kathryn Claywell be afforded tax relief for tax year 1994, 1995, 1996, 1997 and 1998 in the total amount of \$738.55 in the form of a credit against taxes owing for the following year or years with said tax relief being spread over the year or years until the debt is paid.

The Commissioners signed letter to W. D. Smith, Executive Director, Region 4 Planning and Development Council informing that due to the death of Russell Matthew, the members of the Commission appoint Dianna Smallwood to fill said vacancy.

The Commissioners approved invoice form C-PAC Spay Fund, amount \$357.50.

The Commissioners received and reviewed letters from Workers' Compensation Division.

The Commissioners received and reviewed franchise tax remittance from Charter Communications for the period October 1, 1999 through December 31, 1999, amount \$6,897.92.

The Commissioners received and reviewed order from the Division of Highways ordering the addition of Holcomb Loop (Lookout) to the State Local Service System.

Ms. Holly asked the Commission if they had any projects they wanted to submit to the Legislative Digest. Commissioner Witt suggested windows and doors for courthouse, roof for the Road office and jail.

Ms. Holly presented to the Commission a proposal from the Association of Counties for dental and vision benefits plan for the employees.

Patti Payne with C-PAC appeared before the Commission to give an update of the Spay Fund Program and to asked the Commission if they

would pay half for the neutering program.

Bill Caudill, Chairman, Fayette County Beautification Committee appeared before the Commission to discuss what steps to take regarding the dilapidated mobile homes.

Shirley Roberts, Mayor Town of Pax appeared before the Commission to request funding to purchase a computer, cost \$1,400.00.

Matthew Hackworth appeared before the Commission to request assistance in getting a water extension from his home to the Town of Pax, estimated cost is \$8,800.

Commissioner Witt informed Ms. Roberts that the County has put a freeze on spending due to the decrease in Coal Severance Fund.

Commissioner Lopez informed Mr. Hackworth that the County don't have that kind of money for one individual and suggested that Mr. Hackworth talk with his Legislators.

The Commissioners informed Ms. Roberts that they would table her computer request and discuss in the budget for fiscal year 2000-2001.

Ms. Holly informed the Commissioners that Pete Lopez came in to inquire about his vacation pay. Ms. Holly informed the Commission that he should have been paid for thirty days instead of for the month. The Commissioners asked Ms. Holly to have the Payroll Clerk make up difference.

Commissioner Witt moved to approve payroll on February 14, 2000. Commissioner Lopez seconded. All approved.

Outstanding bills were approved.

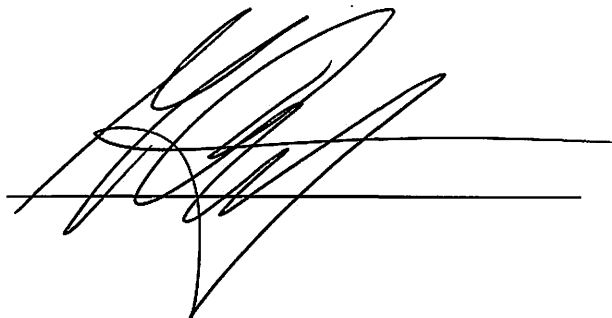
Commissioner Witt moved to pay half for neutering animals. Commissioner Lopez seconded. All approved.

The meeting was adjourned at 11:55.

The Commission reconvened at 1:15 p.m. for Board of Equalization

and Review. Since there were no hearings scheduled, the meeting was adjourned at 1:25 p.m.

Next scheduled meeting is February 14, 2000.

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FAYETTE COUNTY COMMISSION
BOARD OF EQUALIZATION AND REVIEW
FEBRUARY 14, 2000
COURTHOUSE
FAYETTEVILLE, WV 25840
MEMBERS Present: Gene Carte, Jr., John L. Witt

The Fayette County Commission met in special session on this 14th day of February, 2000 as Board of Equalization and Review.

Commissioner Carte called meeting to order at 9:42 a.m.

The Commissioners received and reviewed letter from delegate William Laird informing that the United Mine Workers (UMWA) is asking that all County Commissioners adopt resolution in support from Congress to reform the financial structure of the Coal Industry Retiree Health Benefit Act to ensure that retired coal miners continue to received their health care benefits. Commissioner Lopez moved to adopt resolution to work together to reform the financial structure of the Coal Act. Commissioner Carte seconded.

Ms. Holly informed the Commissioners that our bookkeeper questioned if the county have to pay for invoices received for personal advertising for Elected Officials. The Commission informed Ms. Holly that the personal advertisements should be billed to the Elected Officials.

The Commissioners approved invoice from Allen, Guthrie and McHugh regarding the McCormick's lawsuit, amount \$4,405.76. The Commissioners asked ms. Holly to get an update regarding the settlement.

Commissioner Witt informed the media that the rumors received regarding the spring at Lansing was not because of West Virginia America Water Company, he informed that he get water from the spring all the time and he asked the Fayette County Health Department check

was looking out for his own health.

The Commissioners received and reviewed minutes from Page-Kincaid Public Service District for the month of January, 2000.

The Commissioners received and reviewed order from the Division of Highways amending the Commissioners order dated December 15, 1998 Maple Street (East Kingston) to the Home Access Road Program (HARP).

The Commissioners received and reviewed 911 fees from Citizens Telecommunicaitons Company of West Virginia, amount \$64.29 for the month of January, 2000.

The Commissioners received and reviewed letter from Stafford Consultants, Inc. informing that a Pre-Construction (New Haven Public Service District) conference is scheduled for March 9, 2000 at 10:00 a.m. to 3:00 p. m.

The Commissioners received and reviewed a fax from the West Virginia Association of Counties regarding legislative updates.

The Commissioners received and reviewed copy of a letter from Sheriff Larry Dotson to Mark Webb approving his reinstatement as Fayette County Deputy Sheriff, effective February 16, 2000.

Ms. Holly informed the Commission she sent a copy of the notice to Jerry Knight, Director, Property Tax Division regarding the proposed general increase in the value of reserve coal land in Fayette County, increase is intended to be made on Monday, February 28, 2000 at 10:00 a.m.

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

The Commissioners received and reviewed letter from the Division of Criminal Justice Services acknowledging receipt of applications

for Fiscal Year 1999 Local Law Enforcement Block grant funds.

The Commissioner received and reviewed thank you letter from the West Virginia Development Office for submitting a 1999 Small Cities Block Grant (SCBG) application for fire equipment (generator).

The Commissioners received and reviewed from the State Tax Department a copy of a report that contains all reserves coal properties and the changes to each property and a report that contains all producing coal accounts in the county and the changes to each account.

The Commissioners received and reviewed letter from the State Tax Department informing that a representatives from their office will not be available to attend any managed timberland valuation hearings scheduled for the Board of Equalization and Review during February, 2000.

The Commissioners forwarded the West Virginia Power Agreement for the Fayette County Park to the Prosecuting Attorney's Office for him to review.

The Commissioners denied requisitions from the West Virginia Extension Office for renter on shelter for winter beef and forage meeting and the purchase of office supplies.

Ms. Holly informed the Commissioners she received title back form the Motor Vehicle Department for vehicle confiscated by the Sheriff's Department. Ms. Holly informed vehicle has been added to county's insurance.

Outstanding bills and payroll approved. The Commissioner asked that payroll be released at the end of the day.

Ms. Holly informed the Commissioners she talked with Sheriff Larry Dotson regarding the additional pay owed to Pete Lopez. The

Sheriff informed he had no problem with paying.

Kenneth fox, Chairman, John David, Bart Jackson with the Page-Kincaid Public Service District appeared before the Commission requesting that the Commission file application with the Governor's Community Partnership grant on behalf of the Page-Kincaid Public Service District for funds for an emergency backup generator.

Commissioner Witt moved to file application on behalf of Page-Kincaid Public Service District to the Governor's Community Partnership Grant Fund. Commissioner Carte seconded.

John David asked the Commission if they would send a letter of support of the application of Southern Appalachian Labor School for Phase Ii of their project to provide low-income family housing for the community of Page.

The Commissioners received and reviewed memorandum from Central Appalachian Empowerment Zone of West Virginia (CAEZ) informing that a Board Election is being held at Mount Hope City Hall, February 22, 2000 at 9:00 a.m. for Census Tract 205 and a Board Election is being held at Page-Kincaid Public Service District, February 22, 2000 at 7:00 p.m. for Census Tract 206.

The Commisisoners received and reviewed a letter from the State Emergency Response Commission regarding using 2001 HMEP Planning Grant funds. Ms. Holly informed the Commission that the original has been forwarded to Steve Cruikshank, OES Director.

The Commissioners received and reviewed the 1999 Budget Digest Request Form.

The Commissioners approved 2 ½ days of vacation leave and 12 hours of comp time for Gary Harding, Zoning Officer for February 22, 23, 24 and 25.

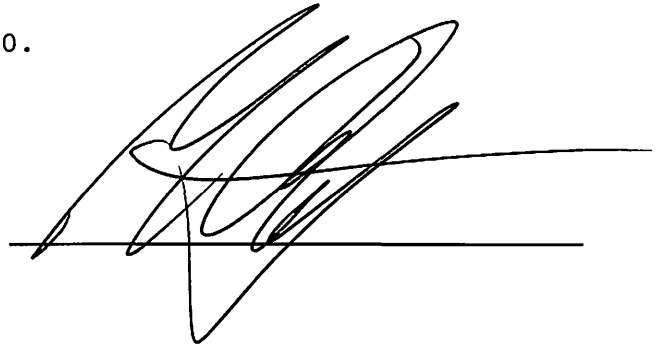
The Commissioners signed State Tax Report for the Fayette County Park for the month of January, 2000.

The Commissioners received and reviewed audit from Southern Appalachian Labor School Foundation, Inc. for December 31, 1998.

Ms. Holly informed the Commission that she has two doctor appoints on Thursday, February 17, 2000.

The Commissioners adjourned the Commission meeting.

The Commission reconvened as Board of Equalization and Review of Property. Since there were no hearings scheduled. The Commission adjourned Board of Equalization and Review at 10:35 a. m. Next scheduled meeting is February 18, 2000.

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right, positioned above a solid horizontal line.

FAYETTE COUNTY COMMISSION
BOARD OF EQUALIZATION AND REVIEW
FEBRUARY 18, 2000
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in special session on this 18th day of February, 2000 as Board of Equalization and Review of Property.

Commissioner Carte called meeting to order at 10:05 a.m.

Exonerations were approved and signed.

Ms. Holly informed the Commissioners that at their last meeting they had approved to file application with the Governor's Community Partnership Grant on behalf of Page-Kincaid Public Service District. Ms. Holly informed the Commission that Resolution has been prepared authorizing Gen Carte, Jr. to execute agreement. Commissioner Witt made motion to adopt resolution. Commissioner Lopez seconded. All approved.

The Commissioners approved to issue check for \$5,000 contribution to the Town of Meadow Bridge.

The Commissioners received and reviewed a list of Legislative updates from the West Virginia Association of Counties.

Ms. Holly informed the Commission that she talked with Paul Blake, Prosecuting Attorney regarding the status of the McCormick's lawsuit, was informed he has not heard anything from the attorneys since the last time he talked with them.

Ms. Holly informed she received West Virginia Power/Eastern State Oil and Gas agreement back from Paul Blake, Prosecuting Attorney recommending that no changes be made.

Ms. Holly informed the Commissioners she had talked with Earl Pauley, Park Superintendent regarding the signs for the county owned vehicles. Mr. Pauley told Ms. Holly that the decals are in his office, waiting on warmer weather so decals would stick.

The Commissioners signed letter to the State Tax Department asking for their written recommendation regarding a request to correct the real property assessment of the Springdale Corporation properties.

The Commissioners signed letter to Senator Shirley Love requesting assistance in contacting officials of the Division of Environmental Protection and the Division of Natural Resources to schedule a meeting with the members of the Commission, Fayette County Beautification Enforcement Agency, local fire chiefs, and the ERASE Foundation to discuss and resolve problems that the Fayette County Beautification Committee is encountering due to various regulations of other agencies.

The Commissioner signed resolution urging Congress and the Executive Branch of the United States work together to reform the financial structure of the Coal Act to ensure that retired coal miners continue to receive the health care benefits they were promised.

The Commissioners signed letter to Kelvin Holliday, County Clerk informing that effective February 16, 2000, the annual salary to be paid to Tim Richardson, Fayette County Planning and Zoning Officer is \$30,700.00 and the annual salary to be paid to Dave Pollard, County Resource Coordinator is \$30,800.00 plus benefits from the General County Fund.

The Commissioners signed Management Representation Letter to

Lisa Thornburg, Deputy State Auditor for audit for the fiscal year ended June 03, 1999.

The Commissioners signed letter to Paul Blake, Prosecuting Attorney informing that the auditor will be conducting an audit of the counties financial statement of June 30, 1999 and asking that the Prosecuting Attorney furnish all material pending or threatened litigations, claims and assessments.

The Commissioners signed letter to G. A. Covey Engineering PLLC informing that the Commissioners support the application of the Southern Appalachian Labor School for Phase II of their project to provide low-income family housing for the community of Page.

The Commissioners received and reviewed Certificate of Coverage from the Workers' Compensation Division effective dates of policy term January 1, 2000 to May 31, 2000.

The Commissioners received and reviewed minutes from Page-Kincaid Public Service District for the month of February, 2000.

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

Outstanding bills were approved.

The Commissioners received article in The Act Report regarding the Budget Digest.

The Commission meeting adjourned from regular meeting at 10:19 a.m.

The Commissioners reconvened at 10:19 as Board of Equalization and Review of Property Assessment.

David E. Myles and T. E. Myles appeared before the Commission with application for Review of Property Assessment. David Myles and T. E. Myles were sworn in. Eddie young from the Assessor's Office

was present. Carl Harris, Assistant Prosecuting Attorney and Chad Board, Pat White, Dale Vanderland, Wayne Williams, attorney from the State tax Department were present.

Wayne Williams, attorney for the State Tax Department presented to the Commission the State's values as Exhibit I. The Commission accepted the State's value. Mr. Williams informed the Commission that according to Chad Board, Geologist the coal on the property is 12" to 24" thick, to be mineable it needs to be at least 30" thick. Mr. Williams informed the Commission that the state recommend that the value be returned to prior year value. David Myles accepted the State's recommendation. The Commission approved unanimous State's recommendation.

Mr. Gango with Lighting, Inc. appeared before the Commission with 5 applications for Review of Property Assessment. Mr. Gang was sworn in.

Attorney Wayne Williams presented to the Commission the State's values as Exhibit I. The Commission accepted the State's values. Mr. Williams informed the Commissioners upon reviewing the property with Mr. Gango four of the five properties in questioned had been resolved. Mr. Williams informed the Commissioners that the fifth parcel there is a question on the active part and recommended to the Commission that the State Tax Department report back on February 28th with their recommendation.

John and Katheryne Hoffman appeared before the Commission with application for Review of Property Assessment. John and Katheryne Hoffman were sworn in.

Wayne Williams presented to the Commissioners appraisals of State Tax Commission as evidence. Mr. Williams informed the

Commission that the property in question is unmineable. The Commission accepted appraisals as evidence and accepted recommendation of the State Tax Department. The State is to send revised appraisals.

Attorney James Blankenship representing Alabama Properties, Richard Persinger, Tiff Hilton, consultant appeared before the Commission with applications for Review of Property Assessment. Everyone was sworn in.

Mr. Blankenship entered into record 2 petitions, Exhibit 1-Map, Exhibit 2-Letter.

The State Tax Department and the Fayette County Commission agreed to adopt coal unmineable on this part.

There was a discussion about a disk found by the State on February 17, 2000 by Legislation Regulations appraised \$5.00 unmineable coal per acre and \$1.00 mined out coal per acre (Section 110-Series 1I).

Mr. Persinger informed the Commission that the landowner had not filed updated returns fro Fiscal Year 2000.

Chad Board, Geologist for the State Tax Commissioner was questioned.

Wayne Williams, attorney State Tax Department informed the Commission that appraisal should be affirmed as set forth by the Tax Commissioner in accordance with Legislation Regulations, Alabama Properties did not file update, forgoes right to appeal West Virginia Code 11-3-10.

Mr. Blankenship informed the Commission that Alabama Properties filed in 1999 as unmineable Tax Department changed to mineable; Mr. Blankenship informed the Commission that this should be changed to

unmineable. Mr. Blankenship suggested to the Commission that since this property was filed as mineable last year he recommended to the Commission a 25% reduction.

Mr. Blankenship requested to file an updated return if it does exist and discuss with the Commission.

Mr. Blankenship requested to continue or table until next Commission meeting, February 28 to determine if returns have been filed for Alabama Properties.

Commissioner Witt moved to table for February 28, 2000 at 10:30 a.m. Commissioner Lopez seconded. Unanimous.

The Commissioners agreed to table the Nuttall Estate for February 28, 2000.

Earl Roth, Rush Creek Land Corporation appeared before the Commission with application for Review of Property Assessment. Mr. Roth was sworn. Mr. Roth questioned about the increased valuation on timber. After a brief discussion, Mr. Roth withdrew application.

The Commissioners approved for the Democratic Executive Committee to use the Commission Room from 6:00 p.m. to 8:00 p.m. for meeting.

The Commissioners received and reviewed Legislative Digest updates from the County Commissioners Association.

The Commission discussed the proposed legislation to increase publication fees.

Terry and Christy Skaggs appeared before the Commission with application for Review of Property Assessment. Terry and Christy were sworn in.

Wayne Williams informed the Commission the State recommend that

mineral appraisal be adjusted to reflect change. Eddie Young from the Assessor's Office informed the Commission that the surface can be extended to Class 2 since Mr. Skaggs plans to build a house on the property.

The Commissioners informed they would accept recommendation of the State Tax Department and Mr. Young to adjust to Class 2.

J. W. Puckett, Georgia-Pacific Corporation appeared before the Commission with application for Review of Property Assessment. Mr. Puckett was sworn in.

Wayne Williams informed the Commission that Georgia-Pacific Corporation has 25-30 different parcels in question. Mr. Williams recommend to the Commission that six of the pars remain as originally appraised.

Mr. Williams informed the Commission that he recommend the seconded group of parcels be returned back to Charleston to be revised and that this be continued on February 28, 2000. The Commission approved.

The Commissioners approved 3 year IBM contract for all county equipment.

Ms. Holly asked if anyone would be attending the NACo Annual meeting being held March 6, 7, 8. Commissioner Witt informed due to the emergency to his home he would not be able to attend. The Commissioners asked Ms. Holly if she would like to attend. Ms. Holly informed the Commission she would check and let them know.

The Commissioners suggested having someone come in from Eastern State Oil and Gas before signing the Gas Oil Agreement.

Doug Noel, White Oak Lumber appeared before the Commission with applications for Review of Property Assessments. Mr. Noel was sworn

in.

Mr. Noel informed he had 2 different properties he needed to discuss with the State Tax Department. The State asked that this be continued on February 28th.

The Commissioners agreed to continue White Oak Lumber on February 28, 2000.

Bill Keeney, Lynch Christian, Steve Moore, appeared before the Commission with several applications for Review of Property Assessment.

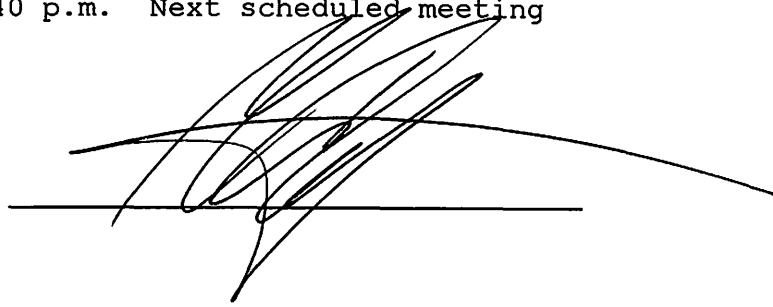
Mr. Keeney informed the Commission that W. R .Johnson Coal Company, Kanawha Gauley Coal and Coke, Eagle Land Company withdraw their applications.

The Commissioners agreed a continuance for Imperial Colliery and Midvale Colliery on February 28, 2000.

The Commissioner received and reviewed invitation from the Beards Fork Community Center inviting them to attend the Black History Month Celebration being held on Saturday, February 26, 2000 at 1:00 p.m.

The Commissioners received letter from the Fayette County Beautification Committee asking the Commission to send certified letter to Steve Campbell regarding cleaning up his property. The Commissioners asked to hold off in sending letter per Carl Harris, Assistant Prosecuting Attorney is to check on ordinance.

The meeting was adjourned at 3:40 p.m. Next scheduled meeting is February 23, 2000.

A large, stylized handwritten signature in black ink, written over a horizontal line. The signature is highly cursive and difficult to decipher, but it appears to be a name with a prominent initial.

FAYETTE COUNTY COMMISSION
BOARD OF EQUALIZATION AND REVIEW
REGULAR SESSION
FEBRUARY 23, 2000
COURTHOUSE
FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in regular session on this 23rd day of February, 2000.

Commissioner Carte called meeting to order at 9:55 a.m.

Commissioner Carte informed the Commission that Elizabeth Stump was elected unanimously to represent Census Tract 206 on the Central Appalachian Empowerment Zone Board (CAEZ).

The Commissioners approved travel vouchers for the Prosecuting Attorney's Office.

Outstanding bills and payroll were approved.

The Commissioners received and reviewed letter from Irene Q. Powell regarding the West Virginia State Folk Festival. Commissioner Carte asked that this letter be put on distribution.

The Commissioners received and reviewed fax from the County Commissioners Association of West Virginia regarding Legislative Digest updates.

The Commissioners discussed the proposed publication fee increase.

The Commissioners received and reviewed fax from John David with Southern Appalachian Labor School giving a list of workcamp groups for housing project in Page area.

The Commissioners received and reviewed order form the Division of Highways ordering the addition of Carter Avenue Connector to the State Local Service System.

The Commissioners received and reviewed request from West Virginia Extension Office to transfer funds from travel account to capital outlay to purchase fax machine and office desk.

Commissioner Witt moved to transfer funds. Commissioner Lopez seconded. All approved.

Commissioner Witt moved that the Fayette County Democrat Women met in the Fayette County Court room. Commissioner Lopez seconded. All approved. Commissioner Lopez informed he would call to confirm date and time.

Ms. Holly informed the Commission she received a call from Dan Snead Engineering informing he would be doing a walk through the courthouse for possible locations for an elevator.

The Commissioners approved payroll to be released on February 28, 2000.

Outstanding bills were approved.

Ms. Holly informed the Commission she received questionnaire form from the Auditor's Office.

Ms. Holly informed the Commission she received complaint from Kelvin Holliday, County Clerk regarding the heat in the record room was told that employees are threatening to go home.

Commissioner Lopez asked that any decision regarding the 4-C Economic Development Authority be postponed until the 28th, need to get in touch with Randy Boyd.

Commissioner Lopez informed he would try to contact Randy Boyd and ask him to send letter of request to 4-C Economic Development Authority.

The Commissioners moved and seconded to table the 4-C Economic Development Authority termination matter. Britton Elkins and Charles

Toombs spoke in support of 4-C.

Attorney Phil Tissue appeared before the Commission requesting that the Commission relieve Lawrence R. Pettit of bond in connection with his committee ship of John R. Romm, Jr. Having considered the petition, the statements of counsel, and the record as a whole is of the opinion that the petition is well-founded. Commissioner Witt moved Lawrence R. Pettit, Committee for John R. Romm, Jr. is no longer required to provide a bond in connection with his committee ship of John R. Romm, Jr. Commission Lopez seconded. Unanimous. Order signed. (See attached)

Tim Richardson, Zoning Officer presented to the Commission for a disposition: Z-477-0-1: Request of Wallace and Sherry Thornburg, owner for a change in land classification from R-2, Residence District to B-2, General Business District, on lot 8 and part of lots 6 and 7, Homeseekers Truck Farms addition, located on Summerlee Road at Route 19 near Oak Hill, Plateau District.

Mr. Richardson informed te Commission that the Planning Commission did by a vote of 8-2 recommend that this property change be approved.

After a brief discussion and no opposition, Commissioner Lopez moved that this be approved as recommended by the Planning Commission. Commissioner Witt seconded. Vote passed 3-0.

Dave Pollard, Community Resource Coordinator appeared before the Commission to informed the Commission they're in the process of closing the \$10 million Infrastructure loan.

Mr. Pollard presented order to the Commission to reappoint Kenneth Hayes to the New Haven Public Service District. Order signed.

BEFORE THE COUNTY COMMISSION OF FAYETTE COUNTY, WEST VIRGINIA


IN RE: LAWRENCE R. PETTIT, Committee for JOHN R. ROMM, JR.,

ORDER


This matter came on for hearing on the 23rd day of February, 2000, upon the petition of Lawrence R. Pettit, Committee for John R. Romm, Jr., seeking an order of the County Commission terminating the requirement in a previous order that he maintain a bond with respect to his committeeship since there are insufficient funds to defray the cost of the bond and because adequate safeguards are in place to insure that all of the monies of the ward are used for the ward's benefit. Whereupon, the County Commission, having considered the petition, the statements of counsel, and the record as a whole is of the opinion that the petition is well-founded. It is, therefore, the ORDER and JUDGMENT of the County Commission that Lawrence R. Pettit, Committee for John R. Romm, Jr., is no longer required to provide a bond in connection with his committeeship of John R. Romm, Jr.

ORDER:

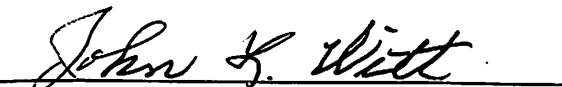
ENTER:



President

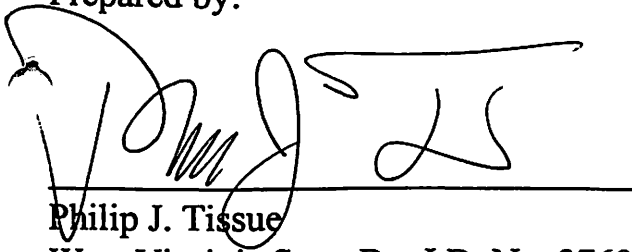


Commissioner



Commissioner

Prepared by:

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Philip J. Tissue

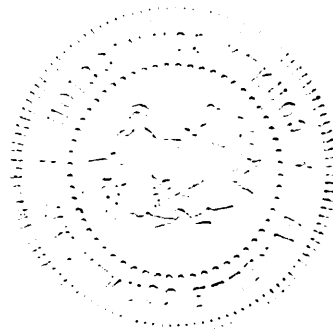
West Virginia State Bar I.D. No. 3769

Counsel for Petitioner

303 Jones Avenue

Oak Hill, West Virginia 25901

(304) 469-4431



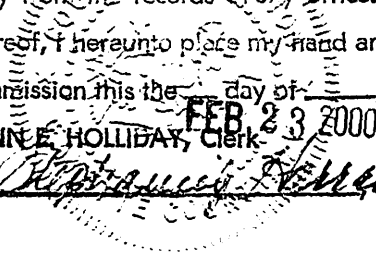
West Virginia, County of Fayette:

I, KELVIN E. HOLLIDAY, Clerk of the County Commission of Fayette County, West Virginia, hereby certify that the foregoing is a true copy from the records of my office.

In Testimony Whereof, I hereunto place my hand and affix the seal of said Commission this the _____ day of _____, 19____.

KELVIN E. HOLLIDAY, Clerk

By *Debra Ann ...* Deputy



Mr. Pollard informed the Commission he would be presenting on March 3 to the West Virginia Rail Authority a proposal for a scenic railroad in Fayette County.

Attorney James Blankenship, Fiduciary Commissioner appeared before the Commission regarding the Estate of Carol A. Derringer to request that the Commission remove Betty R. Webb as administratrix. Mr. Blankenship informed the Commission that Ms. Webb has failed to file an appraisal of the Estate as required by law. Present were Larry A. Derringer, Sr. and Carl Harris, Assistant Prosecuting Attorney. Commissioner Lopez made motion that Betty R. Webb be removed and Larry A. Derringer, Sr. be appointed, but the surety upon Ms. Webb bond shall not be discharged from the bond posted herein until such time as an accounting of all funds or assets that came into the possession of the said Ms. Webb is filed with the Fiduciary Commissioner and approved as required by law. Commissioner Witt seconded. Unanimous. (See attached)

Drew Payne, Investment Banker with Crew and Associates, Inc. appeared before the Commission to inform the Commission that in 1988 the Counties of Raleigh, Fayette, and Nicholas jointly issued mortgage revenue bonds (the 1988 Bonds) to provide home purchase funds to residents of the ever mentioned counties. Mr. Payne informed the Commission that it may be possible to retire the outstanding Bonds or their refunding obligation and release funds to Fayette County and the other joint issues of the Bonds and has offered to perform the necessary research to determine the feasibility of such action at no expense to Fayette County.

Mr. Payne asked the Commission to sign resolution. Commissioner Witt moved to give Crew and Associates permission to determine the

**BEFORE THE FIDUCIARY COMMISSIONER
OF FAYETTE COUNTY, WEST VIRGINIA**

IN RE: ESTATE OF CAROL A. DERRINGER

ORDER

On February 23, 2000, the undersigned, James C. Blankenship, III, Fiduciary Commissioner for the Estate of Carol A. Derringer, appeared before the Fayette County Commission pursuant to a Summons and Notice of hearing served via certified mail upon the Administratrix, Betty R. Webb, and the husband of the decedent, Larry A. Derringer, Sr., the said Betty R. Webb failing to appear before the Commission in person or by counsel, and failing to submit any written explanation of her absence, the said Larry A. Derringer, Sr. appearing in person. Carl L. Harris appeared at said hearing on behalf of the Commission.

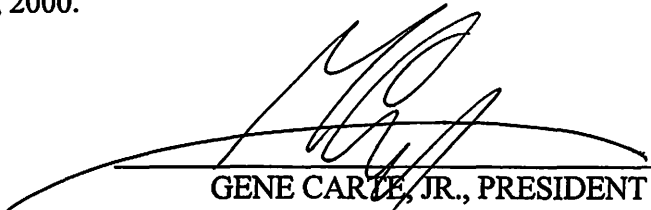
Whereupon, the Commission considered the documents filed with the Clerk of the County Commission of Fayette County, West Virginia, as well as the representations of the said James C. Blankenship, III, Fiduciary Commissioner, and Carl L. Harris, Assistant Prosecuting Attorney of Fayette County, West Virginia on behalf of the Commission.

Upon consideration of the foregoing, the Commission finds, as a matter of fact, that the Administratrix has failed to file an appraisal of the Estate as required by law, and has been given reasonable opportunity to do so. Based upon such finding, the Administratrix, Betty R. Webb, is hereby removed as Administratrix of the Estate of Carol A. Derringer; however, said Betty R. Webb and the surety upon her bond shall not be discharged from the bond posted herein until such time as an accounting of all funds or assets that came into the possession of the said Betty R. Webb is filed with the Fiduciary Commissioner and approved as required by law.

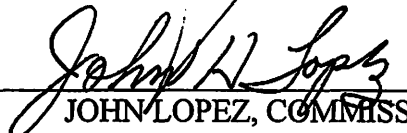
Furthermore, upon motion of the said Larry A. Derringer, Sr., the said Larry A. Derringer, Sr. is

hereby appointed as the Administrator of the Estate of Carol A. Derringer who shall assume all duties as such upon the posting of a \$500.00 surety bond with the Clerk of the Fayette County Commission. There being nothing further to come before the Commission at this time, this matter is continued generally.

Entered this the 28th day of February, 2000.



GENE CARTE, JR., PRESIDENT




JOHN LOPEZ, COMMISSIONER



JOHN WHITT, COMMISSIONER

Prepared by:



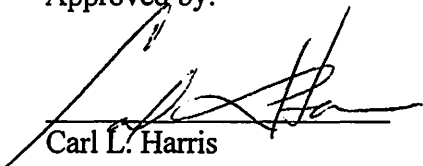
James C. Blankenship, III
Attorney at Law
P. O. Box 326
Fayetteville, WV 25840
WV State Bar ID No. 368

FAYETTE COUNTY, WV
FILED
February 29, 2000 00:00:00

KELVIN E. HOLLIDAY
COUNTY CLERK
TRANSACTION NO: 2000501996

PROBATE BOOK
Book: 00129 Page: 00210
Line: 00001

Approved by:



Carl L. Harris
Assistant Prosecuting Attorney
108 E. Maple Avenue
Fayetteville, WV 25840



feasibility and benefit of retiring the outstanding Bonds or their refunding obligations and to report their findings. Commissioner Lopez seconded. All approved. Resolution signed.

Commissioner Witt moved that Betty Lilly be appointed to represent Census tract 205 on the Central Appalachian Empowerment Zone Board and Elizabeth Stump to represent Census tract 206. Commissioner Carte seconded. All approved.

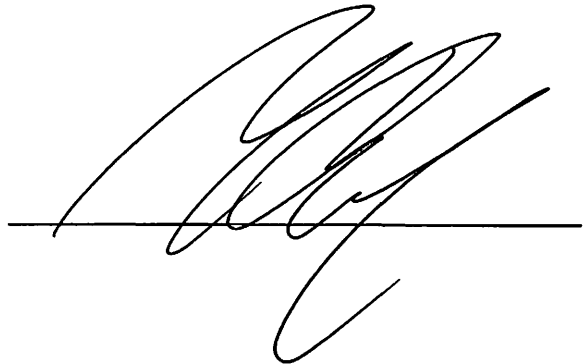
The Commissioners received and reviewed information from Access America.

The Commissioners received and reviewed a copy of a letter to Floyd Bonifacio, Mayor City of Mount hope from Congressman Nick Rahall informing that he had heard from the Federal Emergency Management Aging in regard to his inquiry on behalf of the Mount Hope Fire Department's efforts to locate funding for the Emergency Shelter.

The Commissioners received and reviewed letter from the Fayette County Chamber of Commerce requesting that the Commission table the scheduled vote regarding the 4-C Economic Development Authority.

The Commission meeting adjourned at 11:35 a.m.

The Commission reconvened as Board of Equalization and Review at 1:15 p.m. There being no hearings scheduled. The meeting was adjourned at 1:20 p.m. Next scheduled meeting is February 28, 2000.

A handwritten signature in black ink, consisting of several large, overlapping loops and strokes, positioned above a horizontal line.

FAYETTE COUNTY COMMISSION
BOARD OF EQUALIZATION AND REVIEW
SPECIAL SESSION

COURTHOUSE

FEBRUARY 28, 2000

COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in special on this 28th day of February, 2000 as Board of Equalization and Review of Property.

Commissioner Carte called meeting to order at 10:15 a.m.

The Commissioners held a public hearing in accordance with West Virginia Code 11-3-24 to increase the entire valuation of all reserve coal appraisals in Fayette County in order to correct a programming error by the State Tax Department which resulted in an undervaluation of said values and an explanation of the programming error being given by Chad Board, a representative of the State Tax Department.

No one being present to express any objections, motion was made by Commissioner John L. Witt and seconded by Commissioner John H. Lopez to correct the reserve coal appraisals in Fayette County as recommended by the State Tax Department. Unanimous, vote passed 3-0.

Doug Noel, White Oak Lumber appeared before the Commission for a continuation of Board of Equalization and Review hearing held February 18, 2000 at 3:00 p.m.

Chad Board asked the Commission for a brief adjournment to discuss.

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

President Carte presented to the Oak Hill Moving Ahead representatives a check in the amount of \$1,000 for fiscal year 1999-

2000.

President Carte introduced Nick Stevens and Dwight Raines with Sonic Acquisition to the Commission.

The Commissioners reconvened as Board of Equalization and Review.

James Blankenship, attorney for Alabama Properties appeared before the Commission to inform the Commission that with the assistance of the State Tax Department adjustments have been made reductions are agreeable based on information they had available on their properties as of July 1, 1999.

James Blankenship, attorney Nuttall, LLC informed the Commission that with the assistance of the State Tax Department adjustments have been made reductions are agreeable.

The Commissioners adjourned as Board of Equalization and Review.

The Commissioner received and reviewed check in the amount of \$41,570.79 for the Emergency Telephone System Fee for the month of January, 2000.

The Commissioners received and reviewed letter from the Fayette County Energy Express Program announcing the Energy Express sites for the summer 2000.

The Commissioners received and reviewed letter from the Fayette County Extension Service Committee requesting that the Commission redirect funds from the travel line item to capital outlay and equipment line item to purchase a central fax machine and a computer desk for each Extension agent's office and informed the Commission that \$200 is need t pay for a nurse at the 2000 Fayette County 4-H Camp. The Commissioners approved.

The Commissioners signed letter canceling the registration of

John Witt and requesting refund of \$365.00 from NACo Conference Registration Center due to an unforeseen family emergency.

Ms. Holly asked the Commission if they wanted her to send to the Budget Digest, Page-Kincaid Public Service District request for funding. The Commissioners asked Ms. Holly to hold until other request are in.

The Commissioners reconvened as Board of Equalization and Review.

Chad Board and ~~Doc~~^{OW} Noel, White Oak Lumber Company appeared before the Commission. Mr. Board informed the Commission that the State Tax Department recommend adjustments be made.

Lynch Christian, Imperial Colliery, Steve Moore, Eagle Company, and Bill Keeney appeared before the Commission for continuation of Board of Equalization and Review hearing held February 18, 2000 at 3:30 p.m. Chad Board, State Tax Department and Carl Harris, Assistant Prosecuting Attorney were present.

Mr. Christian informed the Commission that he had a variety of assessment for the tax year to protest. Mr. Christian asked the Commission how the State Tax Department arrived at their appraised amount on oil and gas tickets. The Commissioners informed Mr. Christian that the State did not have a representative here to hear oil and gas complaints and informed that they did not know how the State arrived at their appraised amount on oil and gas tickets.

The Commission allowed time for the Chad Board representative from the State Tax Department and the representatives from Imperial Colliery to discuss.

The Commission recessed for lunch.

Upon reconvening as Board of Equalization and Review Chad Board

and Eddie Young gave the Commissioners their recommendations.

The Commissioners accepted the recommendation of Mr. Board and Mr. Young. (See attached).

Earl Walker appeared before the Commission application for Review of Property Assessment. Mr. Walker was sworn in. Discussion was held with Chad Board, the Commissioners accepted the recommendation of the State Tax Department to change valuation.

Commissioner Lopez moved that the valuations of the properties in question will be changed in accordance with the recommendations of the Department of Tax and Revenue for White Oak Lumber Company, Earl walker, John and Katheryne Hoffman, Lighting, Inc., Nuttall, LLC, Terry V. and Christy L. Skaggs, Alabama Properties, David E. Myles, Georgia-Pacific Corporation. Commissioner Witt seconded. All approved.

Commissioner Lopez moved that the valuation of Rush Creek Land Company will not be change. Commissioner Witt seconded. All approved. Letters signed.

The Commissioners signed order to correct the reserve coal appraisals in Fayette County as recommended by the State Tax Department.

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 2000. The Commissioners adjourned as Board of Equalization and Review.

Outstanding bills were approved.

Ms. Holly informed the Commission that they Sheriff was

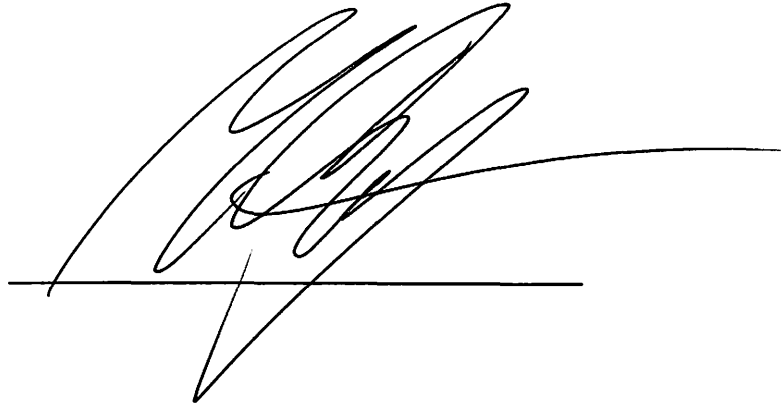
considering hiring three deputies.

The Commissioners received and reviewed fax updates of the Legislative Sessions from the County Commissioners Association of West Virginia.

The Commissioners signed letter to Gary Hough, Principal Fayetteville Middle School informing that the request of the Fayette County Fair Association did meet the public, non-profit guidelines and rental fee is waived.

The Commissioners received and reviewed a letter from the Meadow River Coal Company notifying the Commission of their intent to permanently layoff all employees from the Meadow River Mine and Preparation Plant located near Lookout, West Virginia during a 14-day period beginning on April 23, 2000.

The meeting was adjourned at 2:35 p.m. Next scheduled meeting is March 8, 2000.

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Summary of Results of Board of Equalization and Review
Imperial Colliery Company
February 28, 2000

A. LAND

The following changes were made in land values by the County Assessor's office represented by Eddie Young.

1. Acct. No. 08104179 – 22.33/BIG CK – Map 17, Parcel 3 – New Haven
Land appraisal reduced to \$3,400.00.
2. Acct. No. 06017712 – FEE 54 SHADE Ck – Map 18, Parcel 11 – New Haven
Land appraisal reduced to \$9,200.00.
3. Acct. No. 08094439 – SURF 7.89 AC MTH RICK CK – Map 25, Parcel 9 – Valley
Land appraisal reduced to \$1,100.00.

A request was made for other reductions, however, the request was denied by the Board..

D. COAL

The following changes were made in land values by the State Tax Department represented by Chad Board.

1. Acct. No. 06010443 – FEE 12 TEUBERT – Map 17, Parcel 2 – New Haven
Coal appraisal reduced to \$12.00.
2. Acct. No. 08104179 – 22.33/BIG CK – Map 17, Parcel 3 – New Haven
Coal appraisal reduced to \$115.00
3. Acct. No. 06010684 – 10.67 BIG CK FEE – Map 17, Parcel 4 – New Haven
Coal appraisal reduced to \$55.00.
4. Acct No. 06010309 – FEE 4 10/ C&O RW – Map 18, Parcel 21 – New Haven
Coal appraisal reduced to \$5.00.
5. Acct. No. 06010531 – FEE 6 C&O RW – Map 18, Parcel 22 – New Haven
Coal appraisal reduced to \$6.00.
6. Acct. No. 06010363 – MIN 83 MCVEY – Map 601036-3 – New Haven
Coal appraisal reduced to \$415.00.
7. Acct. No. 06319389 – FEE 88 12/IMBODEN – Map 5, Parcel 10 – Valley
Coal appraisal reduced to \$88.00.
8. Acct. No. 06319682 – FEE 49 42/CAUTLEY – Map 17, Parcel 1 – Valley
Coal appraisal reduced to \$50.00.

A request was made for further reductions and, after a hearing in which the State presented no evidence, the Board, upon deliberation and review, made the following change.

1. Acct. No. 06319593 – FEE 1023 218/MARK ANTHONY – Map 10, Parcel 6 – Valley
Coal appraisal reduced to \$833,333.00.

B. OIL AND GAS

No agreements could be reached because the State failed to provide a representative for the oil and gas appraisals. A request was made for reductions and, after hearing, the Board, upon deliberation and review, reduced the appraisal for oil and gas on the following accounts to zero.

*Rec'd
3/1/00
Bill Keeney
9:05*

1. Acct. No. 06098910 – FEE 69.745/WESTLAKE – Map 9, Parcel 65 – Ansted.
2. Acct. No. 06098929 – MIN 192 292/Westlake – Map 609892-9 - Ansted.
3. Acct. No. 06010443 – FEE 12 TEUBERT – Map 17, Parcel 2 – New Haven.
4. Acct. No. 08104179 – 22.33 BIG CK – Map 17, Parcel 3 – New Haven.
5. Acct. No. 06010684 – 10.67 BIG CK FEE – Map 17, Parcel 4 – New Haven.
6. Acct. No. 06010452 – FEE 849.91 GILMORE – Map 17, Parcel 41 – New Haven.
7. Acct. No. 06010336 – FEE 16.70/HISER – Map 17, Parcel 50-6001 – New Haven.
8. Acct. No. 06010354 – FEE LESSCOAL 5.30/HISER – Map 17, Parcel 50-6002 – New Haven.
9. Acct. No. 06010265 – FEE 46.202/AG TAYLOR – Map 18, Parcel 5 – New Haven.
10. Acct. No. 06010274 – FEE 847.832 HAWKS NEST – Map 18, Parcel 6 – New Haven.
11. Acct. No. 06010372 – FEE 123 314/HOLT & SNYDOR – Map 18, Parcel 8 – New Haven.
12. Acct. No. 06010390 – FEE 41 ELLIS – Map 18, Parcel 9 – New Haven.
13. Acct. No. 06010407 - FEE 150 COATS – May 18, Parcel 10 – New Haven.
14. Acct. No. 06017712 – FEE 54 SHADE CK – Map 18, Parcel 11 – New Haven.
15. Acct. No. 06010309 – FEE 4 10/ C&O RW – Map 18, Parcel 21 – New Haven.
16. Acct. No. 06010531 – FEE 6 C&O RW – Map 18, Parcel 22, - New Haven.
17. Acct. No. 06010327 – FEE 677 89/MATHEWS & MORTON – Map 19, Parcel 2 – New Haven.
18. Acct. No. 06010292 – FEE 51 WOODS MILL – Map 25, Parcel 8 – New Haven
19. Acct. No. 06010318 – O&G 3 C&O RW – Map 601031-8 – New Haven
20. Acct. No. 06010363 – MIN 83 MCVEY – Map 601036-3 – New Haven.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
MARCH 8, 2000
COURTHOUSE
FAYETTEVILLE, WV 25840
MEMBERS Present: Gene Carte, Jr., John H. Lopez, John L. Witt

The Fayette County Commission met in regular session on this 8th day of March, 2000.

Commissioner Carte called meeting to order at 9:37 a.m.

Exonerations were approved and signed.

Attorney Phil Tissue appeared before the Commission with a petition to have Polly Burl removed as co-executrix of the Estate of Lucille Anderson.

Mr. Tissue informed the Commission that a certified letters were sent informing Ms. Burl of the hearing.

The Commissioners asked Mr. Tissue if he was aware that Ms. Burl had filed an answer to the petition asking that the Commission deny the request to have her removed. Mr. Tissue informed the Commission that he did receive answer to the petition.

After a brief discussion, Commissioner Witt moved that Polly Burl be removed as co-executrix of the Estate of Lucille Anderson and that Rosa Groom remain executive. Commissioner Carte seconded. All approved. Mr. Tissue to prepare order.

Commissioner Witt suggested writing a letter to the Board of Education informing them that since they are the primary user of the auditorium facilities at the Fayette County Memorial Building they should share the cost of the sound system on an equal basis. Commissioner Witt suggested telling the board that they have received proposals from several vendors for the purchase and installation of a

sound system.

Commissioner Lopez informed the Commission that a representative from St. Albans would be here Monday, March 13, 2000 at 12:00 to bid on replacement windows and siding for the West Virginia Extension Office.

The Commissioners approved Polling Places for the Presidential Primary Election being held May 9, 2000.

The Commissioners received letter from David Perry, Chairman of the Democratic Executive Committee requesting that the Commission increase the election officials pay. Commissioner Lopez moved to leave pay as is. Commissioner Witt seconded. Commissioner Carte opposed. Vote passed 2-1.

The Commissioners signed letter of support of the plan by the Southern Appalachian Labor School (SALS) plans to seek Housing Preservation Grant funds.

Earl Pauley, Dog Warden appeared before the Commission with new guidelines from the National Human Society informed the Commission that he thinks all municipalities should have.

Mr. Pauley presented to the Commission cost for purchasing a euthanasia cabinet for the Fayette County animal Control Center, cost \$5,995.00. Commissioner Lopez moved to purchase chamber. Commissioner Witt seconded.

Mr. Pauley presented to the commission bids from Fayco Lumber Company and Means Lumber Company for materials for new addition to Dog Pound. Commissioner Witt moved to accept the lower bid for material for new addition to Dog Pound. Commissioner Lopez seconded. All approved.

Mr. Pauley informed the Commissioners that he received \$100

donation for the animal shelter from Johnny Mann.

Mr. Pauley informed the Commission he received new regulations for the park. Discussion was held, the Commission asked that this be tabled.

The Commissioners approved purchase of trash truck for the Fayette County Park.

Steve Cruikshank, OES Director appeared before the Commission with request that the Commission pay half the cost toward purchase of a vehicle for him, the other half would be paid by Emergency Services. Commissioner Lopez asked Mr. Cruikshank to bring in prices and but the County would have to advertise. Commissioner Lopez suggested that Steve check with the State to see if they have any vehicles.

Discussion was held regarding the termination of the 4-C Economic Development Authority present were Keith Spangler, Executive Director Fayette County Chamber of Commerce, Eddie Lilly, and Charles Toombs.

Mr. Spangler informed the Commission that this Board of Directors supports the membership and participation of the Fayette County in the Authority.

Mr. Spangler suggested to the Commission that the Fayette County Chamber of Commerce is in favor of establishing an economic development forum involving the Fayette County Commission, 4-C and business leaders within Fayette County. Mr. Spangler informed the Commission that this would provide the opportunity to begin serious discussion on how Fayette County can benefit by remaining a part of 4-C rather than withdrawing.

Charles Toombs spoke in favor of the County staying with 4-C.

Commissioner Lopez informed that due to the time frame the County would have to stay another year.

Commissioner Witt suggested to Mr. Spangler to present his proposal to the 4-C Economic Development Authority.

After a brief discussion, Commissioner Witt announced that he would resign from the Board of Directors of 4-C Economic Development Authority in order to allow another County Commissioner from Fayette County to serve. Commissioner Carte accepted the appoint of Board of Directors to the 4-C.

The Commissioners signed letters to the elected Officials informing they would like to meet with them on Wednesday, March 15, 2000 to discuss their budget request for Fiscal year 2000-2001. The Commissioners asked that they schedule an appointment.

Ms. Holly asked the Commission if they had heard anything different regarding Public Employees Insurance Agency (PEIA). The Commissioners informed no.

Ms. Holly presented to the Commissioners a drawdown request for payment regarding the Fayette County Commission/Comprehensive Plan Update, 1998 Small Cities Block Grant 98SCBG0063, amount \$1,348.20. Commissioner Lopez moved to adopt resolution, approved and authorized the payment for services. Commissioner Witt seconded. Unanimous.

The Commissioners approved purchase of a PC for the Zoning Office.

Ms. Holly informed the Commission that she would be working on the budget digest request and she needed to know hat all they wanted her to include. The Commissioners suggested including siding/windows for Extension Office, windows for courthouse, 911 Handicap ramp, emergency vehicle, water to Paint Creek.

Ms. Holly informed the Commissioners she received a request from Carol Jones asking that the Commission sponsor her request for a Governor's Partnership grant for a Recreation Building in Minden.

Ms. Holly informed the Commissioners that she did receive paid invoices from the Town of Meadow Bridge but the letter they sent was for the Outreach Center. The Commissioners asked Ms. Holly to contact the Town of Meadow Bridge and request correct letter.

The Commissioners received and reviewed invitation from the Town of Pax inviting the Commission to attend a reception being held in appreciation of Rick Humphrey.

Ms. Holly reminded the Commissioners that she and Commissioner Carte will be attending a Workers' Compensation seminar in Charleston tomorrow.

Ms. Holly informed the Commissioners that she advertised again for siding/windows for the Extension Office, bids are to be received until 10:00 a.m., Wednesday, March 22, 2000.

Ms. Holly informed the Commissioners that she and Sheriff Larry Dotson had talked with a representative from Cellular One regarding contract. Ms. Holly informed the Commission that the monthly rate would be \$29.95 and minutes would be increased. Commissioner Witt moved to accept new contract. Commissioner Lopez seconded. All approved.

Ms. Holly reminded the Commissioners that there would be a Pre-Construction Conference regarding the New Haven Public Service District tomorrow in the Commission Room.

The Commissioners received and reviewed letter from the West Virginia Development Office acknowledging receipt of the Governor's Community Partnership Grant application for Page-Kincaid Public

Service District.

Ms. Holly informed the Commissioner she received a call from a representative regarding a Recycling Center in Fayette County. The Commission asked Ms. Holly to have him come in with a presentation.

The Commissioners received and reviewed a copy of a letter from Paul Blake to the West Virginia State Auditor's Office regarding pending litigations, claims or assessments against Fayette County for the fiscal year ended June 30, 1999.

The Commissioners received and reviewed Workers' Compensation claims.

The Commissioners received and reviewed a list of "Subscribers Refusing to Pay the Emergency Telephone System Fee" for the months of October, 1999 through January, 2000.

The Commissioners received and reviewed franchise fee payment for quarter ended December 31, 1999 from Charter Communications, amount \$5,862.67.

The Commissioners received and reviewed letter from Charter Communications informing of the new office hours that will be effective March 6, 2000. The hours will be from 8:00 a.m. to 6:00 p.m., Monday thru Friday and from 9:00 a.m. to 1:00 p.m. Saturday.

The Commissioners received and reviewed letter from Charter Communications informing of a basic fee increase. Commissioner carte asked to advertise. The Commissioners asked Ms. Holly to check.

Ms. Holly informed the Commissioners that Bell Atlantic made an error when adding the 911 fee increase to Fayette County residents bills, they included increase in Raleigh and Greenbrier Counties bills. Ms. Holly informed the Commissioners that Bell Atlantic is correcting error.

The Commissioners received and reviewed order from the Division of Highways ordering Holly Street (Hilltop area) to the Home Access Roads Program (HARP).

The Commissioners received and reviewed minutes from Gauley River Public Service District for the year January, 1999 to December, 1999.

The Commissioners received and reviewed from the Secretary of State a copy of the Special Election for Excess Levies and Bond Issues manual.

The Commissioners received and reviewed thank you letter from Governor Cecil Underwood thanking the Commission for their resolution urging Congress to reform the financial structure of the Coal Act.

The Commissioners received and reviewed fax from Senator Shirley Love regarding the New Haven Public Service District Infrastructure Loan.

The Commissioners received and reviewed letter from Alice Vande Linde informing that her husband (O. V. VandeLinde) passed away March 23, 1999.

Outstanding bills were approved.

The Commissioners signed letter to Penelope Crandall, Director, Family Law Masters requesting reimbursement for rent in the amount of \$1,200 for the month of March, 2000.

The Commissioners asked that a special meeting be held on Friday, March 10, 2000 at 10:00 a.m. with the Fayette County Dilapidated Building and Beautification Enforcement Agency, Fayette County Solid Waste Authority, Fayette County Sheriff, Fayette County Health Department, Fayette County Office of Emergency Services, and the West Virginia Division of Environmental Protection to discuss

next steps regarding clean-up, removal of refuse, debris of dilapidated houses.

The meeting was adjourned at 12:30 p.m. Next scheduled meeting is March 10, 2000.

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FAYETTE COUNTY COMMISSION
SPECIAL SESSION
MARCH 10, 2000
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in special session on this 10th day of March, 2000.

Commissioner Carte called meeting to order at 10:13 a.m.

Present to discuss the clean-up, removal of refuse, debris of dilapidated houses were Ron Garrett, Division of Environmental Protection, Steve Cruikshank, Office of Emergency Services, Lee Massey and Mike Sale, Fayette County Health Department, Larry Dotson, Sheriff, Bill Caudill, Fayette County Beautification Committee, Larry Parsons, Fayette County Solid Waste Authority, Tim Richardson and Tim Hannah, Fayette County Fire Departments, Tom Steel, Assistant Prosecuting Attorney and Della Robinson.

Commissioner Witt informed that the Commission want to get the interpretation of the law from each agency on the process of tearing down old dilapidated building.

Tim Richardson suggested to the Commission that in dealing with the State Fire Marshal the Commission should ask Steve Cruikshank, OES Director be certified to be the contact with the State Fire Marshal.

Ron Garrett from the Division of Environmental Protection told the Commission that he would help all he could, but informed the Commission that the agency in which they needed to contact was the Air Quality Control regarding tearing down dilapidated houses.

Discussion was held, everyone was in agreement regarding getting all the agencies to work together to see what could be done.

The Commissioners passed out samples of notices for property

owners of Fayette County informing that the members of the Fayette County Dilapidated Building and Beautification Enforcement Agency will be reviewing all areas of Fayette County to identify and to issue notice to any property owner to require as the case may be, the repair, alteration, improvement, vacating, closing, removal or demolition of dwellings or other buildings, or any combination thereof, unfit for human habitation due to dilapidation.

After reviewing the notices every agreed that each the notice should have all the agencies involved be included at the bottom of the notice.

Commissioner Witt made motion to distribute notices through the newspapers. Commissioner Lopez seconded. All approved.

The Commissioners approved to fund half for the purchase of a vehicle for Steve Cruikshank, OES Director. The Commissioners approved for Ms. Holly to advertise.

The Commissioners discussed Legislative Digest request.

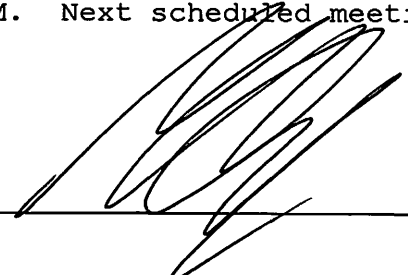
The Commissioners signed letter of support on behalf of the Legislative Digest request submitted by Page-Kincaid Public Service District in the amount of \$100,000.00.

Ms. Holly asked about business cards for Earl Pauley, Park Superintendent. Discussion was held, no decision made.

Ms. Holly informed the Commission she had met with Dan Snead and he presented a proposal for an elevator for the Courthouse.

Ms. Holly informed the Commission that she has quotes for laptop and Personal Computer. No decision made.

The meeting was adjourned at 11:50 A.M. Next scheduled meeting is March 15, 2000.



FAYETTE COUNTY COMMISSION
REGULAR SESSION
MARCH 15, 2000
COURTHOUSE

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

The Fayette County Commission met in regular session on this 15th day of March, 2000.

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

Ms. Holly presented to the Commission Legislative Digest updates on bills passed.

The Commissioners received and reviewed order from the Division of Highways ordering Storehouse Hill Road to the Home Access Roads (HARP).

Commissioner Witt informed he would like to recommend naming a road in Hilltop. Commissioner Witt made motion to name the road at Hilltop Mount Carr Drive. Commissioner Lopez seconded. All approved.

Ms. Holly informed the Commission she received plans of the first and second floor of the courthouse showing a proposed location for the ADA elevator from J. Dan Snead & Associates. Ms. Holly informed the Commission that Mr. Snead suggested sending a letter to the Elected Officials for their written comments and suggestions for this proposal. The Commissioners signed letter to the Elected Officials, Bob Massie Maintenance Supervisor and Pat Wendell, Fayette County Historic Landmark.

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

The Commissioners signed letter to the State Tax Department commending Chad Board for his professionalism and assistance to us

sitting as a Board of Equalization and Review on February 18 and February 28, 2000.

The Commissioners signed letter to the 4-C Economic Development Authority notifying them that at the March 8, 2000 Fayette County Commission meeting Commissioner Witt announced that he would resign effective April 1, 2000 from the Board of Directors of 4-C Economic Development Authority in order to allow another County Commission from Fayette County to serve and that Commissioner Carte was appointed to replace Commissioner Witt as a member of said Board of Directors.

The Commissioners signed Request for Inmate Labor Agreement for the Fayette County Solid Waste Authority.

The Commissioners signed camp letters to Fayette County 4-H, Mountain View Church of God, Hico Church Camp, Fellowship Christian Athletes, Virginia Street Baptist, Saint Anthony, and Camp Kismet.

The Commissioners denied purchasing business cards for Elected Officials and employees.

The Commissioners approved to purchase a badge for Tim Richardson, Zoning Officer.

The Commissioners signed letter to Larry Coleman, Superintendent, Fayette County Board of Education with a proposal for the Board to share the cost of a sound system on equal basis for the Fayette County Memorial Building.

Kelvin Holliday, County Clerk appeared before the Commission to discuss his budget for the Fiscal Year 2000-2001. Mr. Holliday asked for an increase in salary for his employees, an additional employee, to increase Treatha Sexton and Sherry Davis salary, and to increase record book line item. The Commissioners informed Mr. Holliday that

as of right now they're not sure about raises for employees this year but they would take his request under advisement and get back with him.

The Commissioners received and reviewed poll workers list from the Democratic and Republican Executive Committee for the Presidential Primary Election being held May 9, 2000. Order signed.

Paul Blake, Jr., Prosecuting Attorney appeared before the Commission to discuss his budget for the Fiscal Year 2000-2001. Mr. Blake asked for a full time assistant, but would like for him to start in May, a nominal increase in his secretary's salaries, a new Dicta-phone System informed the Commissioners that he had received two estimates (Lanier-\$24,000 and Dicta-Phone-\$13,000 or \$14,000) but preferred staying with Dicta-Phone System. Mr. Blake asked that the carpet in his offices be replaced, informed the Commission about the water in basement.

The Commissioners informed Mr. Blake they would take his requests under advisement and get back with him.

Larry Dotson, Sheriff appeared before the Commission to discuss his budget for the Fiscal Year 2000-2001. Mr. Dotson asked for a \$100 increase in salaries for his employees, five new vehicles, asked the Commission to continue funding the D.A.R.E Program, increase the overtime to \$65,000. The Commissioners informed Mr. Dotson they would take his request under advisement and get back with him.

Outstanding bills and payroll were approved.

Yvonne Harp, Extension Agent appeared before the Commission to discuss her budget for the Fiscal Year 2000-2001. Ms. Harp informed the Commission that her request was basically the same as last year, but would like an increase in capital outlay and equipment. The

Commissioners informed Ms. Harp they would take her request under advisement and get back with her.

Ms. Holly informed the Commissioners she had contacted the Fayette Tribune, Montgomery Herald, Beckley Register, Market Basket and the Charleston Gazette regarding the insert for the Fayette County Dilapidated Building and Beautification Enforcement Agency. Ms. Holly informed the Commissioners of the cost. The Commissioners asked Ms. Holly to hold until Monday at 10:00 a.m.

Thelma Kincaid, Circuit Clerk appeared before the Commission to discuss her budget for the Fiscal Year 2000-2001. Ms. Kincaid asked for salary increases for her employees. The Commissioners informed Ms. Kincaid they would take her request under advisement and get back with her.

Ms. Lisa Goode from the Town of Meadow Bridge was presented a check for \$5,000 contribution for fiscal year 1999-2000.

The Commissioners received and reviewed minutes from Page-Kincaid Public Service District for the month of January, 2000.

Ms. Holly reminded the Commission that a reception is being held at the Gauley Bridge Senior Center on March 28th at 3:00 p.m.

The Commissioners received and reviewed letter from the New River Community Partners informing that the "Assessing Wastewater Options for Communities" workshop, originally scheduled for January 27 will be held on Thursday, March 23, 2000 at the Ramada Inn in Wytheville, Virginia.

The Commissioners received and reviewed certificate of Insurance from Charter Communications, Inc.

Ms. Holly informed the Commissioners that the Sheriff called to inform that the Civil Service Commission will meet on Tuesday, March

28th at 3:00 p.m.

The Commissioners received and reviewed letter from frances L. Elswick, Secretary for Neighborhood Watch Program regarding naming of roads in the Swiss, Beech Glen, Belva, Dixie and Bentree area. Ms. Holly informed the Commission that a copy of the letter has been forwarded to David Neal, E911 Coordinator. Commissioner Carte asked that Mr. Neal respond.

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

Ms. Holly informed the Commissioners that the Financial Statement has a different amount than the Dog Tax Fund. Ms. Holly informed the Commission that in October the Assessor's Farm Census payment was budgeted and paid for out of the General County Fund, payroll wrote checks out of the Dog Tax Fund but was posted to the General County Fund. Ms. Holly informed the Commission that the Dog Tax Fund would have to be reimbursed. The Commissioners approved to reimburse Dog Tax Fund.

The Commissioners received and reviewed letter from Jerry Knight, Director, Property Tax Division informing he received correspondence concerning an application by Springdale Corporation for the correction of an erroneous assessment. Mr. Knight informed the Commission that guidance concerning whether an error has occurred regarding these combined assessments should be directed to Tom Aiello, Assessor.

The Commissioners received and reviewed letter from Stafford Consultants, inc. regarding New Haven Public Service District Waterline Extension Project informing that a Pre-Bid Conference is scheduled for April 3, 2000 at 10:00 a.m.

Ms. Holly informed the Commissioners that the letter they received from Charter Communications, Inc. regarding fees reflect what was in the November hearing.

Tom Aiello, Assessor appeared before the Commission to discuss his budget for the Fiscal Year 2000-2001. Mr. Aiello informed the Commissioners his request is for a \$100 across the board raises for his employees. The Commissioners informed Mr. Aiello that they would take his request under advisement and get back with him.

The Commissioners signed Application from the Fayette County Health Department for a Permit to operate the Fayette County Park Pool.

The meeting was adjourned at 11:45 a.m. Next scheduled meeting is March 20, 2000.

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right, positioned above a solid horizontal line.

FAYETTE COUNTY COMMISSION
SPECIAL SESSION
MARCH 20, 2000
COURTHOUSE

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

The Fayette County Commission met in special session on this 20th day of March, 2000.

The meeting was called to order at 10:10 a.m.

Ms. Holly informed the Commission she received a call from Denise Sizemore asking the Commission to assist him in notifying the Public Service Districts and the municipalities that the West Virginia Division of Environmental Protection Agency will conduct a meeting to hear concerns and to answer questions from 9:00 a.m. to Noon on Tuesday, March 28, 2000 in the West Virginia Room of the Raleigh County Armory, Beckley, West Virginia.

The Commissioners received and reviewed a check in the amount of \$40,914.40 for the Emergency Telephone System Fee for the month of February, 2000.

The Commissioners received and reviewed a check in the amount of \$64.41 for 911 fees from Citizen Telecommunications Company for the month of February, 2000.

The Commissioners received and reviewed Certificate of Insurance from Charter Communications, Inc.

The Commissioners received and reviewed thank you letter from Judge John Hatcher, Jr. for sending the information and drawings concerning the possible installation of an elevator in the Main Courthouse.

The Commissioners signed Certificate of Title for a 1995 Chevy

Caprice purchased from the West Virginia Agency for Surplus Property for Law Enforcement.

The Commissioners received and reviewed minutes from Kanawha Falls Public Service District for meetings held from July, 1999 through February, 2000.

The Commissioners signed order from Attorney Phil Tissue regarding the removal of a Co-Executor of the Estate of Lucille Anderson. (See attached)

Discussion was held regarding the 2000-2001 Budget.

Ms. Holly informed the Commission that the General County Fund and the Coal Severance Fund balanced and in the budget for fiscal year 2000-2001 she did include \$100 raises for each employee and increased the Public Employees Insurance Agency (PEIA) based on \$10.00 per month for employee.

Commissioner Lopez suggested giving the Sheriff at least four of the five vehicles he requested.

The Commissioners did not approve request from Kelvin Holliday, County Clerk to hire an extra employee.

The Commissioner informed that due to the shortage of the Coal Severance Fund there would be a decrease in the agencies they would support for the fiscal year 2000-2001.

The Commissioners informed they would support C-PAC, Southern Appalachian School Labors and Beards Fork Community Center for one more year.

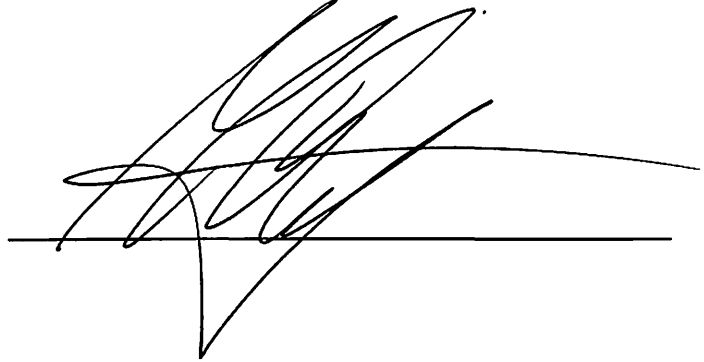
The Commissioners informed that what money is left after contributions to the different agencies would be used to purchase cruisers.

The Commissioners received and reviewed letter from the West

Virginia Extension Service informing that a community development symposium would be held on Wednesday, April 5 at the Southern Summit 2000. Commissioner Lopez informed he would not be attending.

The Commissioners scheduled a budget meeting for Thursday, March 23, 2000 at 10:00 a.m.

The meeting was adjourned at 11:50 a.m. Next scheduled meeting is March 23, 2000.

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BEFORE THE COUNTY COMMISSION OF FAYETTE COUNTY, WEST VIRGINIA

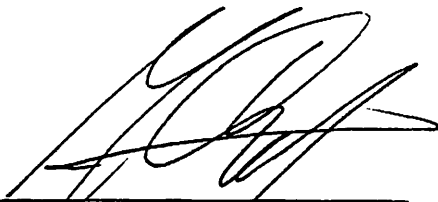
**IN RE: THE ESTATE OF LUCILLE ANDERSON, Deceased
Date of Death: 9/6/98**

ORDER OF REMOVAL OF PERSONAL REPRESENTATIVE


This matter came on for hearing on the 8th day of March, 2000, upon the petition of Rosa Grooms, heretofore filed seeking the removal of her Co-Executor, Polly Burl, with respect to the Estate of Lucille Anderson, deceased. The petitioner, appearing in person and with her counsel, Philip J. Tissue, the respondent not appearing but having filed an answer by the Law Firm of Blye, Blye & Blye, of Louisville, Kentucky. Whereupon, the Commission heard the testimony of Rosa Grooms with respect to the matters alleged in her petition. Upon hearing the testimony, reviewing the petition, and considering the record as a whole, the Commission is of the opinion that the petition is well-founded and is therefore granted. It is, therefore, the ORDER and JUDGMENT of the Commission that Polly Burl be and is hereby removed as Co-Executor of the Estate of Lucille Anderson, deceased, effective immediately and that Rosa Grooms continue to perform the duties of Executrix in connection with said estate.

ORDER.

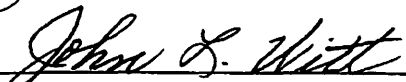
ENTER:



President

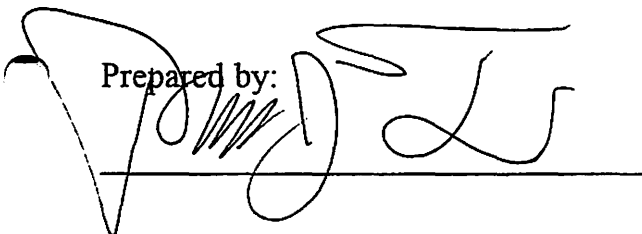


Commissioner



Commissioner

Prepared by:



Philip J. Tissue
West Virginia State Bar I.D. No. 3679
Counsel for Petitioner
303 Jones Avenue
Oak Hill, West Virginia 25901
(304) 469-4431

FAYETTE COUNTY COMMISSION
SPECIAL SESSION
MARCH 23, 2000
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in special session on this 23rd day of March, 2000 finalize budget for the fiscal year 2000-2001.

The meeting was called to order.

The Commissioners signed letter to Senator Robert Byrd informing they are in full support of the proposal by John Dragan creating a scenic rail and freight service short line from Glen Jean to Thurmond.

Ms. Holly informed the Commissioners that the General Fund Budget for fiscal year 2000-2001 is \$5.3 million dollars, last year it was \$5.6 million dollars. The Coal Severance for fiscal year 2000-2001 is \$201,000, last year \$467,000.

The Commissioners approved the Elected Officials budget for fiscal year 2000-2001.

The Commissioners approved outside agencies for fiscal year 2000-2001.

Ms. Holly informed the Commission that the General Fund and Coal Severance Fund balance.

Ms. Holly informed the Commissioners \$85,000 from capital outlay General County Fund could be used to pay for the 4 cruisers, this would leave \$36,000 capital outlay in the Coal Severance Fund.

Ms. Holly informed the Commissioners that she increased the line item for gasoline, utilities and telephone to \$20,000 because of the increase in gas prices.

The Commissioners approved \$100 across the board raises for county employees, plus PEIA increase.

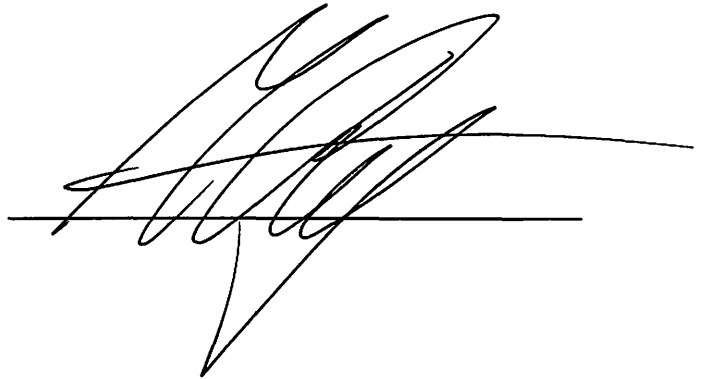
The Commissioners approved to increase Larry Parsons, Fayette County Solid Waste Authority employee and pay his PEIA increase.

The Commissioners scheduled budget meeting for Monday, March 27, 2000 at 11:30 a.m. to approve and finalize budget.

Ms. Holly reminded the Commissioners that the Better Government Cabinet Meeting is scheduled from 9:00 to 3:00 at Tamarack.

Ms. Holly informed the Commissioners that she received one bid for the Siding/Windows for the West Virginia Extension Office. The Commissioners asked that this be extended.

The meeting was adjourned. Next scheduled meeting is March 27, 2000.

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FAYETTE COUNTY COMMISSION

SPECIAL SESSION

MARCH 27, 2000

COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in special session on this 27th day of March, 2000 to approve and finalize budget for the fiscal year 2000-2001.

The meeting was called to order at 11:45 a.m.

Ms. Holly reminded the Commission that Kelvin Holliday, County Clerk needed ballot room unlocked at 9:30 a.m. at the regular meeting being held March 29, 2000.

Ms. Holly informed the Commission that she received a call from the Governor's Office asking who will be attending the meeting at Tamarack on Thursday. Commissioner Lopez informed he will not be able to attend. Commissioner Carte and Commissioner Witt will be attending.

Ms. Holly reminded the Commission of the meetings being held today, 1:00 at the Division of Highways in Oak Hill, 3:00 at the Gauley Bridge Senior Center, and 7:00 at the Port Authority.

Commissioner Lopez moved to approve budget for fiscal year 2000-2001 subject to the State Auditor's approval. Commissioner Witt seconded. All approved. Budget signed.

The Commissioners signed letter to the State Auditor's Office informing that for cost/savings and efficiency purposes, the policy for the purchase of commodities for various Fayette County departments has been that the office of the County Commission will be the central purchasing office.

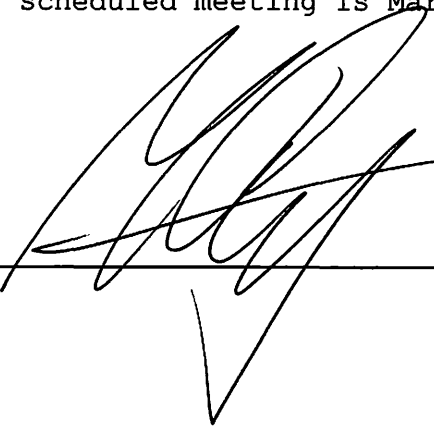
The Commissioners denied request of Yvonne Harp, Extension Agent to purchase 6 two-way radios for use by the Fayette County 4-H Leaders during camp.

The Commissioners denied request of Yvonne Harp, Extension Agent to decrease the camp fee for their use during the summer 2000 at the Fayette County Park.

The Commissioners received and reviewed letter from Larry Coleman, Superintendent Fayette County Board of Education informing the Commissioners that he would ask the Board to share the cost of the sound system with the Fayette County commission on a 50/50 basis.

The Commissioners received and reviewed letter from the Fayette County Health Department regarding applying for an application to operate the Boomer Ballfield and the Harlem Heights Park. Discussion was held the Commission asked Ms. Holly to check into the matter.

The meeting was adjourned. The next scheduled meeting is March 29, 200.



FAYETTE COUNTY COMMISSION
REGULAR SESSION
MARCH 29, 2000
COURTHOUSE
FAYETTEVILLE, WV 25840
MEMBERS Present: Gene Carte, Jr., John H. Lopez, John L. Witt

The Fayette County Commission met in regular session on this 29th day of March, 2000. The Commissioners opened ballot room for Kelvin Holliday, County Clerk.

The meeting was called to order at 9:45 a.m.

Exonerations were approved and signed.

The Commissioners signed letter to Gary Hough, Principal, Fayetteville Middle School informing that the request of Trooper R. C. Workman did meet the public, non-profit guideline and the \$500.00 rental fee will be waived.

The Commissioners signed letter to Mountain Transit Authority (MTA) certifying the Commission have appropriated 41,500 for fiscal year 2000-2001.

The Commissioners signed letter to Penelope Crandall, Director, Family Law Masters requesting reimbursement for rent in the amount of \$1,200 for the month of April, 2000.

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

The Commissioners received/reviewed and signed Report of Unclaimed property. Ms. Holly informed the Commission that there is no unclaimed property to report.

Ms. Holly informed the Commission she received letter from Specialty Risk Services, Inc. requesting title for the 1994 Chevy cruiser that was totaled November 30, 1999 and upon receipt of the title they will send check in the amount of \$7,555.30 minus deduction. Power of Attorney was signed.

The Commissioners signed letter to the State Auditor's Office informing they disagree with their findings of the audit reports for the fiscal years ended June 30, 1998 and June 30, 1999 and request that their report and opinion on the general purpose financial statements of Fayette county, West Virginia as of and for the year ended June 30, 1998 be corrected.

The Commissioners received and reviewed audits from the Gauley River Public Service District for fiscal year ended June 30, 1999 and the Fayette County Health Department for fiscal year ended June 30, 1997 and June 30, 1998.

The Commissioners approved to write check in the amount of \$365 for the 2000 NACo annual meeting for Kelvin Holliday, County Clerk.

The Commissioners received and reviewed a copy of a letter to Crystal H. Castleberry from Allen, Guthrie and McHugh regarding the McCormick lawsuit.

The Commissioners received and reviewed index of bills passed by the Legislative Digest.

The Commissioners received and reviewed order from the Division of Highways ordering Lower Road (Meadow Bridge) to the Home Access Roads Program (HARP).

The Commissioners received and reviewed letter from the Office of Emergency Services regarding the county participating in the National Flood Insurance Program. Ms. Holly informed the Commission that the county has adopted a flood plan. Copy of letter forwarded to Steve Cruiskank, OES Director and Tim Richardson, Zoning Officer.

The Commissioners received and reviewed letter from Larry Coleman, Superintendent informing he would ask the Board of Education of share the cost of the sound system for the Fayette County Memorial Building.

The Commissioners received and reviewed fax from the County Commissioners' Association informing they are in the process of moving.

Ms. Holly informed the Commissioners that the Civil Service Commission met yesterday to discuss the pay scale issue. Ms. Holly informed that no decision was made.

The Commissioners received and reviewed letter from the LaFayette Post 149 informing that "Know Your Government Day" will be held on Friday, May 5, 2000.

Ms. Holly informed the Commissioners she received two responses on the proposal for an elevator for the Main Courthouse.

The Commissioners approved sound system for the jurors box.

The Commissioners received and reviewed letter from the Fayette County Energy Express Program informing they will be meeting on Thursday, April 6, 2000 at 10:00 a. m. at the West Virginia Extension Office.

The Commissioners denied purchase of 6-two way radios for use by the Fayette County 4-H Leaders during camp.

The Commissioners received and reviewed Workers' Compensation claim for Robert C. Godsey.

The Commissioners received and reviewed memorandum from the West Virginia Public Employees Retirement Board regarding Nancy R. Massey.

The Commissioners received and reviewed letter from the State Tax Department regarding the Appraisal Ratio Results.

The Commissioners received and reviewed letter from the West Virginia Development Office reminding the Commission that the deadline dates for Small Cities Block Grants (SCBG) applications for Water/Wastewater has been changed to May 5, 2000. Copy forwarded to Dave Pollard, Fayette County Community Resource Coordinator.

The Commissioners approved for Ms. Holly to attend "Handling Employee Leave, Accommodation and Return to Work" seminar being held in Charleston on April 4, 2000.

The commissioners discussed checking to see if Cellular One can put a tower on the Valley Tower site. Ms. Holly informed the Commission according to the Lease they would have to get approval of the property owner. Ms. Holly informed the Commission that she just glanced over the lease, she would review lease again.

Tim Richardson, Zoning Officer presented to the Commission for disposition: Z478-00-1: Request of Harry Zink et al, owners, for a change in land classification from R-2, Resident District, to B-2 General Business District, on 15.77 acres, Arbuckle Subdivision (Pt of Old Zink Farm) located on Route 19 and adjoining Highlawn Park Addition, Oak Hill, West Virginia.

Mr. Richardson informed the Commission that the Planning Commission did by a vote of 10-1-1 recommend that this change be denied. Rick Campbell was present and several other residents opposed. After a brief discussion, Commissioner Witt moved to accept the recommendation of the Planning Commission to deny the change. Commissioner Lopez seconded. All approved. Vote passed 3 - 0.

Z-479-00-1: Request of Leonard B. Gray etux, owner, for a change in land classification from RR-1 Resident District to B-2, General Business District, on 1.07 acres, White Oak, located on Route 19 and Route 612, Whipple Exit, Plateau District.

Mr. Richardson informed the Commission that the Planning Commission did by a vote of 13-0 recommend that this proposed change be approved. No opposition. Commissioner Lopez moved to accept recommendation of the Planning Commission. Commissioner Witt seconded. All approved. Vote passed 3-0.

Z-480-00-1: Request of Charles A. Toney, owner for a change in land classification from LC-1 Land Conservation District to I-1 Light Industrial District, on .094 acres, Collinsdale on Route 15, Mahan near the West Virginia Turnpike, Valley District.

Mr. Richardson informed the Commission that this request has been withdrawn.

Outstanding bills and payroll were approved. The Commissioners approved to release payroll today.

Patti Payne, C-PAC gave the Commissioners an update of the number of dogs and cats that has been neutered and spayed.

The Commissioners informed Ms. Payne that the county had included C-PAC in their Fiscal Year Budget 200-2001.

The Commissioners received and reviewed bids for the siding/windows for the Extension Office. After receiving bids, Commissioner Lopez suggested painting the building. Commissioner Carte informed he was painting the building. It was suggested that Bob Massey, Maintenance Supervisor check to see how much paint would be needed.

Ms. Holly informed the Commission that she had placed the notice regarding the clean-up in the Fayette Tribune and Market Basket. Ms. Holly asked the Commissioner if they wanted her to advertise in the Beckley Register and Charleston Gazette. The Commission informed no.

Ms. Holly informed the Commission that the Public Employees Insurance Agency (PEIA) increase is included in the budget (\$22.00-family-\$2.50 single). Ms. Holly asked the Commission that if any other insurance increase is more, the employee would have to pay the difference. The Commission informed yes.

Commissioner Witt made motion to send letter of support of the Corridor L Regional Tourism Commission. Commissioner Lopez seconded.

All approved.

Earl Pauley, Park Superintendent appeared before the Commission with an estimate for a parking lot beside Earl's house. Discussion was held regarding where to put the old wrecked and unused cars at the Park, the Commissioners disapproved building a parking lot beside Earl's house.

The Commissioners discussed the ambulance that General Ambulance left at the Park. The Commissioners suggested offering General Ambulance \$500 if they wanted it.

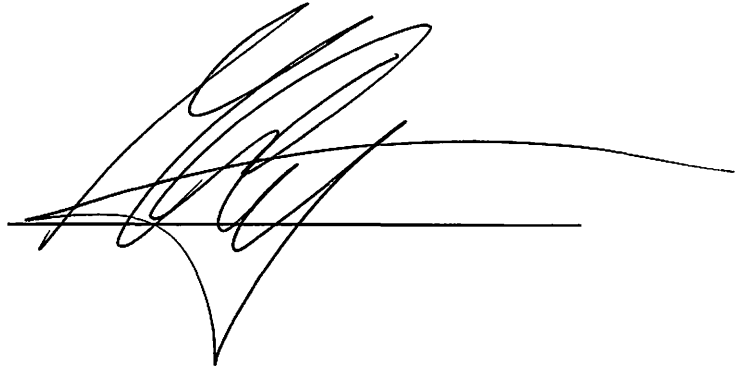
Mr. Pauley presented to the Commissioners plans for building a Cat building. Mr. Pauley presented estimates from Means Lumber (\$7,614.85) and Fayco Lumber and Supply (\$8,066.86). The Commissioners informed Mr. Pauley that since the estimates are over \$5,000 they would have to advertise.

Commissioner Lopez made motion to go into Executive Session with Paul Blake, Jr., Prosecuting Attorney. Commissioner Witt seconded.

Upon returning from Executive Session, Commissioner Carte informed no action was taken.

Commissioner Lopez moved to adjourn at 11:50 a.m. Commissioner Carte seconded. All approved.

Next scheduled meeting is April 5, 2000.

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FAYETTE COUNTY COMMISSION
REGULAR SESSION
APRIL 5, 2000
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in regular session on this 5th day of April, 2000.

Commissioner Carte called meeting to order at 9:30 a.m.

Eddie Young, from the Assessor's Office appeared before the Commission to discuss the request of Springdale Corporation.

Mr. Young informed the Commission that all the Springdale Corporation property has been sold to the State but they want to redeem.

Mr. Young informed the Commission that his office has spoke with Jerry Knight, Director, Property Tax Division and he informed them that this should be presented to the Commission as a clerical error.

Mr. Young informed the Commission that Springdale Corporation proposal is to redeem the surface property only at \$35,000 to \$50,000. The Assessor would have to separate the two pieces of property. Mr. Young told the Commission that the County would be receiving \$4,000 tax dollar a year if this was done.

Commissioner Carte informed the Commission that he didn't think the Commission could do anything since the Springdale Corporation filed bankrupt.

Mr. Young suggested setting up a conference call with Jerry Knight, Tom Aiello, Springdale Corporation attorney to discuss.

Commissioner Carte suggested sending to the Prosecuting Attorney Office to review.

Commissioner Witt informed the Commission that the Regional Water Project is well on its way and suggested expanding the New Haven Public Service District Board to a five member board. Commissioner Witt recommend appointing Loren Fox and Roma Lively as a member of the New Haven Public Service District board. Commissioner Carte suggested Carolyn Trent. After a brief discussion, the Commission asked Ms. Holly to call the Public Service Commission to see if the board could be expanded.

The Commissioners received invitation from Norman Jordan asking the Commission to attend Governor Cecil Underwood presentation of funds for the museum being held Wednesday, April 12, 2000 at 2:30 p.m. at Hawk's Nest State Park.

Commissioners Carte informed Joe Myers with the Fayette Tribune that he challenge the Fayette County Board of Education to support in building a basketball arena at the Armory Site in Glen Jean.

Commissioner Carte presented to the Commission a Governor's Community Partnership grant to purchase and install fire hydrants in the Harlem Heights area. Commissioner Carte moved to appropriate \$7,500 for fire hydrants for the Harlem Heights area. Commissioner Lopez informed Commissioner Carte that he had already appropriated part of that money to several outside agencies for this fiscal year budget 2000-2001.

The Commissioners signed letter in support of the request of the Corridor L Regional Tourism Commission for grant assistance in developing a heritage tourism component to the tourism industry along U S Route 19 through Fayette, Raleigh, Nicholas and Braxton counties.

The Commissioners signed request for payment document #2 for the 1998 Small Cities Block Grant 98SCBG0063 Comprehensive Plan Update,

amount \$1,333.49.

The Commissioners received letter from Region 4 Planning and Development Council requesting that the Fayette County Commission proclaim the month of April, 200, Fair Housing Month.

The Commissioners signed proclamation, proclaiming the month of April, 2000 Fair Housing Month.

The Commissioners signed letter to J. Dan Snead and Associates forwarding comments received relative to the plan for the location of an elevator in the Fayette County Courthouse.

Ms. Holly informed the Commissioners she received a call from Patti Hamilton, West Virginia Association of Counties requesting that the Commission host the Regional Wrap-Up (a light and lively look at the Legislative Session) on May 1st at 10:00 a.m. Discussion was held, the Commission asked Ms. Holly if she would contact Ms. Hamilton to reschedule for May 2nd. The Commission approved to host Regional Wrap-Up and serve refreshments.

The Commissioners approved to test votamatics and tabulator for the Presidential Primary Election on Tuesday, May 2, 2000 at 12:00.

The Commissioners scheduled Tuesday, April 18, 2000 at 10:30 to lay the levy.

The Commissioners approved for Jennifer Wade, Americorp Vista to have candlelight vigil on the Courthouse lawn on Monday, April 10, 2000 at 8:00 p.m.

The Commissioners received and reviewed letters from Office of Emergency Services informing of a FEMA DR-1319-WV Hazard Mitigation Grant Program (HMGP) Notice of Intent. Copy forwarded to Steve Cruikshank, OES Director.

Ms. Holly informed the Commissioners that no new bids were

received for the Fayette County Animal Control Euthanasia Chambers.

Commissioner Carte suggested to the Commission to reactivating the county airport authority and appoint board members. No decision made.

Ron Walton, Delbert Cole, with Whipple Community Center appeared before the Commission to ask if they would assist in a project to install a volleyball/tennis court in the Whipple area. Mr. Walton gave estimates of the cost (paving \$8,000-fence \$7,025-D&S Lumber \$40.00 an hour for 56 hours). Mr. Walton informed the Commission that the Benedict Foundation has assisted. Commissioner Witt told Mr. Walton that his request for the fiscal year budget 2000-2001 was late. Commissioners suggested to Mr. Walton to ask the State for assistance. Ms. Holly informed the Commission that in the fiscal year budget 1999-2000, \$500.00 was budgeted for the Whipple Community Center but they never requested the fund. Commissioner Carte moved to fund \$1,500.00 to assist with project. Commissioner Lopez seconded. All approved.

John Doyle with America's Promise Fellow appeared before the Commission to present his first quarter of 2000 Quarterly Report.

The Commissioners, Steve Cruikshank, OES Director, met to discuss again the burning of old dilapidated houses in Fayette County. Present were Tim Richardson, Zoning Officer and Bill Caudill, Chairman Fayette County Beautification Committee.

Commissioner Witt asked if the situation regarding having inmates to assist with the clean up in Fayette County been resolved; if not, need to send letter to the Administrator at the Southern Regional Jail and our Legislators.

Tim Richardson informed the Commissioners that the City of Oak

Hill have a truck the County might be interested in purchasing.

Commissioner Carte suggested writing a letter to the City of Oak Hill to inform them that the Commission is interested in purchasing a truck for emergency purposes.

Ms. Holly informed the Commission that she called Patti Hamilton with West Virginia Association of Counties she informed they can change the Regional Wrap-Up meeting to May 2nd.

The Commissioners approved for Earl Pauley, Park Superintendent, to hire four part-time employees effective April 17, 2000 (Allie Copley, Mitchell Adkins, Author Falls, and Athylene Grimmatt).

The Commissioners approved travel expense for Bill Caudill.

The Commissioners approved 50% payment for the C-PAC Spay Neuter Fund, amount \$630.00 for the month of March.

The Commissioner signed application for a Permit to Operate from the Fayette County Health Department the Russell Matthew Park and the Boomer Ball Park.

The Commissioners received request from Kelvin Holliday, County Clerk to replace the spare xerox machine in his office. No decision made.

The Commissioners received and reviewed fax from the West Virginia Association of Counties regarding the statewide computer network charges.

The Commissioners received and reviewed Workers' Compensation letters.

The Commissioners received and reviewed "revised" audit report from White Oak Public Service District for the fiscal year ended June 30, 1999.

The Commissioners approved up to \$3,500 for a laptop computer

for Charlotte Holly, Administrator.

The Commissioners received and reviewed letter from Heather Hambrick informing that effective April 1, 2000 she resign as secretary for the Extension Office. The Commission approved insurance coverage through May 1, 2000.

The Commissioners decided not to advertise for Extension Office position.

Discussion was held regarding Yvonne Harp, Extension Agent expenditures for the Extension Office. The Commissioners suggested to Ms. Holly to see how much is left in her budget and explain to Ms. Harp that once its exhausted no other funding would be available.

The Commissioners approved estimate from Bob Massey, Maintenance Supervisor of \$833.20 for paint for painting the Extension Building. Maintenance crew and prisoners if possible to paint building.

The Commissioners received and reviewed letter from URS Greiner Woodward Clyde requesting information on environmentally related issues. Ms. Holly informed the Commissioners that the original has been forwarded to Tim Richardson, Zoning Officer.

Outstanding bills were approved.

The meeting was adjourned at 12:15 a.m. The next scheduled meeting is April 14, 2000.

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FAYETTE COUNTY COMMISSION
REGULAR SESSION
APRIL 14, 2000
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in regular session on this 14th day of April, 2000.

Commissioner Carte called meeting to order at 9:35 a.m.

Commissioner Witt moved for G. Enterprises, Incorporated to do the painting, scrapping, labor, materials and roof at the West Virginia University Extension Office. Commissioner Lopez seconded. Unanimous.

Commissioner Carte informed the Commission that the building at Red Star has been torn down.

Outstanding bills and payroll were approved. Commissioner Witt moved to approve bills from last meeting.

The Commissioners approved to change the regular meeting of May 3rd to May 2nd at 9:30 a.m.

The Commissioners approved invoice from Allen, Guthrie and McHugh for Services in the McCormick's lawsuit, amount \$5,289.49.

The Commissioners asked Ms. Holly to notify the Prosecuting Attorney and have him notify Allen, Guthrie and McHugh that the Commission will pay no more attorney fees incurred after April 6, 2000.

Ms. Holly informed the Commissioners that she did not received any more bids for the euthanasia chambers. Ms. Holly informed the Commissioners that Earl Pauley, Park Superintendent informed her that this is the only company that manufacture the cabinet.

Commissioners Witt moved to purchase euthanasia cabinet for the

Fayette County Animal Control Center. Commissioner Lopez seconded. All approved.

The Commissioners received and reviewed check in the amount of \$18,925.98 representing a disbursement of Wireless E-911 subscriber fees for the months of Oct.-Nov.-Dec.,1999.

The Commissioners received and reviewed minutes of the Page-Kincaid Public Service District for the month of March.

The Commissioners received thank you letter from the Whipple Community in Action thanking the Commission for their contribution of \$1,500 for fiscal year 1999-2000.

Ms. Holly informed the Commissioners she received notice from the West Virginia Association of Counties requesting that a press release be sent to the local newspapers regarding the Regional Wrap-up being held May 2nd. The Commissioners informed that no press release is necessary everyone has been properly notified.

Ms. Holly informed the Commissioners that Paul Blake, Prosecuting Attorney called to see if any of the Commissioners would be attending the "Environmental Seminar for Local Government in WV" being held Tuesday, May 16, 2000.

Ms. Holly informed the Commissioner she received a call from Randall Boyd, Upper Kanawha Valley Economic Authority requesting that the Commission prepare a Resolution to expand the statistical boundaries of the Port of Huntington. Ms. Holly informed the Commission that this would include the entire waterfront of Fayette County that borders the Kanawha River. Commissioner Lopez moved to expand the statistical boundaries of the Port of Huntington. Commissioner Witt seconded. All approved.

Discussion was held regarding the codes dealing with the Airport

Authority. Ms. Holly informed the Commission that she is trying to get more information. The Commission suggested to Ms. Holly to call Greg Gray.

The Commissioners approved and signed invoices for the confinement of inmates at the Southern Regional Jail for the City of Oak Hill and the Town of Fayetteville for the month of March.

Ms. Holly reminded the Commission they would be meeting Tuesday, April 18, 2000 at 10:30 a.m. to lay the levy.

Ms. Holly reminded the Commission that canvass is scheduled for Friday, May 12th at 9:00 a.m.; workers to report at 8:30 a.m.

The Commissioners approved to schedule payroll meeting on May 12th and to cancel the May 15th meeting. The Commissioners approved to schedule special meeting in the afternoon on May 16th to certify Primary Election held on May 9th.

Ms. Holly informed the Commissioners that she received a call from the State Tax Department regarding the three Public Service District commitments included in the budget for fiscal year 2000-2001. Ms. Holly informed the Commissioners that she had put this in the contingent fund but in this fund only a percentage can be put in, so she would have to move the Public Service District commitments to the Commission account. Commissioner Lopez made motion that a Budget Revision for the Coal Severance fund for fiscal year 2000-2001 be made. Commissioner Witt seconded. All approved.

Commissioner Carte informed the Commission that he had attended the Midland Trail Scenic Highway Association Annual meeting held April 11, 2000. Commissioner Carte suggested to the Commission that the Commission become members. The Commissioners approved.

The Commissioners received and reviewed Workers' Compensation

letters.

The Commissioners signed letter to John Dragan informing that the Commission support the proposal to crate a combined freight and scenic railroad service connecting Glen Jean and Thurmond in Fayette County.

The Commissioners approved for Kelvin Holliday, County Clerk to attend the Election Center training program planned for August 31 and September 1, 2000.

The Commissioners approved purchase of a laptop computer and personal computer from Gateway. Credit application signed.

Ms. Holly informed the Commission that Bonnie Sarver is out on sick leave.

Ms. Holly informed the Commission she is registered to attend the Governmental Accounting Standards Board (GASB) seminar.

Ms. Holly informed the Commission that a letter was sent to the Courthouse Annex Elected Officials and employees regarding windows and exterior doors being left opened. The Commissioners asked that another letter be sent.

Commissioner Witt made statement that something needed to be done about the roof at the jail.

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

The Commissioners received and reviewed order from the Division of Highways ordering Pine Grove Lane to the Home Access Roads Program (HARP).

The Commissioners received and reviewed order from the Division of Highways ordering Front Street (Gauley Bridge) to the State Local Service System.

Ms. Holly informed the Commission she received a call from Drew Payne with Crews and Associates informing they would be faxing a proposal to have bonds refunded. Ms. Holly asked the Commission if they wanted her to send proposal to the Prosecuting Attorney's Office for review. The Commissioners informed yes.

Ms. Holly informed the Commission she received invoices for the body work and repair work for the used vehicle purchase for the Sheriff's Office. Ms. Holly informed the Commission that a copy was sent to the Sheriff.

The Commissioners received Permits from the Fayette County Health Department to operate a Park/Playground at the Boomer Bal Park and the Russell Matthew Park.

The Commissioners informed that the first order of business Tuesday, April 18th is to send letter to the Division of Natural Resources regarding the Beaver Dam in Cannelton Hollow.

Ms. Holly informed the Commissioner she received a call from Gary Lilly with complaint about the alternate workers for the election. The Commissioners asked Kelvin Holliday, County Clerk to send a letter to Mr. Lilly to inform him of the Code and to inform him that a meeting to discuss with the Commission is not necessary.

The Commissioners received and reviewed franchise fee from Charter Communications for 2nd Quarter (Apr-May-Jun).

Ms. Holly asked the Commission about Kelvin Holliday, County Clerk request for a copier machine.

The Commission asked what was wrong with the copier he had. Mr. Holliday being present informed the Commission that the current machine is not making good copies of the negative recording.

The Commissioners informed Mr. Holliday that due to the shortage

of funds they would hold off purchasing a copier machine at this time.

Commissioner Witt offered a motion to use the rest of his money to landscape around the lights at the Courthouse.

The Commissioners received and reviewed Application for Employment from Della Mae Robinson.

The Commissioners reviewed and reviewed minutes from the Fayette County Energy Express for the month of April.

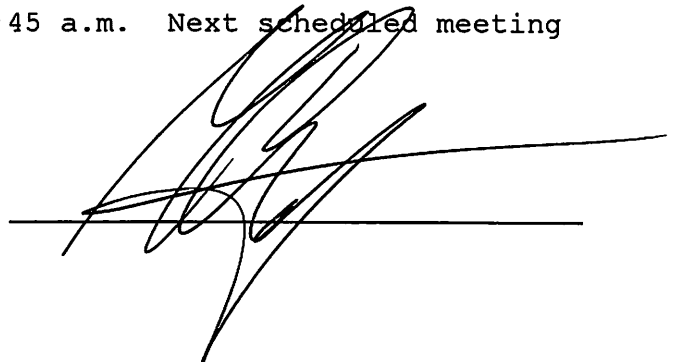
The Commissioners received and reviewed notice from the Federal Licensing, Inc. informing the Emergency Communications Center that their radio station license has expired. Original forwarded to David Neal, E-911 Coordinator.

The Commissioners received and reviewed fax from the County Commissioners Association informing that Evelyn Richards, Cabell County Commissioners husband (William Richards) passed away.

The Commissioners received and reviewed letter from the State Tax Department recommending appraisal change to Eastern American Energy property.

The Commissioners received and reviewed 1st Quarter Hotel Occupancy Tax for the months (Jan-Feb-Mar). The Commissioners approved payment to the New River Convention and Visitors Bureau (\$1,669.47).

The meeting was adjourned at 10:45 a.m. Next scheduled meeting is April 18, 2000.

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FAYETTE COUNTY COMMISSION
SPECIAL SESSION
APRIL 18, 2000
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met special session on this 18th day of April, 2000.

Commissioner Carte called meeting to order at 10:45 a.m.

Ms. Holly presented notice of approval from the State Auditor Department of Levy Estimate (Budget) for Fiscal Year 2000-2001. Commissioner Lopez made motion to lay the levy for Fiscal year 2000-2001; Commissioner Witt seconded. All approved. Vote passed 3 -0. Levy order and rate sheet signed.

The Commissioners approved for Tom Harris to be put on rotation to pick up wrecked cars. Commissioner Lopez informed the Commission he would talk with the Sheriff.

The Commissioners signed notice to the Elected Officials and employees at the Courthouse Annex asking that the windows be kept closed and locked at all times and that exterior doors be kept closed.

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 Presidential Primary Election, the Commissioners approved and signed an order assigning the number of vote recording devices in each precinct.

The Commissioners signed letters to the Minden Community Meeting Center, Inc., Upper Kanawha Valley Community Center, Gauneka Ruritans, White Oak Public Service District, Fayette County Historic

Landmark Commission, and the Fayette County Weatherization Program asking that they submit copies of checks payable to the vendors and paid invoices signed by an authorized agent of their organization dated and marked "Approved for Payment" to the Commission and the Commission will submit their request for reimbursement to the West Virginia Development Office.

Commissioner Lopez made motion to approve and authorize the adoption of a Resolution for the Governors Community Partnership Grant Program funds for construction of a Community Building for the Minden Community Corporation. Commissioner Witt seconded. All approved. Resolution signed.

The Commissioners received and reviewed checks from the West Virginia Development Office (drawdown) and a reimbursement check from the 4-C Economic Development Authority.

The Commissioners approved to pay Kathy Ramsey for work done on the Election Board for the Presidential Primary Election.

The Commissioners received and reviewed order from the Division of Highways ordering Center Street (Danese), Glory Road, Haven Lane (Layland Heights) to the Home Access Roads Program (HAR). The Commission informed they opposed to change Center Street (Danese) if it's Crickmer Road.

The Commissioners received and reviewed notice from the Federal Licensing, Inc. informing the Emergency Communications Center that their radio station (Layland Mountain) license has expired. Original forwarded to David Neal, E-911 Coordinator.

The Commissioner received and reviewed a copy of a letter from the City of Montgomery requesting that all 911 emergency calls from Montgomery be routed through the Fayette County 911 System.

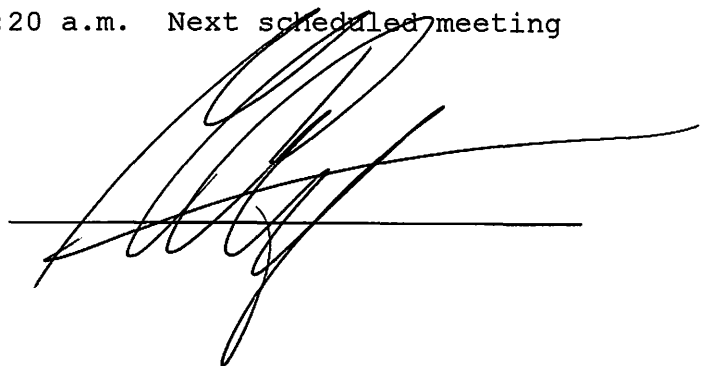
The Commissioners received and reviewed a copy of a Mutual Aid Agreement with Gary Steve Lipscomb, Director of Summers County E-911 Center and David Neal, E-911 coordinator/Deputy OES Director.

The Commissioners signed a letter to A & W Sanitation informing of the complaints from residents of Boomer regarding oil, hydraulic fluid, or other similar fluid leaking form their trucks.

The Commissioners signed a letter to the West Virginia Division of Natural Resources informing they have been advised of the existence of a beaver dam on a tributary of Smithers Creek located in the Cannelton Hollow area and that this beaver dam has obstructed the flow of water in the creek and created a potential for flooding in the area; the Commission is requesting they investigate this complaint and remove this beaver dam if possible.

The Commissioners signed letter to Carolyn Trent informing her that the proposed Paint Creek project will continue to receive their full attention until they are able to get it on line.

The meeting was adjourned at 11:20 a.m. Next scheduled meeting is April 26, 2000.

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FAYETTE COUNTY COMMISSION
REGULAR SESSION
APRIL 26, 2000
COURTHOUSE
FAYETTEVILLE, WV 25840
MEMBERS Present: Gene Carte, Jr., John H. Lopez, John L. Witt

The Fayette County Commission met in regular session on this 26th day of April, 2000.

Commissioners carte called meeting to order at 9:35 a.m.

Exonerations were approved and signed.

Commissioner Carte asked Eddie Young the status of Springdale Corporation. Mr. Young informed the Commission he had talked with Jerry Knight, Director, Property Tax Division and he agreed with the Assessor that this is not a clerical error. The Commission asked Mr. Young to send a letter with the Assessor's decision.

The Commissioners received and reviewed a letter from State Farm Insurance Companies advising the Commission that their investigation regarding claim number 48-5108-059 accident have not been completed.

The Commissioners received and reviewed copy of Quarterly Report for Operating Expenses from the Boomer Volunteer Fire Department, Inc.

Ms. Holly informed the Commissioners that Tammy Gill brought in Doctor's excuse for Lawrence Jenkins.

Ms. Holly informed the Commissioners that Earl Pauley, Park Superintendent has installed another phone line at the Animal Control Center.

The Commissioners received and reviewed lawsuit of Roger and Peggy Bryant, Civil Action #5:00-0281.

Ms. Holly informed the Commissioners that she had talked with

Linda Johnson, Deputy County Clerk's Office was told the Commission Office is not big enough to use to distribute votomatics for the primary Election.

Ms. Holly informed the Commissioners that Ms. Johnson want to know if thy could use the Commission Room.

Ms. Holly reminded the Commission that "Know Your Government Day" is on Friday and suggested to the Commission to change the Commission group to the 911 Center. The Commission approved to store votomatics in the Commission Room and approved to change the Know Your Government Day group to the 911 Center.

The Commissioners received and reviewed letter from the Public Service District reappointing Richard Packman to serve as a member of the Fayette County Solid Waste Authority.

The Commissioners received and reviewed Order from Steptoe and Johnson dismissing Civil Action 92-C-1147, Claimant Michael Scott McCormick.

The Commissioners received and reviewed letter form Charter Communications informing they will be making additional channels available on or after June 1, 2000.

The Commissioners received and reviewed order from the Division of Highways order Holly Lane (Pax) to the Home Access Roads Program (HARP).

The Commissioners received and reviewed letter from The Herald-Dispatch requesting information under the Freedom of Information Act regarding the Coal Severance tax money. The Commissioners approved request and charge for copies.

The Commissioners received and reviewed letter from the Huntington District Waterways Association informing they received

strong endorsement to redefine the boundaries of the Port of Huntington for statistical purposes only.

Ms. Holly informed the Commission she received a call from Earl Pauley, Park Superintendent informing that the Dog Truck needed painting and he received an estimate of \$600.000 from Sam's Body Shop. Commissioner Lopez asked Ms. Holly to ask Mr. Pauley how bad the truck needed painting and let the Commission know by May 2, 2000.

Gary Lilly and Tom Fast, Chairman of the Republican Executive Committee appeared before the Commission to make complaints about the number of alternates, election workers pay, notices not being mailed to the alternates for the Primary Election. After a brief discussion, Mr. Lilly presented recommendations for the Commission to consider for the General Election.

Ms. Holly informed the Commission she received two (2) bids for the Court Security Grant. The Commissioners approved bid for the Multi-Line Digital Receiver Upgrade.

Attorney Phil Tissue appeared before the Commission with a petition regarding the Estate of Emily I. Saplack.

Mr. Tissue informed the Commission that Sarah Siwek, the current administrator of said estate and the person named in said Last Will and Testament as Executrix, will not perform the duties as Executrix of said estate and refuses to return to West Virginia to become the Executrix.

Mr. Tissue informed the Commissioners that the petitioner (Crystal Gibson) discovered the Last Will and Testament of Emily I. Saplack, and now is here to offer Las Will and Testament for probate as required by law.

Tim Haynie appeared before the Commission with request to use

the Courthouse on July 1-4, 2000 for the Heritage Festival 2000.

The Commission approved request with the condition that no vehicles are permitted on the Courthouse lawn for any purpose including unloading and that no amplification is allowed on the Courthouse property.

The Commissioners approved placement of port-a-pots on the small parking lot immediately adjacent to Blue Ridge Outdoor provided that the port-a-pots are placed on said parking lot no earlier than July 1st and removed no later than July 5th.

Jean Nutter representative of the Midland Trail Scenic Highway Association appeared before the Commission to inform the Commission that she would be requesting each county to participate in funding \$1,750 to finish out plans for the Freedom Trek II project. Ms. Nutter requested \$5,000 to fund the reestablishing and refurbishing the 2-Roadside Parks on Route 60. The Commissioners informed Ms. Nutter they would take her requests under advisement.

Drew Payne with Crew and associates, Inc. appeared before the Commission to inform the Commission that since the 1990 issue of Series A & B Collateralized Mortgage Obligation (CMO) issue may now be redeemed and that the Counties (Raleigh, Nichols, and Fayette) will benefit from such redemption the Commission need to adopt Resolution. Commissioner Lopez moved to accept and adopt Resolution. Commissioner Witt seconded. All approved. Resolution signed.

Earl Pauley, Park Superintendent appeared before the Commission to inform the Commission of the cost for feeding the animals at the shelter (\$310).

The Commissioners approved painting of the Dog Warden truck.

Mr. Pauley informed the Commissioners he did not received any

more bids on the Cat Room other than Fayco Lumber and Supply and Means Lumber Company. Mr. Pauley informed the Commission that Means Lumber has lowest bid. The Commissioners approved lower bid.

Rod Lang, Region 4, Planning and Development Council presented to the Commission a drawdown request for payment regarding the Fayette County Commission/New Haven Public Service District Water Extension project, 19997 Small Cities Block Grant B-97-DC-54-0001, amount \$8,061.92. Commissioner Witt moved to adopt Resolution, approved and authorized the payment of services. Commissioner Lopez seconded. Unanimous. Resolution signed.

The Commissioners approved state bid on a 4-wheel drive pick up truck (\$21,900) for Steve Cruikshank, OES Director.

Payroll and outstanding bills were approved.

The Commissioners signed letter to the Department of Natural Resources asking that they increase the tonnage of trout stocked in Paint Creek and request that the Department of Natural Resources designate certain areas of paint Creek for Class Q (handicap access and children), for catch and release for fly fishing only.

A letter to Wilson Lodge authorizing Tom Aiello, Assessor and his deputies to have their sleeping rooms, meals, room guarantees, guarantee for late arrival and parking fees charged to the Fayette County Commission while they are attending the Assessor's Annual In-Service Training Seminar, May 21, 22, 23, and 24, 2000.

The Commissioners received and reviewed a letter from the Supreme Court of Appeals requesting that all invoices owing for leased office space for the Family Law Master Offices for the fiscal year ending June 30, 2000 be submitted to the Court as soon as possible.

The Commissioners signed letters to Penelope Crandall, Director, Family Law Masters requesting reimbursement for rent in the amount of \$2,400.00 for the months of May and June, 2000.

The Commissioners signed letters to the Elected Officials approving their budget for Fiscal year 2000-2001.

The Commissioners signed Sales Tax Reports for the months of February and March for the Fayette County Park.

The Commissioners received and reviewed letter from Songer Whitewater, Inc. requesting permission to reserve the Fayetteville Memorial Building for October 6 and 7, 2000 for a Military function they would be hosting. The Commissioners asked Ms. Holly to refer back to Gary Hough for more information.

The Commissioners received and reviewed deed for the Boomer Ballfield.

The Commissioners approved purchase of an IBM Wheelwriter typewriter and adding machine for the Circuit Clerk Office.

The Commissioners received and reviewed fax from Southern Appalachian Labor School inviting the Commission to attend their Tenth Annual Solidarity Cultural Festival being held Saturday May 6, 2000.

The Commissioners received and reviewed check in the amount of \$40,994.72 for the Emergency Telephone System Fee for the month of March, 2000.

The Commissioners received and reviewed check in the amount of \$64.37 from Citizens Telecommunications Company for 911 Fee for the month of March, 2000.

The Commissioners received and reviewed Workers' Compensation letters.

The Commissioners received and reviewed Statement of Expenditures as of March, 2000 for the Fayette County Park.

The Commissioners received and reviewed letter from Judge John Hatcher, Jr. informing that he did not want an electronic lock on the door between his secretary's Office and his chamber.

The Commissioners received and reviewed letter from Dayton Legal Blank regarding Birth and Death Records, Volumes A-L and M-Z for the County Clerk's Office.

The meeting was adjourned at 12:30. Next scheduled meeting is May 2, 2000.

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FAYETTE COUNTY COMMISSION
SPECIAL SESSION
MAY 2, 2000
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in special session on this 2nd day of May, 2000.

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

The Commissioners signed a letter to the West Virginia Public Service Commission informing them of the numerous complaints received regarding wireless cell phone reception throughout Fayette County, especially in the Valley area.

The Commissioners signed a letter to Mayor James Higgins informing they received his request that all 911 emergency calls from Montgomery be routed through the Fayette County 911 System, the Commission agreed that the solution would help to alleviate any confusion or potentially serious delays for Montgomery residents living in Kanawha County. The Commission informed Mr. Higgins that the West Virginia Public Service Commission does not have a problem with this change; however, the change would have to be initiated by the Town Council of Montgomery as the governing entity with a joint request sent to the Kanawha and Fayette County Commission. Both County Commissions would have to agree to the change.

The Commissioners signed order and letters designating incorporated banking institutions in the County of Fayette as depositories of Public Monies for the Fayette County National Bank, 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).

The Commissioners signed a letter to the Town of Fayetteville approving the use of the Courthouse lawn on July 1-4, 2000 for the Heritage Festival 2000 and the placement of port-a-pots on the small Courthouse parking lot adjacent to Blue Ridge Outdoors.

Ms. Holly presented to the Commission for David Pollard, Fayette County Resource Coordinator a drawdown request for payment regarding the Fayette County Commission-Comprehensive Plan Update, 1998 Small Cities Block Grant 98SCBG0063, amount \$2,026.05. Commissioner Lopez moved to adopt Resolution, approved and authorized the payment of services. Commissioner Witt seconded. Unanimous. Resolution signed.

The Commissioners signed a letter to Southern Appalachian Labor School expressing their support of the plans to develop a low-income housing project in Page.

The Commissioners received and reviewed Quarterly Report from David Pollard, Fayette County Resource Coordinator.

The Commissioners received and reviewed quarterly franchise fee payment for the period ending March 31, 2000, amount \$5,671.62.

The Commissioners received and reviewed letter from the Social Security Administration informing they began mailing Social Security Statements to workers age 25 or older who are not receiving Social Security benefits.

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

The Commissioners received and reviewed Employee Loss Activity Statement from the Workers' Compensation Division.

The Commissioners received and reviewed a letter from Speciality Risk Services, Inc. regarding the vehicle accident in which Curtis Adkins was involved in on January 14, 2000.

The Commissioners received and reviewed a letter from Meadow River Coal Company informing that due to the continued operating requirements in closing the facility, the lay off date is now being extended to a 14-day period beginning May 8, 2000 for employees.

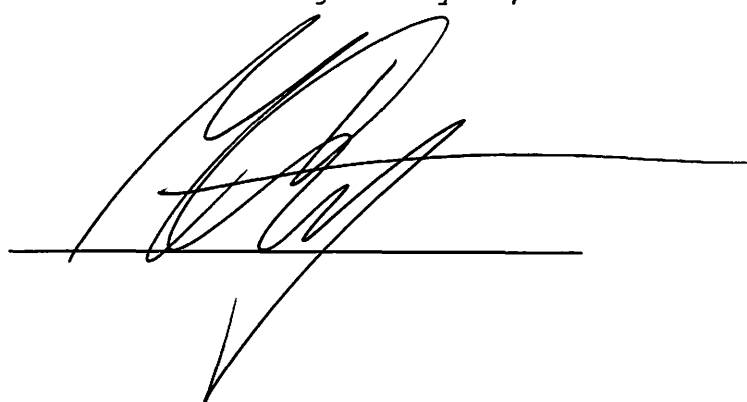
The Commissioners received and reviewed minutes from the Fayette County Energy Express Collaborative Meeting for the month of April.

The Commissioners received and reviewed Dental & Vision Insurance information from the West Virginia Association of Counties.

The Commissioners received and reviewed a letter from the Public Service Commission informing that Matthew Hackworth 's request for a water extension from the Town of Pax has been referred to the Water and Wastewater Division for response.

The Commissioners recessed to go up on the third floor to test votomatics machines and tabulator machine equipment for the Primary Election.

The meeting was adjourned. Next scheduled meeting is May 12, 2000.

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FAYETTE COUNTY COMMISSION
SPECIAL SESSION
MAY 8, 2000
COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: Gene Carte, Jr., John L. Witt, John H. Lopez (by phone)

The Fayette County Commission met in special session on this 8th day of May, 2000.

Commissioner Carte called meeting to order at 2:25 p.m.

Thelma Kincaid, Circuit Clerk informed the Commission that H. Paul McGraw, the Democratic Emergency Absentee Voting Commissioner has been hospitalized. Ms. Kincaid informed the Commission that she did contact David Perry, Chairman of the Democratic Executive Committee and he faxed a memorandum informing her that it has been agreed and approved that William L. McGraw serve as the Democratic Emergency Absentee Voting Commissioner. Commissioner Witt moved to appoint William L. McGraw as Democratic Emergency Absentee Voting Commissioner. Commissioner Carte seconded. Commissioner Lopez by telephone asked that his name be stamped on the order. Unanimous. Order signed.

The meeting was adjourned at 2:30 p.m. Next scheduled meeting is May 12, 2000.

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FAYETTE COUNTY COMMISSION
SPECIAL SESSION
MAY 12, 2000
COURTHOUSE
FAYETTEVILLE, WV 25840
MEMBERS Present: John H. Lopez, John L. Witt

The Fayette County Commission met in special on this 12th day of May, 2000.

Commissioner Lopez called meeting to order at 8:35 a.m.

The Commissioners signed camp letters to the Girl Scouts and Boone County 4-H Club for camping at the Fayette County Park.

The Commissioners received and reviewed fax from the New River Convention and Visitors Bureau requesting permission to place port-a-pots (2) on the small Courthouse parking lot immediately adjacent to Blue Ridge Outdoors for the Vittles and Fiddles (Taste of Fayette County) to be held on June 17, 2000. The Commission approved.

The Commissioners received and reviewed fax from the Town of Pax requesting funding of \$1,700 toward the purchase of a blower for the Sewer Treatment Plant. The Commissioners suggested holding until next meeting.

The Commissioners received and reviewed letter from David Neal, E911 Coordinator informing he received and approved bid from Advanced Alarm Technology.

The Commissioners received and reviewed franchise fee for the period of January 1, 2000 through March 31, 2000 from Charter Communications IV, LLC.

The Commissioners received and reviewed letter from Sheriff Larry Dotson informing that effective March 16, 2000 Cora Cooper will be employed by the Fayette County Sheriff's Department as secretary

to be paid from the Tax Department General fund, salary \$1,300 a month benefits included.

Outstanding bills and payroll were approved.

The Commissioners received and reviewed order from the Division of Highways ordering Susie Hollow Road to the Home Access Road Program (HARP).

The Commissioners received and reviewed thank you letter from the Division of Natural Resources regarding the Commission's concerns with the existence of a beaver dam on a tributary of Smithers Creek in Fayette County.

The Commissioners received and reviewed a copy of the Public Notice and Draft Commander's Decision Document from the Department of Army regarding the proposed expansion of the statistical boundaries of the Port of Huntington by the Huntington District Waterways Association.

The meeting was adjourned to conduct canvass for the Presidential Primary Election. Next scheduled meeting is May 16, 2000 .

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FAYETTE COUNTY COMMISSION
SPECIAL SESSION
MAY 16, 2000
COURTHOUSE
FAYETTEVILLE, WV 25840
MEMBER Present: John H. Lopez, John L. Witt

The Fayette County Commission met in a special session on this 16th day of May, 2000.

Commissioner Lopez called meeting to order at 1:06 p.m.

Commissioner Lopez made motion that the canvass of the 2000 Presidential Primary Election be certified. Commissioner Witt seconded. All approved. The Commissioners signed order certifying the results of the canvass for the Presidential Primary Election.

The Commissioners signed letter to Ken Hechler, Secretary of State informing of the votes cast for candidates at the Primary Election held on May 9, 2000.

The next regular meeting is scheduled for May 31, 2000; the Commissioners authorized the release of the payroll checks on May 30, 2000.

Ms. Holly presented to the Commissioners several request for extensions and drawdowns to the West Virginia Development Office; Ms. Holly asked the Commission to approve and authorize Gene Carte to sign when he return. The Commission approved.

Ms. Holly presented to the Commissions an agreement from Crews & Associates regarding the 1990 issue of Series A & B Collateralized Mortgage Obligations. The Commissioners approved and authorized Gene Carte to sign when he return.

Ms. Holly informed the Commission she would be taking a vacation day on May 26, 2000. The Commission approved.

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

The Commissioners approved payment of \$715.00 to C-PAC, Inc. for the month of April.

The Commissioners approved voucher for reimbursement to Charlotte Holly for attending the GASB34 Conference, amount \$99.

The Commissioners received and reviewed letter from Steptoe and Johnson regarding the lawsuit of Roger & Peggy Bryant v. Fayette County Commission, et al, Civil Action #5:00-0281.

The Commissioners signed agreement for Steptoe and Johnson giving consent to the joint representation and confirmation that there is no conflict of interest between the defendants (Civil Action #5:00-0281).

The Commissioners received and reviewed thank you note from Patti Hamilton, West Virginia Association of Counties for their hospitality at their Regional Wrap-up meeting.

The Commissioners received and reviewed from the West Virginia Association of Counties an unofficial result of the Primary Election for county offices.

Ms. Holly informed the Commission that the proposed premium increase for PEIA will not go into effect this year; but the Managed Care Plan rate will. The Commission asked Ms. Holly to get the number of employees who participate in the Managed Care Plan.

The Commissioners received Certificate of Insurance from Charter Communications, Inc.

The Commissioners informed they would follow-up on personnel matter at the 911 Center.

The Commissioners received and reviewed letter from Hoyt Glazer,

Attorney requesting Freedom of Information Act list of all employees of Fayette County Commission since January, 1999. Ms. Holly informed the Commission she talked with Paul Blake, Prosecuting Attorney he asked that this be forwarded to Kelvin Holliday, County Clerk to respond.

The Commissioners received and reviewed a copy of a letter to Hoyt Glazer from Kelvin Holliday, County Clerk with his response.

The Commissioners received and reviewed letter from Attorney Phil Tissue regarding the Estate of Gladys Eary. Original forwarded to the County Clerk Office to file.

The Commissioners received and reviewed two Application of Employment (Martha Jeffries and Terri Price).

The Commissioners received and reviewed a copy of a letter to Senator Robert Byrd from Region 4 Planning and Development Council regarding request for information pertaining to public water service on Saturday Road near Ansted through the Fayette County Regional Water project.

The Commissioners received and reviewed minutes from Salem-Gatewood Public Service District for the month of April, 2000.

The Commissioners received and reviewed letter from the Hartford informing of the changes in the General Liability Policy Renewal Coverage.

The Commissioners received and reviewed letter from Bank One regarding Counties of Berkeley, Boone, Fayette, Hancock, Harrison, Jackson, Jefferson, Lincoln, Logan, McDowell, Marion, Marshall, Mason, Mingo, Monongalia, Morgan, Ohio, Pleasants, Summers, Tyler, Upsher, Wetzel, Wood, Wyoming and City of Wheeling, West Virginia Single Family Revenue Bonds 1983 Series A issues.

The Commissioners received and reviewed Workers' Compensation Reports.

The Commissioners received and reviewed letter from the West Virginia Development Office acknowledging receipt of the Governor's Community Partnership grant application submitted by the Commission requesting \$27,000 to construct the Minden Community Recreation Facility.

The Commissioners received and reviewed letter from Meadow River Coal Company regarding lay off of all employees.

Ms. Holly informed the Commission that Tom Malone would be here tomorrow to work on County Clerk's book he would need a place to work. The Commission suggested the third floor.

The Commissioners received and reviewed letter from Kelvin Holliday, County Clerk requesting a duplex printer option for the Voter's Registration Office, cost \$590.00; approved, requesting 2-3 staffers to do scanning in Voter's Registration Office. The Commissioners informed Mr. Holliday they would check next week with the Assessor's Office and the Sheriff's Office to see if they would let their part-time assist. The Commission authorized Ms. Holly to unlock ballot room.

The Commissioners signed letter to Gary Hough, Principal, Fayetteville Middle School informing that the request of the Fayette County Deputy Association to hold their Annual Country Show did meet the public, non-profit guidelines, the \$500.00 rental fee will be waived.

The Commissioners signed letter to the New River Convention and Visitors Bureau giving permission to place port-a-pots (2) on the small Courthouse parking lot immediately adjacent to Blue Ridge

Outdoors for the Vittles and Fiddles (Taste of Fayette County).

The Commissioners signed letter to Southern Appalachian Labor School informing the Commission have approved their request for an appropriation for Fiscal Year 2000-2001 in the amount of \$15,000 for construction materials for the Group Workcamp in the summer of 2001. Fund would be available after July 1, 2000.

Ms. Holly informed the Commission she received information from the West Virginia Association of Counties informing they are sponsoring a Vision/Dental Plan for the Counties and would like to know if the Commission would want to participate. The Commissioners asked Ms. Holly to send letter to each Elected Official and ask them to share the information with their employees and determine the number of employees in their department who would be interested in participating in the program by voluntary payroll deduction (100% employee contribution).

The Commissioners signed letter to Southern Appalachian Labor School informing they have approved their request for an appropriation for fiscal year 2000-2001 in the amount of \$3,000 for the Community center in Beards Fork, funds are available after July 1, 2000.

The Commissioners reviewed notice to the Elected Officials and Department Heads asking that they submit all invoices dated on or before June 30, 2000 to Debbie Berry as soon as possible but no later than July 3, 2000.

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

The Commissioners reviewed letter to the Elected Officials

regarding the Annul Report form that has to be filed with the County Commission and the State Tax Commissioners on the first day of June, 2000.

The Commissioners received and reviewed franchise tax fee covering the period January 1, 2000 through March 31, 2000 for Charter Communication (Interlink Communications Partners, LLC).

The Commissioner received and reviewed memorandum from the West Virginia Association of Counties regarding information from the Solid Waste Interdepartmental Coordinating Committee.

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

The meeting was adjourned at 2:07 p.m. Next scheduled meeting is May 31, 2000.

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FAYETTE COUNTY COMMISSION
REGULAR SESSION
MAY 31, 2000
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in regular session on this 31st day of May, 2000.

The meeting was called to order at 9:40 a.m.

Rick Burgess appeared before the Commission to register a complaint of the Fayette County Animal Shelter. Mr. Burgess presented several letter regarding the matter. The Commission informed Mr. Burgess they would check with the Dog Warden to see what happen.

Exonerations were approved and signed.

Commissioner Lopez made motion that Budget Revisions for the General County Fund and Coal Severance Fund for fiscal year 1999-2000 be made. Commissioner Witt seconded. All approved.

Ms. Holly informed the Commission she received draft architectural report for location of elevator in the courthouse from J. Dan Snead. Ms. Holly informed the Commission that Mr. Snead had talked with Judge Hatcher. Mr. Snead informed once he receive comments from the elected Officials he will finish up proposal.

Ms. Holly informed the Commission a letter had been sent requesting an extension of the Court Security Grant. Ms. Holly informed the Commission she received Grant Adjustment Notice today extending the grant period from June 30, 2000 to December 31, 2000.

The Commission approved Billy Horrocks and Glen Snyder to work part-time at a rate of \$10.00 per hour to make various building

improvements to the Prosecuting Attorney's Office and Family Law Master's Office in accordance with the Court Security Grant since the County did not receive any response from contractors for the work.

The Commissioners signed letter to the West Virginia Development Office requesting first drawdown for the Courthouse Handicapped Accessibility for reimbursement for contractual costs, amount \$4,600.00.

The Commissioners signed letters to the West Virginia Development Office requesting extension of the contract period for Community Partnership Grant #99-169 for the Courthouse Handicapped Accessibility Improvements, Grant #00-350 for the Fayette County Sheriff, Grant #00-349 for the Boomer Ballfield, Grant #00-358 for the Comprehensive Sewer Study, Grant #00-389 for the Weatherization Program, Grant #00-390 for the Marques de LaFayette Statue.

The Commissioners approved purchasing one Bronze Aluminum door and frame per bid for the Prosecuting Attorney's Office from Fayette Awning and Glass, Inc., cost \$2,200.00. This is to be paid out of the Court Security Grant.

The Commissioners approved for Billy Horrocks to meet with the Family Law Master to take measurements and get quotes for solid wooden doors and other improvements for the Family Law Master Office as approved in the Court Security Grant and as advised in the WV Supreme Court Security Audit. Ms. Holly advised that she had received verbal permission from Matt Edwards, landlord, to replace the doors and to make any other improvements to the building.

The Commissioners approved the bid from Advanced Alarm Technologies in the amount of \$12,235 to be paid from the Court Security Grant for multi-line digital receiver to serve as a

secondary receiver for the Courthouse duress alarm system to be installed in the 911 Center. Ms. Holly informed the Commission that since the 911 Center already had a personal computer, monitor and printer the original bid of \$12,000 had been reduced by \$1,440 but had added an additional 2-line increment at a cost of \$1,675.

The Commissioners approved and signed request to pay \$5,000 budget allotment for fiscal year 1999-2000 for the Fayette County Health Department.

Commissioner Lopez signed letter to the Gauneka Ruritan Club advising them that the Commission have approved an appropriation for Fiscal Year 2000-2001 in the amount of \$2,000. The Commissioners informed the funds would be available after July 1, 2000.

The Commissioners signed the Annual Renewal License to Operate the Fayette County Park.

The Commissioners received and reviewed letter from the Fayette County Solid Waste Authority asking that Larry Johnson be reappointed a member of the Authority. Order signed.

The Commissioners received and reviewed a letter from the Fayette County Health Department asking that John Frazier and John Eades be reappointed members of the Board.

Commissioner Lopez moved that John Frazier and John Eades be reappointed to serve as members of the Fayette County Health Department Board. Commissioner Witt seconded. All approved. Order signed.

The Commissioners signed Maintenance Support Agreement Renewal for the SCT PSAS2000 (Budgeting/Accounting and Payroll) from SCT.

The Commissioners approved changing two Part Time Communication Specialists to Full Time Communication Specialists effective June 1,

2000 to fill 1 vacant position and creating another full-time position for the Fayette County E-911 Center.

The Commissioners received and reviewed thank you letter from State Trooper R. C. Workman for allowing them to hold the Third Annual Baker/Wilson Benefit Basketball Tournament.

The Commissioners received and reviewed check in the amount of \$41,322.27 for the Emergency Telephone System Fee for the month of April, 2000.

The Commissioners received and reviewed letter from Sheriff Larry Dotson informing that effective May 16, 2000, Cora Cooper will be employed by the Fayette County Sheriff Department as a full time secretary, salary \$1,300 a month to be paid from the Tax Department General Fund.

The Commissioners received and reviewed letter from Sheriff Dotson informing that effective May 16, 2000, Michelle Holly, Kelly Epperly and Philip Young will be employed as part time help in the Sheriff Department at \$6.00 an hour.

Outstanding bills were approved.

The Commissioners received and reviewed letter from Jan Casto, Deputy Secretary of State informing that H. J. R. 30 which sets the proposal for an amendment to the Constitution of the State of West Virginia to be voted for at the November General Election.

The Commissioners received, reviewed and approved the requests from the White Oak Public Service District for the release of the \$5,000.00 allotment from the Fayette County Commission and for the \$15,000 from the Governor's Community Partnership Grant for a facilities plan.

The Commissioners received and reviewed a letter from the

Division of Highways informing that under the Recreational Trails Fund not enough applications for Motorized activities were received, therefore the application period for Motorized Applications only is being reopened until July 31, 2000. Copy forwarded to Dave Pollard, Community Resource Coordinator.

The Commissioners received and reviewed Workers' Compensation letters.

The Commissioners received and reviewed Fiscal Year 2001 Rate Detail Report and Rate Notification from the Workers' Compensation Division Office.

The Commissioners received/reviewed and approved requests from the West Virginia University Extension Office to purchase six two-way radios from the Education Supplies line item of the budget for 4-H Camp, to pay \$150.00 to each of the Camping Assistants and to purchase camp supplies. Mr. Witt directed that Motorola radios were to be purchased; approved.

At the Commission's last meeting the Commission was informed that PEIA elected not to increase premium rates but that the Managed Care plans would increase; the Commission asked Ms. Holly to find out how many employees are on the Managed Care Plans.

Ms. Holly informed the Commission that two employees are taking Care Link and informed the Commission that in the Fiscal Year Budget 2000-2001 they had allowed for a premium increase (\$22.00 family-\$2.50 single). The Commissioners informed they will pay the additional \$22.00 (family) and the \$2.50 (single) for these two employees on Care Link, July 1, 2000 as included in the budget, but any premium increase above this amount the employees would have to pay.

The Commissioners approved advanced payment to the West Virginia University Institute of Technology for the work study students at the WVU Extension Office.

Commissioner Lopez made motion to go into Executive Session to discuss a personnel matter regarding the offer of the position of Town Superintendent by the Town of Fayetteville to E-911 Director David Neal; Commissioner Witt seconded. Unanimous. Upon reconvening from Executive Session, the Commission voted to separate the duties and responsibilities of the E-911 Director from the control of the Director of the Office of Emergency Services and to be under the County Commission except under a state of emergency at which time the two departments will work together. Further, effective July 1, 2000, the Commission unanimously approved the salary of David Neal, E-911 Director, to be \$30,000 annually.

Tim Richardson, Zoning Officer and Dave Pollard, Community Resource Coordinator presented to the Commission for disposition: Z-481-00-1: Request of Charles E. Puckett, dba New River Pharmacy, Inc., owner, for a change in land classification from RR, Rural Agricultural and Rural Resident District to B-3 Highway Business District on pt. of .52 acres Turnpike, located on Sunday Road, off of Rt. 60, Midland Trail Scenic Highway, New Haven District.

Mr. Pollard informed the Commission that the Planning Commission recommended B-2 General Business District by a vote of 11-0.

Commissioner Witt made motion that this be approved as recommended by the Planning Commission. Commissioner Lopez seconded. Vote passed 3-0.

Z-482-00-1: Request of Muriel w. Salter, contract owner, for a change in land classification from RR, Agricultural and Rural

Residence District to B-2, General Business District on .42 acres, Surf. 42/Loop Creek, located at Robson, Rt. 61, Valley District.

Mr. Pollard informed the Commission that the Planning Commission recommended B-1 Neighborhood Business District by a vote of 12-0.

Commissioner Lopez made motion that this be approved as recommended by the Planning Commission. Commissioner Witt seconded. Vote passed 3-0.

Randall Boyd, Executive Director, Upper Kanawha Valley Economic Development Corporation, Inc. appeared before the Commission to request funds for Technology Park project for the Upper Kanawha Valley. Commissioner Lopez informed Mr. Boyd that \$5,000 has been approved for the fiscal year beginning July 1, 2000. Commissioner Lopez informed Mr. Boyd that through the negotiations by the Commission it is his understanding that the 4-C Economic Development Authority has agreed to funding in the amount of \$10,000 for the Technology Park project.

Greg Cottrill appeared before the Commission to request funding to establish the Upper Kanawha Valley YMCA. The Commission informed they would take the request under advisement.

The Commission approved to release check for the Legislative Digest Grant in the amount of \$9,771.00 to Minden Community Meeting Center. Ms. Holly informed the Commission that the first drawdown letter was sent to the West Virginia Development Office.

John David, Kathryn South, Vicki Smith appeared before the Commission to ask the Commission if they would sponsor a Small Cities Block Grant to construct a dormitory over the Southern Appalachian Labor of School building.

Commissioner Witt question if this would interfere with the

county applying for Small Cities Block Grants. The Commission asked Dave Pollard if this would interfere, Mr. Pollard informed no.

After a brief discussion the Commission agreed to sponsor the Small Cities Block Grant application.

Tammy Haynie with the Heritage Festival 2000 appeared before the Commission to request waiver of insurance requirement for use of the Courthouse lawn. Ms. Haynie informed the Commission that the only activity on Courthouse property would be the picnic and will not be using port-a-pots. All other activities had been moved to the Fayetteville Town Park. Commissioner Witt made motion to waive insurance requirement; Commissioner Lopez seconded. All approved.

Harold Bragg questioned the Commission of the status of the project to mark the County vehicles, why the Assessor takes a County vehicle home, and why the Sheriff was not required to reimburse the County for use of a County vehicle and phone. The Commission responded that the vehicles were being marked as they were brought in for service and stated that the Assessor had purchased several vehicles for his office with PVC funds which was not under the control of the Fayette County Commission; the Commission further stated that the Assessor had given the County for use by other departments vehicles no longer used by his office.

Rod Lang, Region 4 Planning and Development Council presented to the Commission a drawdown request for payment regarding the New Haven Public Service District Water System Extension project, amount \$78,888.00. Commissioner Witt moved to adopt Resolution, approved and authorized the payment of services. Commissioner Lopez seconded. Unanimous. Resolution signed.

Shirley Roberts, Mayor of Pax appeared before the Commission to

request funding for a blower for the Sewer Treatment Plant, amount \$1,700.00. Delegate John Pino was present and informed the Commission that he has written letters on behalf of Pax regarding funding for a blower. Commissioner Lopez informed Ms. Roberts that at this time the Commission has curtailed spending due to the shortage of Coal Severance money but would review the request after July 1 to see if funds were available.

Attorney Phil Tissue presented order to the Commission regarding the Estate of Emily I. Saplack. Order signed.

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

The Commissioners received and reviewed letters from the Prosecuting Attorney's Office and the Circuit Clerk's Office informing that their employees had received information on the Dental/Vision Plan from the West Virginia Association of Counties no one was interested in participating; County Clerk's Office informed that six of his seven employees expressed preliminary interest. Due to a lack of interest by employees, the Commission voted not to participate in the Dental/Vision Plan.

The Commissioners approved for Ms. Holly to advertise for a dictating system for the Prosecuting Attorney's Office and to advertise for a vehicle for Steve Cruikshank, OES Director.

The Commissioners received and reviewed Annual Reports from Tom Aiello, Assessor and Kelvin Holliday, County Clerk.

The Commissioners received and reviewed letter from Steptoe and Johnson regarding Roger & Petty Bryant lawsuit.

Invoices were approved for payment to vendors.

The Commissioners recessed for lunch at 12:04.

The Commission meeting reconvened.

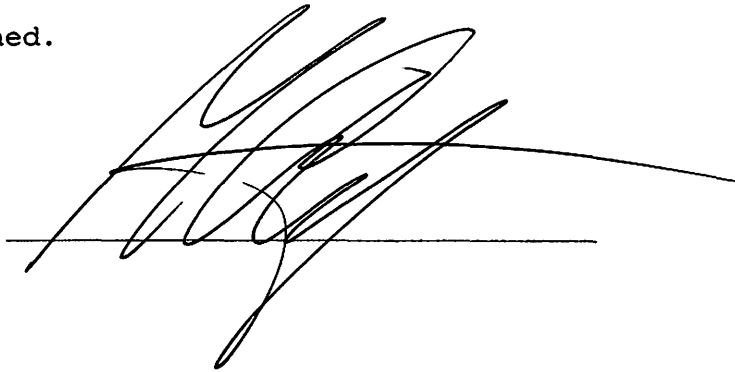
The Commission signed letter to the Upper Kanawha Valley Economic Development Corporation, Inc. informing the Commission has approved an allocation of \$5,000 for the fiscal year beginning July 1, 2000, and through negotiations by the Commission, 4-C Economic Development Authority had agreed to fund \$10,000 for the Technology Park project; the request for funding for a Upper Kanawha Valley YMCA was not approved due to a significant reduction in the Coal Severance Tax and other revenues received by the County.

John Lopez suggested that the Commission review the salary of David Neal in December for an additional increase to \$32,000 comparable to the offer by the Town of Fayetteville; agreed unanimously.

The Commission directed Ms. Holly to have Earl Pauley, Park Superintendent, present at the June 7 meeting with Patty Payne.

The Commission met with Libby Campbell, unsuccessful candidate for House of Delegates, Secretary of State Investigator Damon Sloan, Prosecuting Attorney Paul M. Blake, Circuit Clerk Thelma Kincaid, County Clerk Kelvin Holliday, Poll Workers from Precinct 60, and other interested parties, including other candidates for the House of Delegates, for the purpose of a question and answer session and of discussing the issues of why Precinct 60 was late being opened on Primary Election Day, May 9, 2000. The purpose of the meeting was not in Contest to the election; however, Prosecuting Attorney Paul Blake did verbally respond to the question of the Commission that the letter dated May 26, 2000, from Libby Campbell voicing her complaints regarding the Primary Election did not qualify as a Contest to the Election under West Virginia Statute. Although the meeting was

scheduled on May 24, 2000, by Jan Casto, Deputy of the Secretary of State's Office, for Mr. Sloan as a question and answer session, Mr. Sloan advised the Commission that he thought the purpose was as a Contest to the Election and that he did not have any questions that he wished to ask at this time but would conduct his investigation at a later date. After a brief discussion and comments by several persons, the meeting was adjourned.

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FAYETTE COUNTY COMMISSION
REGULAR SESSION
JUNE 7, 2000
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in regular session on this 6th day of June, 2000.

The meeting was called to order at 9:30 a.m.

Exonerations were approved and signed.

Commissioner Lopez made motion to go into Executive Session to discuss personnel problem. Commissioner Witt seconded.

Upon reconvening from the Executive Session, Commissioner Carte informed that David Neal, E911 Coordinator would be in charge of the 911 Center and he's to report to the Commission. Steve Cruikshank, OES Director is in charge of Emergency Services.

Ms. Holly informed the Commission that she received a call from Tom Woodrum informing that a part-time worker had been called to jury duty and wanted to know what to tell her about her pay and hours.

Ms. Holly told the Commission that she told Mr. Woodrum that since she is part-time she would only get paid for the hours worked.

The Commissioners received and signed oath and certificates for Personal and Real Property Land Books from the Assessor's Office.

The Commissioners signed contract for 2 Work Study students for the West Virginia University Extension Office. Invoice approved.

Bill Caudill, Chairman, Fayette County Beautification Committee appeared before the Commission to discuss Universal Garbage pick-up in the Fayette County area.

Commissioners Witt made motion to met with the Solid Waste Authority to discuss Universal Garbage pick-up. Commissioner Lopez seconded. All approved.

Commissioner Lopez made motion that Budget Revision for the General and Coal Severance Funds for fiscal year 1999-2000 be made. Commissioner Witt seconded. All approved.

Ms. Holly informed the Commissioners that they filed application with the Governor's Community Partnership grant to purchase and install fire hydrants in the Harlem Heights area. Ms. Holly informed the Commission that Resolution has been prepared authorizing Commissioner Carte, Jr. to execute agreement.

Commissioner Lopez made motion to adopt resolution. Commissioner Witt seconded. All approved.

The Commissioners signed letters to the West Virginia Public Service Commission and Secretary of State giving a list of the Public Service District, the current board members and the date term ends for each district.

The Commissioners signed letter to the West Virginia Department of Health and Human Resources certifying that Fayette County has budgeted \$5,000 for the fiscal year July 1, 2000-June 30, 2001 for local mental health services through the Fayette-Monroe-Raleigh-Summers Mental Health Council, Inc.

The Commissioners signed order reappointing Lawrence Boley a member of the Danese Public Service District, term expiring March 30, 2006.

Harold Bragg asked the Commission to investigate the allegations Elizabeth Campbell gave for dropping the complaint regarding the primary election (for the safety of my family). The Commissioners informed Mr. Bragg they would ask the Sheriff to investigate.

The Commissioners received a letter from Region 4 Planning and Development Council (1997-2002 Comprehensive Economic Development Strategy (CEDS) 2000 Annual Report) requesting they sign letter to

the U. S. Department of Commerce, Economic Development administration informing that Fayette County Commission is actively involved in the planning process of the Region 4 Planning and Development Council and that a separate document for the County is unnecessary. Letter signed.

The Commissioners received and reviewed Accident Reports of Rhonda Sizemore and Richard Pennington.

The Commissioners received and reviewed letter form Steptoe and Johnson regarding Roger Bryant lawsuit.

The Commissioners received and reviewed minutes from page-Kincaid Public Service District for the month of May.

The Commissioners received and reviewed thank you letter from Greg Cottril, President, Charleston Family YMCA thanking the Commission for allowing him to speak on the Upper Kanawha Valley YMCA project.

The Commissioners received and reviewed order from the Division of Highways ordering Rolling Meadow Road Pax, and Arbor Road, Lilly Road (Salem) to the Home Access Road Program (HARP).

The Commissioners received and reviewed order from the Division of Highways ordering Greyhound Lane (Smithers) to the State Local Service System.

The Commissioners received and reviewed letter from the Poll Workers at the Danese Elementary School Site.

The Commissioners approved purchase of copiers for the Road Office (\$4,77.00) and Tax Department (\$1,272.00). The Sheriff informed that half of the cost would come out of his budget the other half out of the Concealed Weapons account.

Ms. Holly reminded the Commissioners that they had approved doors for the Prosecuting Attorney's Office and the Family Law Master

Office out of the Court Security Grant. Ms. Holly informed the Commissioners that the door for the Prosecuting Attorney Office is ordered. Ms. Holly informed the Commissioners that Billy Horrocks had requested part time help.

The Commissioners received and reviewed letter from Mountain Transit Authority requesting that Galen Horrocks be reappointed to serve on the Board of Directors.

Ms. Holly informed the Commissioners she received a letter from The Hartford informing they will not be able to refund the deductible for personal items that was in Deputy Feltner vehicle. Ms. Holly told the Commissioners she had talked with Sheriff Larry Dotson regarding this matter.

The Commissioners approved for Charlotte Holly to attend the Annual NACo meeting in North Carolina.

Ms. Holly informed the Commissioners the County Commissioners' Association meeting is being held August 6-8 in Parkersburg.

The Commissioners received and reviewed letter from Oak Leaf Festival requesting a donation. The Commissioners asked that this be held until July 15, 2000 to see what carry over is left in budget.

The Commissioners received and reviewed letter from the Office of the Attorney General asking that they participate with TRAUD of West Virginia, Inc. project regarding helping senior citizens be aware of telemarketing frauds.

The Commissioner received and reviewed park and garage expenditures for the month of May.

Ms. Holly asked the Commissioners if Debbie Aliff, Payroll Clerk could prepare both payrolls for the month of June on June 15th. The Commissioners approved.

The Commissioners canceled July 5th County Commission meeting.

Outstanding bills were approved.

The Commissioners received and reviewed a letter from the County Commissioners' Association regarding selection of a West Virginia representative to the National Association of Counties Board (NACo).

The Commissioners signed letter to the West Virginia Development Office requesting an extension of the contract period for Community Partnership grant for the purchase and installation of fire hydrants in the Harlem Heights area.

The Commissioners received and reviewed a letter from Ruby Winebrenner, Council member for the Town of Gauley Bridge regarding funds for the Gauley Bridge Public Library. The Commission asked that this be held until July 15, 2000.

The Commissioners received and reviewed a letter from the national Center for Rural Law Enforcement informing they are in the process of establishing a centralized Strategic Information Technology Center, named PATHFINDER. Original forwarded to Sheriff Larry Dotson.

The Commissioners received and reviewed letter form the United States Environmental Protection Agency informing they are updating their mailing list. Original forwarded to Steve Cruikshank, OES Director.

The Commissioners received and reviewed letter from Sheriff Larry Dotson regarding line item Budget Revision.

The meeting was adjourned at 11:29 a.m. Next scheduled meeting is June 15, 2000.

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FAYETTE COUNTY COMMISSION
REGULAR SESSION
JUNE 15, 2000
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in regular session on this 15th day of June, 2000.

The meeting was called to order at 9:35 a.m.

Discussion was held regarding previous correspondence with the Board of Education sharing the cost (50/50) of a sound system for the Fayette County Memorial Building. The Commissioners asked that a letter be sent to informing the Board that based upon their preliminary proposals, they estimate that the cost for the Board will be approximately \$16,500.

The Commissioners informed they would have to advertise so let the Board know the cost may vary higher or lower depending on the bids received. Letter signed.

The Commissioners received and reviewed Workers' Compensation correspondence.

Payroll and outstanding bills were approved.

The Commissioners approved June 30th payroll for full time employees.

The Commissioner approved request from Kelvin Holliday, County Clerk to transfer \$849.00 from extra help line to county clerk record book line for fiscal year 1999-2000.

Commissioner Witt made motion to accept Kelvin Holliday, County Clerk request for record books for next fiscal year 2000-2001.

Commissioner Carte seconded. All approved.

The Commissioners received and reviewed letter from West Virginia Celebration 2000 asking the Commission to fly the WV Celebration 2000 flag on West Virginia Day (June 20, 2000).

The Commissioners received and reviewed letter from the Supreme Court of Appeals informing that video conferencing equipment is now available for installation in Fayette County, the equipment is also known as "ATM" (Asynchronous Transfer Mode) Equipment. The Commission suggested waiting until they are contacted by the Chief Judge of his opinion or decision.

The Commissioners approved preliminary draft from J. Dan Snead & Associates, Inc. for courthouse elevator to make the courthouse ADA accessible.

Ms. Holly informed the Commissioners that Larry Dotson, Sheriff had purchased copiers for the Road Office and Tax Department. Ms. Holly informed the Commissioners that these machines would be purchased from the current budget and out of the concealed weapon account.

After reviewing copies taken on back-up copier machine in the County Clerk's Office, the Commissioners denied Kelvin Holliday request to purchase a copier.

The Commissioners received/reviewed and accepted resignation of Cindy Bennett from the Fayette County Park due to personal reasons effective June 9, 2000.

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

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 May.

The Commissioners signed orders reappointing Michael Skaggs and Kathy Dunlap members to the Ames Heights Public Service District.

Commissioner Lopez made motion that subject to the approval of the State Auditor that Budget Revision #4 for the General County and the Coal Severance Funds for Fiscal Year 1999-2000 be approved. Commissioner Witt seconded. All approved.

The Commissioners signed order transferring \$12,582.00 from the Fayette County Worthless Check Fund to the General County Fund for reimbursement of previous expenditures.

The Commissioners signed order transferring the balance of \$73,072.34 from the Fayette County General School Fund to the Fayette County General Fund to defray the balance due said fund for the cost of care and feeding of misdemeanor prisoners incarcerated by Magistrates.

The Commissioners signed order pursuant to statute and Revised Rule 19 of the Administrative Rule for West Virginia Magistrate Courts to transfer the sum of \$49,047.18 for the Fiscal Year 1999-2000 from the Magistrate Court Fund to the Fayette County General Fund.

The Commissioners received and reviewed fax from the National Association of Counties asking the Commission to call their member of Congress and ask that they support the Sununu/Andrews Amendment to Interior Appropriations.

The Commissioners received and reviewed fax from the West Virginia Association of Counties regarding an editorial and asking the Commission their ideas on failing or failed small utilities.

Ms. Holly informed the Commission that Shirley Roberts, Mayor of Pax called to request funding for a police officer for the Town of

Pax and wanted to know if she needed to come in an make request. The Commission informed no need for her to come in, funds are not available.

Ms. Holly informed the Commission she talked with Pat Coley, American Family Life Assurance Company (AFLAC) associate regarding implementing a Section 125 Pre-Tax Cafeteria plan for employees. Ms. Holly informed the Commission that Mr. Coley would like to come in and present this new policy to the employees. The Commission asked Ms. Holly to tell Mr. Coley their not interested.

Sheriff Larry Dotson and Deputy Deanna Sexton appeared before the Commission to express their appreciation and thanks for funding of the D.A.R.E. Program. Ms. Sexton gave a brief summary of the program.

The Commissioners resigned letter to the West Virginia Development Office requesting and extension of the contract period for Community Partnership Grant #00-348 for the Gauneka Ruritans Building.

The Commissioners signed and resubmitted letter to the West Virginia Development Office requesting first drawdown for the Gauneka Ruritans's Building.

The Commissioners received and reviewed a letter from the West Virginia Association of Counties regarding the special report to the Joint Committee on Government and Finance on the Economic Impact of the Haden Decision in nine coal counties.

The Commissioners received and reviewed the list of Democrats and Republicans poll workers for Danese Precinct.

The Commissioners received and reviewed a letter from Paul Blake, Prosecuting Attorney informing that effective June 1, 2000

Neil Boden is hired as an Assistant prosecuting Attorney starting salary \$1,000 a month.

The Commissioners received and reviewed minutes from Page-Kincaid Public Service District for the month of May.

The Commissioners received and reviewed an order from the Division of Highways, ordering the addition of Shades of Death to the Home Access Road Program (HARP).

The Commissioners received and reviewed a letter from the Office of Emergency Services soliciting proposals from Cities or Counties who have expressed interest in being designated as the next Fiscal Year 2001 Project Impact Community. Copy forwarded to Steve Cruikshank, OES Director.

The Commissioners received and reviewed Accident Report of Deputy Charles Moses.

The Commissioners received and reviewed checks for grant #6000780 E911 Generator Gauley Tower Site (\$8,000), grant #00-388 Community Meeting Center (\$9,771), grant #00-351 White Oak Public Service District Facility Plan (\$15,000), grant #00-360 Upper Kanawha Valley Community Center (\$5,000).

The Commissioners received and reviewed notice announcing the availability of grant funds to support a Foster Grandparent Program. The Commission asked that this be forwarded to Dave Pollard, Community resource Coordinator.

The Commissioners informed Earl Pauley, Park Superintendent that the Commission approved on October 15, 1999 to hire Billy Bennett as a part time equipment operator at \$6.00 an hour. Mr. Pauley informed the Commission that he had made a mistake about the hourly rate and he talked with the payroll clerk she would make adjustments.

The Commissioners received and reviewed a letter from the West Virginia Development Office regarding extension of State/Local Agreement-Fiscal Year 1997 Small Cities Block Grant-Fayette County Commission-Water Extension Project #97SCBG0009. Copy forwarded to Rod Lang, Region 4 Planning and Development Council.

The Commissioners received and reviewed delinquent tax books from the Sheriff's Office.

The Commissioners received and reviewed Amended II Certificate of Valuation from the Assessor and County Clerk certifying the assessed value of the various classes of real estate, personal property and public utility property for the assessment year 1999.

Commissioner Lopez informed the Commission that he will not be attending the August 15th County Commission meeting.

The Commissioners signed contract and agreement for the Fayette County Board of Health for fiscal year 2000-2001.

The Commissioners approved invoices for the Weatherization Grant.

The Commissioners gave Harold Bragg a copy of Detective John Wriston's investigation of Libby Campbell's allegations.

The Commissioners received and reviewed a letter from The Hartford regarding claim #YAJAC00841 (Kelly Lynn Hogan).

Commissioner Lopez received Certificate of Recognition from the United Community Services, Inc.

The Commissioners received and reviewed Statement of Expenditures for the Fayette County Animal Control Center.

Patti Payne and members of C-PAC appeared before the Commission to voice their complaints about the animal shelter, asked about procedure for picking up dogs, procedure on when euthanizing the

animals, when shelter would be completed and asked the Commission when they were going to hire a shelter manager.

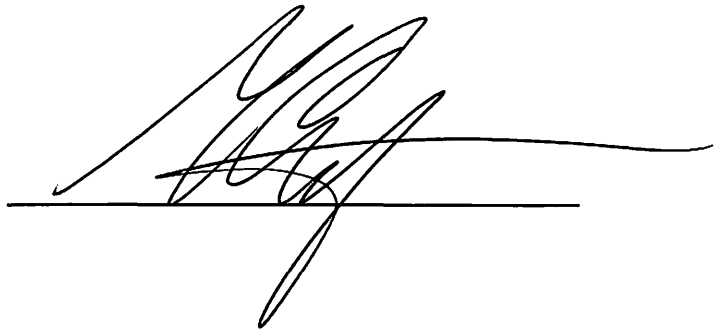
Earl Pauley was present and he presented report to the Commission from January, 2000 to May, 2000 on number of dogs and cats at shelter.

Mr. Pauley informed the Commission that the Cat Room would be ready July 15th.

Commissioner Witt asked Mr. Pauley if construction of the Animal Shelter would be completed before the fair. Mr. Pauley informed it would be ready.

Commissioner Witt informed the Commissioner that once the shelter is built Mr. Pauley to return to the Park as Park Superintendent. Commissioner made motion to advertise for a shelter manager. Commissioner Lopez seconded. All approved.

The meeting was adjourned at 12:00. Next scheduled meeting is June 28, 2000.

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

FAYETTE COUNTY COMMISSION
REGULAR SESSION
JUNE 28, 2000
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in regular session on this 28th day of June, 2000.

Commissioner Carte called meeting to order at 9:32 a.m.

Exonerations were approved and signed.

Commissioner Witt informed the Commission he had talked with Larry Coleman, Superintendent, Board of Education regarding their 50/50 share for the cost of a sound system at the Fayette County Memorial Building.

The Commissioners received and reviewed letter from the Fayette County Board of Education informing they will share in the purchase of a sound system for the Fayette County Memorial Building on a 50/50 basis.

Commissioner Witt moved to advertise for the sound system. Commission Lopez seconded. All approved.

Outstanding bills and payroll were approved. The Commissioners approved releasing the payroll today.

The Commissioners received and reviewed fax from Shirley Wortz informing she would like to contest the will of Andrew L. Alley. The Commissioners asked that this be forwarded to Paul Blake, Prosecuting Attorney to respond.

The Commissioners approved time clock for the County Clerk's Office.

Commissioner Lopez moved to designate and approve incorporated

banking institutions within the County to act as County depositories for the Fiscal Year beginning July 1, 2000 (Fayette County National Bank, One Valley Bank of Oak Hill, Bank of Mount Hope, Inc., United National Bank). Commissioner Witt seconded. All approved. Letter to banks named as trustees were signed.

The Commissioner signed Budget Statement for the ensuing Fiscal Year beginning July 1, 2000 through June 30, 2001 for the Commission employees.

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

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

The Commissioners signed letter to the West Virginia Development Office for the first drawdown, financial report and invoices for completion of the project for the Fayette County Weatherization Program.

The Commissioners signed order transferring \$2,800.00 from the Fayette County General Fund to the Fayette County Dog Tax Fund.

Ms. Holly informed the Commission that Tom Aiello, Assessor supplemental check for Dog Tax Collected was in with the bills, amount \$786.50.

The Commissioners signed order transferring \$46,891.78 from the Fayette County E-911 Fund to the General County Fund for reimbursement of previous expenditures for capital lease payments on October 27, 1999.

Commissioners Witt questioned why the Commission can't deputize someone to go out and collect dog taxes.

The Commissioners signed Fayette County Board of Health Contract

for Fiscal Year 2000-2001.

The Commissioners signed drawdown #4 for the Fayette County Comprehensive Plan Update (1998SCBG-98SCBG0063), amount \$2,842.45.

The Commissioners received and reviewed check in the amount of \$41,363.55 for the Emergency Telephone System Fee for the month of May, 2000.

The Commissioners received and reviewed check in the amount of \$62.29 for 911 Fees from Citizens Telecommunications Company for the month of May, 2000.

The Commissioners received and reviewed letter from Charter Communications informing that effective August 1, 2000 Wire Maintenance Service fee and Senior Citizens discount rate will increase.

The Commissioners received and reviewed thank you letter and request for contribution from the Town of Gauley Bridge thanking the Commission for their contribution for Fiscal Year 2000-2001.

The Commissioners received and reviewed letter from the Division of Highways asking the Commission to make available (to anyone who wishes to review) the list of Transportation Enhancement & Recreational Trails Fund projects for which applications were received, as well as a list of Federal Transit Administration (FTA) projects.

The Commissioners received and reviewed thank you letter from Yvonne Harp, Extension Agent.

The Commissioners received and reviewed Yearly Report of taxes collected in the Assessor's Office.

The Commissioners received and reviewed letters from Steptoe and Johnson regarding Roger & Peggy Bryant lawsuit.

Report from the Fayette County Health Department for the Fayette County Park.

The Commissioners received and reviewed a letter from Whitney, Bailey, Cox and Magnani, LLP requesting a copy of the past ten years of budgets that outline expenditures and revenue for Fayette County. Commissioner Lopez suggested asking the Prosecuting Attorney for opinion.

The Commissioners received and reviewed letter from the Kanawha County Commission informing they are filing a formal complaint against Mountain State Blue Cross Blue Shield and their affiliates as a result of their contracting efforts for Emergency Medical Services in Kanawha County.

The Commissioners received and reviewed letter from Region 4 Planning and Development Council informing they are requesting an extension on behalf of the Commission for the Fayette County Commission-New Haven Public Service District Water Extension Project, 1997 Small Cities Block Grant Project #97SCBG0009.

The Commissioners approved invoices for Debbie Berry to pay.

The Commissioners asked Ms. Holly to advertise for shelter manager using same advertisement as before.

Ms. Holly informed the Commission they needed to unlock the ballot room; Election System to pick up tabulator to repair, tabulator will be returned.

Ms. Holly informed the Commission that Earl Pauley, Dog Warden want to set up a website for the Animal Shelter. Commissioner Witt informed he's against a website. Commissioner Lopez suggested putting on back burner and have Mr. Pauley come in.

Tim Richardson, Zoning Officer presented to the Commission for

disposition: Z-483-00-2: Request of Songer Whitewater, contract owner, for a change in land classification, from RR, Agricultural and Rural Residence District/Planned Development, to B-2 General Business District on 104 acres, Dogwood Flats, located off Miller Ridge Road, 60/10 and Route 19, New Haven District.

Mr. Richardson informed the Commission that the Planning Commission did by a vote of 9-0 recommend that this 104 acres be reclassified to Planned development.

Len Hanger, Songer Whitewater presented presentation. Residence in attendance opposed project and presented to the Commission their petition against the project.

Commissioner Lopez questioned about the distance from residence and his plans. Mr. Hanger informed 300 feet buffer with tree plans are for cabins, tent camping, no plans for RV's.

Commissioner Witt questioned about Route 19 overlay, how many jobs the project will create, the noise concern of the residence, and the septic system. Mr. Hanger informed the Commission he had no problem with Route 19 overlay, the project right now have 60 employed an over the next 5 years a total of 85, septic system stated did approve plans. Mr. Hanger informed the Commission that he plan to correct noise concerns of the residence. Commissioner Lopez asked about distance of the building housing the music. Mr. Hanger informed that the building is 1,100 feet from adjoining property owners.

Letter from Harvey Ashley opposing the change was read.

Commissioner Lopez made motion to approve as recommended by the Planning Commission. Commissioner Witt seconded. Commissioner Carte opposed. Vote passed 2 - 1.

Larry Johnson, Chairman, Fayette County Solid Waste Authority appeared before the Commission to inform the Commission that the Authority is in favor of Universal Garbage System pick-up in Fayette County.

Discussion was held regarding rates and asking every household in the County to participate.

Bill Caudill informed the Commission he would work with the Authority and present a proposal to the Commission. The Commission asked the Authority to proceed.

Rod Lang, Region 4 Planning and Development Council presented to the Commission a drawdown request for payment regarding the New Haven Public Service District Water System Extension project, amount \$83,857.00. Commissioner Lopez moved to adopt Resolution, approved and authorized the payment of services. Commissioner Witt seconded. Unanimous. Resolution signed.

David Neal, E911 Director presented a proposal for the Meadow Bridge Tower. Commissioner Witt informed he had talked with Sheriff Larry Dotson and was told that several times they had lost communication. Commissioner Witt moved the purchase and installation of a repeater for Law Enforcement use in the Meadow Bridge area. Commissioner Lopez seconded. All approved.

The Commissioners approved upgrade to the Multi-Line Digital Receiver Unit, amount \$12,235.00.

Ms. Holly informed the Commissioners that the grant was for \$11,600 bid came in as \$12,000 can add 2 more lines for future expansion for \$1,675.00. The Commissioners approved, contract signed. The Commissioners asked Ms. Holly to have vendor send revised cover sheet to include additional line.

The Commissioners received and reviewed correspondence from the Worker's Compensation Division.

The Commissioners received and reviewed letter from the State Auditor's office informing that the In-Service Training Program for all County Commissioners will be held on August 6-8, 2000 at the Holiday Inn in Parkersburg and asked that if the Commission want to make a nomination for the Thelma J. Stone Award, nomination would have to be submitted to the Chief Inspector Division by Monday, July 28, 2000.

The Commissioners received and reviewed letter from the Appalachian Regional Commission (ARC) inviting the Commission to attend a town meeting in Ironton, Ohio on Wednesday, July 12 to help develop a new strategic program for distressed counties.

The Commissioners received and reviewed letter from the Coal Heritage Trail Association, Inc. informing that a meeting will be held Friday, June 30th at 10:00 a.m. at Tamarack.

The Commissioners received and reviewed letter from Lucent Technologies informing that a portion of Lucent Technologies have been sold to Expanets.

The Commissioners received and reviewed minutes and financial report from the Fayette County Solid Waste Authority for the month of May.

Ms. Holly informed the Commission that she had talked with Debbie Berry regarding the Commission meeting with the Fayette County Solid Waste Authority to discuss the Universal Garbage System. Ms. Holly informed the Commission that the Authority will hold a special meeting on July 10, 2000.

The Commissioners received and reviewed Water Bacteriological

The Commissioners approved for Charlotte Holly and Gene Carte to attend the Workers' Compensation Seminar being held Thursday, July 13, 2000.

Ms. Holly informed the Commission that according to her report that was printed out it shows no budget revision necessary, but asked the Commission to approve budget revision if one was needed before they met again.

The Commissioners received/reviewed and approved invoice from the Fayette County Board of Education for custodial service for the Primary Election, amount \$1,818.70.

The Commissioners received and reviewed Audit Report of the Fayette County Magistrate Court for the period ended December 31, 1998.

The Commissioners received and reviewed letter from Specialty Risk Service, Inc. for claim #YAJKAC0143.

The meeting was adjourned at 12:05. Next scheduled meeting is July 14, 2000.



FAYETTE COUNTY COMMISSION

REGULAR SESSION

JULY 14, 2000

COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in regular session on this 14th day of July, 2000.

The meeting was called to order.

Exonerations were approved and signed.

Commissioner Carte informed the Commission he received a call from Jeanette Roberts from the Town of Pax requesting emergency funding for sewer. Commissioner Lopez informed the Commission cannot continue funding their requests. Commissioner Witt suggested that they go to the State for assistance.

Commissioner Carte informed the Commissioners he received a call from Dorothy Foster inquiring about what's being done regarding her complaint of the Poll Workers at Danese. Ms. Holly informed the Commission she thought Kelvin Holliday, County Clerk was going to take care of as previously requested by the Commission. The Commissioners suggested waiting until next meeting to discuss.

Ms. Holly informed the Commission that applications for the Shelter Manager were due today at 10:00 a.m.

The Commissioners approved and signed Final Settlement from the County Clerk's Office.

Commissioner Lopez questioned about the equipment that was not bid on at the last auction. Commissioner Lopez informed the Commission that someone had inquired about purchasing equipment for parts since no one expressed an interest to buy. Ms. Holly informed

the Commission they would have to advertise and place out to bid.

Kelvin Holliday, County Clerk informed the Commission that the poll slips in Precinct 1 were left out and he needed the ballot room opened to retrieve. The Commissioners approved to unlock the ballot room.

Commissioner Witt informed the Commission that the jail is leaking and the Jail Museum Committee would like to request the Commission's permission to get a Cherry Picker to look at the roof at no cost to the Commission. The Commission approved request.

Commissioner Witt recommended reappointing Elmer Hess, Jr. and W. E. Bill McGraw members of the Fayette County New River Gorge Bridge Day Commission. Commissioner Witt made a motion to reappoint Elmer Hess, Jr. and W. E. Bill McGraw as members of the Fayette County New River Gorge Bridge Day Commission; Commissioner Lopez seconded. All approved. Orders signed.

Commissioner Lopez asked what the procedure was to report an abandoned building with snakes. Commissioner Lopez informed the Commission he had given the name of the property owners to Eddie Young, Deputy Clerk in the Assessor's Office.

Commissioner Witt informed the Commission that Harold Bragg has a complaint on a property owner.

Ms. Holly informed the Commission that both complaints should be reported to the Fayette County Beautification Committee.

The payroll was approved and released.

Ms. Holly informed the Commission that effective July 1, 2000 Lawrence Jenkins has returned to work at the park. The Commissioners approved his salary to be \$15,620.00 plus benefits from the General County Fund; letter signed. The Commissioners approved the three

days off per month that Mr. Jenkins would need for chemotherapy; Mr. Jenkins will be permitted to make up days on weekends for whenever he needed to make up days.

Ms. Holly asked the Commission to give permission to pay for the Sheriff's cruisers as follows: two from the Coal Severance Fund and two from the General County Fund. Ms. Holly informed the Commission that a Budget Revision would have to be done. Approved.

Commissioner Lopez made a motion that Budget Revisions for the General and Coal Severance Funds for Fiscal Year 2000-2001 be made; Commissioner Witt seconded. All approved.

Ms. Holly reported to the Commission that the fund balance of the Coal Severance carry over was \$102,489.25 and informed the Commission that she was waiting for other year end invoices and receipts for the General County Fund report. Ms. Holly reported that the June 30 park fees were down by \$20,000 and that the County had received the bond restructure refund and the reimbursement from the 911 Fund for the October, 1999 lease payment.

Ms. Holly informed the Commission that David Neal, E911 Coordinator and Larry Dotson, Sheriff will get together to discuss procedures to follow to respond to calls and procedures on how to answer calls for the Courthouse duress alarm system. Ms. Holly informed the Commission that the new digital receiver would have the capability for the 9-1-1 Center to monitor the Home Confinement system if the Sheriff approved.

Ms. Holly informed the Commission that the Sheriff had received a \$4,703.00 Local Law Enforcement Block Grant. Contract signed.

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

Ms. Holly informed the Commission that a voucher for the Sheriff's tax commission is included in today's invoices. Approved.

The Commissioners received and reviewed a letter from the Fayette County Library Board requesting that Randall Patterson and Felice Stark be reappointed as members of the Fayette County Library Board, term to expire June 30, 2005. Approved.

The Commissioners signed orders reappointing Felice Stark and Randall Patterson members of the Fayette County Library Board.

The Commissioners received and reviewed letter from the Fayette County Zoning Office requesting that James Painter, Sam D. Dorado, Jesse Bibb, Dianna Smallwood, and Ted Gray be reappointed as members of the Fayette County Planning Commission. The Commissioners signed orders reappointing James Painter, Sam D. Dorado, Jesse Bibb, Dianna Smallwood and Ted Gray to the Fayette County Planning Commission.

Commissioner Lopez asked the Commission if the Commission can authorize someone to enter streams and creeks to dredge. Ms. Holly informed she would check with either the Division of Environmental Protection or the Division of Natural Resources due to regulation changes the County had received from these agencies.

The Commissioners approved and signed Underground Injection Control Permit Application for Class V-septic for the Fayette County Park.

Ms. Holly informed the Commission that an invoice from Tom Malone (book binder) is included in today's bills for repair to books in the County Clerk's Office. Approved.

The Commissioners received and reviewed a request from Ruby Winebrenner, Gauley Bridge Council Member, requesting \$2,000 to pave the front lawn at the Gauley Bridge Public Library. Commissioner

Lopez made a motion to approve; Commissioner Witt seconded but asked that Ms. Winebrenner be informed by letter of the loss of revenue, especially Coal Severance Funds, and to inform her that the County will not be able to provide financial assistance in the future. All approved; letter signed.

The Commission asked that the Oak Leaf Festival request be tabled.

The Commissioners received and reviewed a request from Shirley Roberts, Mayor Town of Pax, for assistance for the purchase of a blower for the sewage treatment plant. After a brief discussion the Commission asked that Ms. Roberts be informed by letter that this would be a one-time only donation and the last request to be honored for the Town. The Commissioners approved \$1,700.00; letter signed.

The Commissioners received and reviewed applications for the shelter manager position. Ms. Holly reminded the Commission that money had not been budgeted for the salary and benefits. Commissioner Lopez made a motion to hire Peggy Bennett as Shelter Manager; Commissioner Witt seconded. Ms. Bennett will remain part-time at her current rate until the shelter is completed; after completion, Ms. Bennett will begin full-time effective October 1st, salary to be discussed later.

Commissioner Carte asked to be excused at 10:30 a.m. for a hearing.

David Darden, President, Raleigh General Hospital and Kevin McGraw appeared before the Commission to ask that the Commission send a letter of support for the hospital's certificate of need application to the West Virginia Health Care Authority for the establishment of open heart surgery services for Southern West

Virginia. Commissioner Lopez made a motion to approve a letter of support; Commissioner Witt seconded. Commissioner Carte absent. Letter to be prepared.

Ms. Holly informed the Commission that Christy Workman informed her that Judge Charles Vickers would like two telephone lines for the Magistrate Clerk to be used for the State Video Conferencing System.

Ms. Holly will check to see if DID lines could be used instead of private lines. Approved.

David Pollard held a public hearing on behalf of Region 4 Planning and Development Council to discuss the Small Cities Block Grant application for Southern Appalachian Labor School (SALS) for the expansion for a low income moderate housing dormitory.

Present were John David, Jackie Asbury, and Kathryn South.

Commissioner Witt questioned about the administrative fees; Mr. Pollard informed that these have not been determined yet. The Commissioners signed the Fair Housing Resolution and application. The public meeting was adjourned.

Commissioner Lopez informed John David that Mount Zion Baptist Church is looking for some playground equipment and asked Mr. David if he had any available. Mr. David informed he did not have any in his area.

Earl Pauley, Park Superintendent, appeared before the Commission. The Commission informed Mr. Pauley they approved Peggy Bennett as full-time Shelter Manager plus benefits effective October 1, 2000. The Commission informed Mr. Pauley that her salary would be determined then.

The Commissioners informed Mr. Pauley they approved for Lawrence Jenkins to work and take time off for chemo treatment as needed.

Commissioner Lopez suggested that rental of park shelters be paid in advance when making reservations.

Commissioner Witt made a motion that fees be paid in advance for rental of park shelters; Commissioner Lopez seconded. Approved.

Commissioner Lopez suggested that a standard form confirming reservations be prepared, to keep copies on file for one year, that shelters must be paid in advance with ten days to send money in, anyone that cancels a shelter will have to cancel at least 90 days prior to the date of rental, they would have to send written notice, if notice not written there will be no refund, and that 10 mph speed limit will be enforced. Approved.

Mr. Pauley informed the Commission that he had a water leak and to expect an increase in the water bill at the Park.

Chris Callas, Attorney with Jackson and Kelly, appeared before the Commission with order proposing the merger of Ames Public Service District with and into New Haven Public Service District. Mr. Callas reported that Paul Leshner and Kathy Dunlap members of the Ames Public Service District support the merger.

Mr. Callas asked the Commission if they would schedule the public hearing as soon as possible.

Commissioner Lopez made motion to schedule a special meeting on Thursday, August 3, 2000 at 10:30 a.m. for the Ames Public Service District merger with New Haven Public Service District; Commissioner Witt seconded. All approved. Mr. Callas stated that he would take care of preparing, advertising, and posting of the public notice.

The Commissioners approved for several 4-H Clubs to construct a stone clover at the Fayette County Park.

The Commissioners signed Zoning hearing minutes held on

Wednesday, May 31, 2000.

The Commissioners signed letter to the Supreme Court requesting reimbursement for rent for the Family Law Master Office in the amount of \$1,200.00 for the month of July, 2000.

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 that several minutes needed to be signed. The Commissioners approved for Commissioner Carte to sign.

The Commissioners received and reviewed several Accident Reports from Law Enforcement.

The Commissioners received and reviewed lawsuit, Michelle Lynn O'Dell v. Jack L. Brown.

The Commissioners received and reviewed Business Registration Certificate for the Fayette County Park. Original forwarded to Earl Pauley, Park Superintendent.

The Commissioners received and reviewed a complaint requesting that the spot lights around the Courthouse be covered. Commissioner Witt informed he would talk with Bob Massey, Maintenance Supervisor.

The Commissioners signed letter authorizing John Witt and Charlotte Holly's sleeping rooms, meals and parking fees be charged while they are attending the County Commissioners Annual In-Service meeting being held August 5-8, 2000.

The Commissioners received and reviewed letter from the West Virginia Development Office informing that an extension has been granted for Fiscal Year 1997 Small Cities Block Grant-Fayette County Commission Water Extension Project #97SCBG0009. Copy forwarded to

Dave Pollard, Community Resource Coordinator.

The Commissioners received and reviewed memorandum from the West Virginia Association of Counties regarding Regional Jails and Water Quality Rules.

The Commissioners received and reviewed letter from the Regional Jail and Correctional Facilities Authority informing of the inmate workforce program.

The Commissioners received and reviewed letter from David Neal, E911 Coordinator informing that Jennifer Zimmerman is selected as a Probationary Part-Time Communication Specialist, training will begin July 1, 2000 and Becky Toney and Jason Hager have completed their mandatory full-time probationary period and requesting their hourly pay rate be adjusted to the current full-time rate of \$7.83 (\$16,301 annual). Approved.

The Commissioners received and reviewed resume of Debora Lynn Pritt.

The Commissioner received and reviewed letter from Paul Blake, Prosecuting Attorney, to Shirley Wortz regarding petition to Contest the Will of Andrew Alley.

The Commissioners received and reviewed letter from Steptoe and Johnson regarding claim #YAJL0084 (Roger Bryant).

The Commissioners received and reviewed orders from the Division of Highways ordering the addition of Walnut Road (Scarbro), Chandelier Lane (Fayetteville) and Orchard Avenue (Charlton Heights) to the Home Access Roads Program (HARP).

The Commissioners received and reviewed July Interim Schedule for the Legislative Interim meetings from the County Commission Association of West Virginia.

The Commissioners received and reviewed letter from the West Virginia Development Office inviting the Commission to participate in the Main Street West Virginia Basics of Downtown Revitalization Application Workshop being held on September 8, 2000.

The Commissioners received and reviewed revised Project Impact Application schedule from the Office of Emergency Services. Original forwarded to Steve Cruikshank, OES Director.

The Commissioners received and reviewed information from the Secretary of State's Office regarding new Campaign Finance Rule, Auto Vote Law and Precinct Book Elimination.

The Commissioners received and reviewed Workers' Compensation claims.

The Commissioners received and reviewed letter from Ronald Jones, Lines Manager with Allegheny Power, informing that he will be relocating to Elkins, West Virginia due to the sale of West Virginia Power to Allegheny Power.

The Commissioners received and reviewed letter from the West Virginia Division of Environmental Protection reappointing Tim Hannah a member of the Fayette County Solid Waste Authority.

The Commissioners received and reviewed a check from the Public Service Commission in the amount of \$14,266.53 representing a disbursement of Wireless E-911 subscribers fees for the months of February, March, and April 2000.

The Commissioners received and reviewed a letter from Charter Communication informing that effective September 1, 2000 Digital Box rental fee will be adjusted from \$5.95 per month to \$6.95 per month.

Ms. Holly informed the Commission she received a call from Kelvin Holliday, County Clerk asking that she check to see if any

funds from last Fiscal Year are available. He would like to purchase shirts for his employees; the Commissioners voted no to the purchase of shirts.

The Commissioners received and reviewed Fayette County Park expenditures for the month of June.

The Commissioners received and reviewed safety recall to replace vehicles airbags control module. Original forwarded to Earl Pauley, Park Superintendent.

The Commissioners received and reviewed invoices for the confinement of inmates at the Southern Regional Jail for the City of Oak Hill, Town of Mount Hope, City of Smithers and the Town of Fayetteville for the month of June.

The Commissioners received and reviewed letter from the Humane Society of the United States informing she was impressed with the plans for the Animal Shelter.

The Commissioners received and reviewed a copy of the 1999 Annual Report from America's Promise-The Alliance for Youth.

The Commissioners received and reviewed from the Secretary of State Office Absentee Voting Brochures and the West Virginia Official Election Returns for the Primary Election.

The Commissioners signed Fire Levy Protection Agreement for the Danese Volunteer Fire Department for the period July 1, 2000 to June 30, 2001.

The Commissioners signed Pumper Replacement Agreement for Danese Volunteer Fire Department for the period July 1, 2000 to June 30, 2001.

The Commissioners rejected the bid from Chenoweth Ford, Inc. for a vehicle for Steve Cruikshank, OES Director. The Commissioners

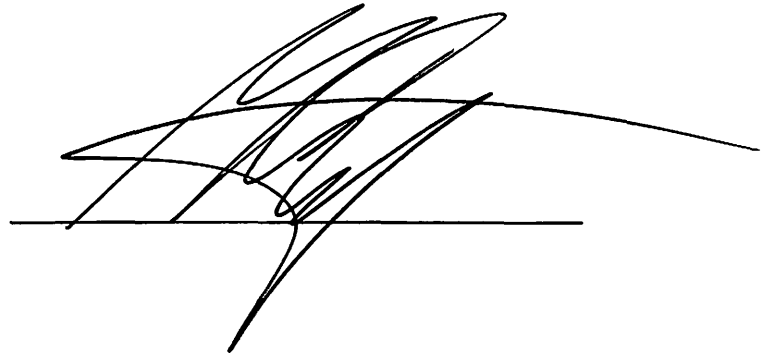
asked Ms. Holly to readvertise.

The Commissioners signed an Agreement between the Fayette County Commission and the Fayette County Board of Health and Donald C. Newell, Jr., D. O. for the period July 1, 2000 to June 30, 2001.

The Commissioners received and reviewed a letter from the U S Census 2000 informing they have completed the second phase of Census 2000.

The Commissioners approved a bid from Dictaphone Corporation in the amount of \$12,885.00 for the Prosecuting Attorney's Office new dictating system.

The meeting was adjourned. Next scheduled meeting is July 26, 2000.

A handwritten signature in black ink, consisting of several overlapping, fluid strokes, positioned above a horizontal line.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
JULY 26, 2000
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in regular session on this 26th day of July, 2000.

Commissioner Carte called meeting to order at 9:32 a.m.

Commissioner Lopez asked that a letter of apology be sent to the Handley Baptist Church regarding shelter rental at the Fayette County Park. Letter signed.

Commissioner Witt suggested writing letters to the Division of Highways and the Governor regarding the unsafe intersections on Route 19.

The Commissioners voted to cancel the August 15th Commission meeting.

Ms. Holly informed the Commission that bids on Steve Cruikshank, OES Director vehicle are scheduled for 10:30 a.m., August 3, 2000.

Ms. Holly presented to the Commission a copy of the trial balance for the fiscal year end; Ms. Holly informed the Commission that the vendor list has been prepared and part of the Financial Statement and information for the newspaper publication is complete. The Commission received and approved.

Ms. Holly informed the Commissioners that the Auditor is scheduled to come in tomorrow and arrangements have been made for her to work on third floor. The Commission approved.

The Commissioners signed letter to 4-C Economic Development Authority informing Matthew Wender has been reappointed to the 4-C

Economic Development Authority Board of Directors.

The Commissioners signed order appointing Keith Spangler, Chairman of the Bridge Day Commission.

The Commissioners received and reviewed letter from the State Auditor informing they will be conducting the Audit for the year ended June 30, 2000. Commissioner Carte signed agreement.

The Commissioners signed Fire Levy Protection Agreements for the Boomer Volunteer Fire Department, Meadow Bridge Volunteer Fire Department, Town of Fayetteville, Pax Volunteer Fire Department, Gauley Bridge Volunteer Fire Department, Armstrong Creek Volunteer Fire Department, Nuttall Volunteer Fire Department, Gauley River Volunteer Fire Department, Ansted Certified Fire Department, Loup Creek Volunteer Fire Department for the period July 1, 2000 to June 30, 2001.

The Commissioners signed Fire Levy Pumper Replacement Agreements for Meadow Bridge Volunteer Fire Department, Fayetteville Fire Department, Gauley Bridge Volunteer Fire Department, Armstrong Creek Volunteer Fire Department, Gauley River Volunteer Fire Department, Loup Creek Volunteer Fire Department for the period July 1, 2000 to June 30, 2001.

The Commissioners signed letter to the Raleigh General Hospital expressing their support for the certificate of need application to the West Virginia Health Care Authority for the establishment of open heart surgery services for Southern West Virginia.

The Commissioners signed letter to the Family Law Masters requesting reimbursement for rent in the amount of \$1,200.00 for the month of August.

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

Supreme Court informing that the landlord for the Family Law Master Office is requesting an increase in the monthly rent from \$1,200.00 to \$1,500.00. Discussion was held regarding the work that is to be done on the building for the court security grant. Commissioner Witt made motion to hold up work plans until decision of rent increase is made. Commissioner Lopez seconded.

Ms. Holly informed the Commission that a Law Enforcement cruiser was wrecked, Earl Pauley, Park Superintendent had vehicle fixed, ITT totaled the vehicle; Ms. Holly explained to the Commission that the Commission would have to sign title over to ITT, ITT would have this vehicle titled as salvage by the State of West Virginia and then assign the salvage title back to the Commission.

The Commissioners signed letter to the Town of Pax enclosing check in the amount of \$1,700.00 as a contribution for the purchase of a blower for the sewage treatment plant.

The Commissioners signed letter to the Town of Gauley Bridge enclosing check in the amount of \$2,000.00 as a contribution for improvements to the Gauley Bridge Library.

The Commissioners approved Fire Levy outstanding bills to be paid.

Ms. Holly informed the Commission that the digital receiver as a secondary receiver for the duress alarm system is to be installed at the 9-1-1 Center on the 31st, but prior to installation they would have to develop standard operating procedures to coordinate first response with the Sheriff's Office. Ms. Holly informed the Commission that a meeting with the Sheriff, Judges, and David Neal is scheduled for 1:15 p.m. tomorrow to talk about the procedures and about possibility of the Home Confinement Program being monitored

through the 911 Center. Ms. Holly informed the Commission that David Neal, E911 Coordinator called to asked whether one of the Commissioners could attend.

Ms. Holly informed the Commission that Thelma Kincaid, Circuit Clerk, noticed a new crack in the floor of her office. Ms. Holly informed the Commission that Bob Massey, Maintenance Supervisor informed he would monitor crack.

The Commissioners received and reviewed check in the amount of \$57.07 for E911 fees from Citizens Telecommunications Company for the month of June, 2000.

The Commissioners approved for Ms. Holly to attend Wage and Hour Law Seminar on August 8th.

Ms. Holly informed the Commissioners that the new Law Enforcement cruisers have been picked up.

The Commissioners received and reviewed Audit Report from the Ansted Certified Fire Department, Inc. for the year ended June 30, 1999.

The Commissioners received and reviewed Resume from Lisa A. Miller.

The Commissioners received and reviewed Fiscal Year 2001 allotment for the West Virginia Extension Office from the Fayette County Board of Education.

The Commissioners received and reviewed a letter from the West Virginia Development Office regarding the Governor's Community Partnership Grant Program for Fayette County Commission-Fire Hydrants (Harlem Heights).

Ms. Holly informed the Commissioners she is working on getting 2 lines for the Magistrate's Office for the Video Conferencing System

and informed the Commission that the courthouse telephone system was out of DID numbers; she contacted Bell Atlantic for 40 more DID numbers at a cost of approximately \$100 and contacted AT&T to program the 2 lines on the System 25.

The commissioners received and reviewed a letter from Bill Proudfoot, Delegate regarding the disturbance of the peace and its limitations, would like the Commission input on drafted legislation; copy forwarded to Sheriff Larry Dotson.

Rod Lang, Region 4 Planning and Development Council presented to the Commission a drawdown request for payment regarding the New Haven Public Service District Water System Extension project, amount \$55,700.63. Commissioner Lopez moved to adopt Resolution, approved and authorized the payment of services. Commissioner Witt seconded. Unanimous. Resolution signed.

The Commissioners received and reviewed the Annual Small Cities Block Grant Reporting Forms to report all Fair Housing Section 3 and Programs income activity for the July 1, 1999 to June 30, 2000 from the West Virginia Development Office.

The Commissioners received and reviewed notice from the Governor informing that a meeting is being held on August 22nd to discuss distress program anyone interested may attend.

The Commissioners received and reviewed letter from Stafford Consultants Incorporated informing of a Pre-Bid Conference scheduled for August 1, 2000 at 10:00 a.m. to discuss the New Haven Public Service District Waterline Extension Project.

Sheriff Larry Dotson appeared before the Commission with request to purchase a 1995 Chevy Caprice, cost \$9,500 (15,000 miles). Commissioner Witt questioned the mileage and suggested looking at the

vehicle first. Commissioner Carte informed the Sheriff they would take under advisement and get back with him.

The Commissioners received and reviewed an order from the Division of Highways ordering the addition of Roads in the Cannelton Area (Item 1-Ballpark Lane) and (Item 2-Megan Lane) to the State Local Service System.

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

The Commissioners received/reviewed and approved Shelter Rental Agreement Form from the Fayette County Park.

The Commissioners approved the lower purchase cost of a copier for the Fayette County Park. Ms. Holly informed the Commissioners she would check with American Office System to see if the State contract cost is lower.

The Commissioners received and reviewed applications for titles on new cruisers.

Ernest Cooper, John Cooper and Bonnie Cooper appeared before the Commission to request that Homer L. Cooper and Wilma S. Miller be removed as co-administrators of the Estate of Mamie Mae Cooper. Also present was Thomas Steele, Assistant Prosecuting Attorney.

The Commissioners asked the Coopers if they had notified the co-administrators of this hearing. Mr. Cooper informed no.

Tom Steele, Assistant Prosecuting Attorney suggested taking their complaints to Attorney Jamie Blankenship, Fiduciary Commissioner to get opinion.

Commissioner Witt moved to write letter to Attorney Jamie Blankenship requesting that he have the co-administrators make an

accounting of the various assets sold and the proceeds therefrom regarding this matter. Commissioner Lopez seconded. All approved.

The Commissioners received and reviewed letter from the West Virginia Association of Counties regarding potential savings in unemployment compensation premiums and workers compensation coverage.

The Commissioners received and reviewed letter from the Workers' Compensation Division.

The Commissioners received and reviewed letter from Steptoe and Johnson regarding the Roger & Peggy Bryant lawsuit.

The Commissioners approved request from Southern Appalachian Labor School for allocation of \$3,000 to the Beards Fork Community Center for Fiscal Year 2000-2001. The Commissioners held payment of the request for the \$15,000 for the Workcamp materials until the project period is closer in June, 2001.

The Commissioners received and reviewed letter from Sheriff Larry Dotson informing that a surplus of \$22,994.57 is in the Home Confinement Fund as of July 1, 2000. Ms. Holly informed the Commission that Sheriff Dotson would like to leave \$10,000 in the Home Confinement Fund and transfer the remainder to the General County Fund (\$12,994.57). Commissioner Witt asked about obtaining a report of the Home Confinement Program to see how it is working; he will talk to the Sheriff.

Ms. Holly informed the Commission that they had requested for her to check and see if the Fayette County 4-H was given a reduction in camp fee; Ms. Holly informed the Commission that she checked and they did not receive a reduction in their fee.

Joe Shelton and Mark Coleman with Network Technology Solutions, Inc. appeared before the Commission to discuss a new phone system for

the Courthouse.

Commissioner Witt informed Mr. Shelton that the service with Lucent Technology is good until December 21, 2001.

Mr. Shelton had Mark Coleman give a summary of what the company offers and what other counties they are servicing.

Commissioner Lopez informed they would be bidding on a new phone system next year and will contact Mr. Shelton as to when they will put bids out. Mr. Coleman informed the Commission they would review their proposal.

Outstanding bills and payroll were approved.

The Commissioners received and reviewed letter from Kelvin Holliday, County Clerk informing that he and the Circuit Clerk, Thelma Kincaid have arranged for the poll officials to vote absentee prior to their scheduled evening instructional classes at 6:00 p.m.

The Commissioners received and reviewed letter of appreciation from Kanawha County Commission for the Commission's response in the matter of Mountain State Blue Cross/Blue Shield contracting approach to the West Virginia Emergency Medical Service System.

The Commissioners received/reviewed and approved drawdown request for contribution of \$2,500 for Fiscal Year 2000-2001 from the Town of Gauley Bridge for the Senior Citizen Center.

The Commissioners received and reviewed the new absentee voting brochures from the Secretary of State Office.

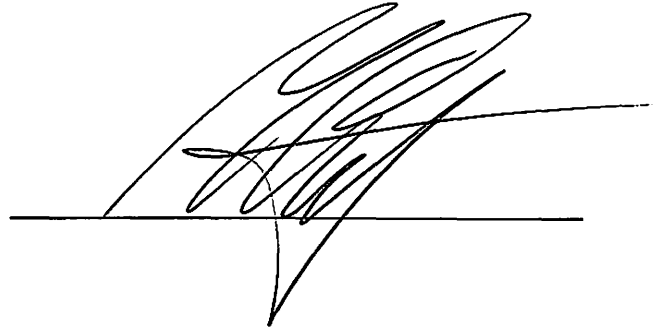
The Commissioners received and reviewed Budget Summarization Inquiry for the Coal Severance Fund and the General County Fund.

The Commissioners received and reviewed letter from Speciality Risk Services, Inc. regarding claim #YAJMD02060.

The Commissioners received and reviewed thank you card from Ruby

Winebrenner for their contribution to the Gauley Bridge Library.

The meeting was adjourned at 11:58 a.m. Next scheduled meeting is August 3, 2000.

A handwritten signature in black ink, written over a horizontal line. The signature is highly stylized and cursive, with several loops and a long horizontal stroke extending to the right.

FAYETTE COUNTY COMMISSION
SPECIAL SESSION
AUGUST 3, 2000
COURTHOUSE
FAYETTEVILLE, WV 25840
MEMBERS Present: John H. Lopez, John L. Witt

The Fayette County Commission met in special session on this 3rd day of August, 2000.

Commissioner Lopez called meeting to order at 10:30 a.m.

Chris Callas, Attorney with Jackson and Kelly appeared before the Commission to hold a public hearing on the proposed merger of Ames Public Service District with and into New Haven Public Service District. Present were Dave Pollard.

Mr. Callas informed the Commission that notice of this hearing was published in the Fayette Tribune, and posted in the required five locations.

The meeting was opened for public comment. No opposition.

Commissioner Witt made motion that the order merging Ames Public Service District with and into New Haven Public Service District be approved. Commissioner Lopez seconded. All approved. Order signed. The public hearing was adjourned.

The Commissioners received the resignation of Dickie Smith effective August 4, 2000.

The Commissioners signed letter to Kelvin Holliday, County Clerk informing that effective August 7, 2000, John Barnhart will start as full time janitor/maintenance employee at an annual salary \$13,200 plus benefits to be paid from the General County Fund.

Commissioner John Witt requested Ms. Holly to contact Keith Richardson to meet with him at 1:00 p.m., Tuesday, August 8, 2000.

The Commissioners received bids for the OES vehicle. Ms. Holly

informed the Commission she only received one bid and that was from Turnpike Ford in Huntington (\$27,012). Discussion was held as to why no local dealership had bid, Ms. Holly advised the Commission that she had mailed the bid request to all automobile dealers in the County. Commissioner Witt informed he would take a copy of notice to King Coal Chevrolet in Oak Hill and Commissioner Lopez informed he would take a copy to Brown Chevrolet in Montgomery. Commission extended the deadline for receiving bids until 10:00 a.m. on August 30, 2000.

Commissioner Witt requested approval to purchase a hand-held radio for Tim Hannah of the Fayette County Solid Waste Authority and the Beautification Committee. Approved.

Ms. Holly presented to the Commission an order designating the total number and type of election boards to be used in the various precincts for the Presidential General Election. Commissioner Witt moved to approve order. Commissioner Lopez seconded. All approved.

The Commissioner approved to open ballot room for Kelvin Holliday, County Clerk on August 9, 2000.

Ms. Holly informed the Commission that Winifred Andrews had scheduled an appointment on August 9th with the Commission to contest residency decision by the County Clerk regarding Gene Hogan being appointed Mayor of the Town of Gauley Bridge. The Commission asked Ms. Holly to inform the Prosecuting Attorney of this hearing and ask if someone from his office would attend.

The Commissioners received and reviewed a letter from Deputy James Sizemore requesting their local match of this year's Local Law Enforcement Block Grant (\$523.00). The Commissioners approved.

Ms. Holly informed the Commission of the amount of money in the

Coal Severance Fund (\$24,000) and informed the Commission that she had received the invoice for the Dictaphone System in the Prosecuting Attorney Office (\$12,369). Ms. Holly asked the Commission that since they had allocated Coal Severance money to outside agencies, would the Commission approve holding the allotment for 4-C Economic Development Authority until the next Coal Severance allotment is received in October and pay Dictaphone from the Coal Severance Fund or pay Dictaphone from the General Fund and release the 4-C allotment. The Commission approved to hold 4-C first quarter allotment until October.

The Commissioners reviewed the account balances of the Solid Waste Authority.

The Commissioners discussed requesting the Fayette County Solid Waste Authority to pay the insurance and the lease from the Authority's funds for Fiscal Year 2001.

Ms. Holly informed the Commission she had talked with John David regarding his request for \$15,000 for the June, 2001 Workcamp materials. The Commission asked Ms. Holly to hold request until project time period is closer.

The Commissioners received and reviewed Workers' Compensation updates.

The Commissioners signed order reappointing Earnest "Pete" Johnson a member of the Salem-Gatewood Public Service District.

The Commissioners received and reviewed check in the amount of \$41,289.71 for the Emergency Telephone System Fee for the month of June, 2000.

The Commissioners received and reviewed the amended 2001 Levy Estimate values form Tom Aiello, Assessor.

The Commissioners received and reviewed Park expenditures as of July, 2000.

The Commissioners received and reviewed letters from the State Tax Department informing the Commission of errors in mineral values of taxpayers.

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

The Commissioners received and reviewed letter from ITT Specialty Risk Services, Inc. regarding Claim #YAJ MD 02060.

The Commissioners received and reviewed letter from The Hartford regarding Claim #YAJ AC 00841 (YAJ AP 00840).

The Commissioners received and reviewed letter from the West Virginia Housing Development Fund regarding request for proposals. Original forwarded to Dave Pollard, Community Resource Coordinator.

The Commissioners received and reviewed newspaper clipping from the County Commission Association of West Virginia regarding SB415 strip club law.

The Commissioners received and reviewed letter from the West Virginia Development office acknowledging receipt of the Small Cities Block Grant application for the Southern Appalachian Labor School, request (\$150,000).

The Commissioners received and reviewed letter from the Public Service Commission regarding Carolyn Trent request for a water extension on Paint Creek and Plum Orchard Road. Copy forwarded to Dave Pollard, Community Resource Coordinator.

The Commissioners received and reviewed letter from the West Virginia Development Office approving extension of the New Haven Water Service project.

The Commissioners received and reviewed correspondence from Steptoe and Johnson regarding Roger and Peggy Bryant lawsuit.

The Commissioners received and reviewed letter from the Division of Highways requesting that the Commission make available for review and comments a list of projects being funded with the Federal Highway Administration (FHWA).

The Commissioners received and reviewed letter from the Supreme Court of Appeals giving permission to use direct incoming dial (DID) lines on the telephone and fax to be used in conjunction with the video conference project that is being established in the Fayette County Magistrate Court.

The Commissioners received and reviewed fax from the Upper Kanawha Valley Economic Corporation inviting the Commission to attend the hearing on the anti-degradation policy of the Clear Water Act.

The Commissioners received and reviewed from the Division of Criminal Justice Service the Fayette County Commission signed and finalized Fiscal year 1999 Local Law Enforcement Block Grant Contract.

The Commissioners received and reviewed letter from the Division of Criminal Justice Services approving funding in the amount of \$4,703.00 for the Local Law Enforcement Block grant Program, project #99-LL-06.


The Commissioners received and reviewed from the Office of Justice Program grant adjustment notice for Grant #96-LB-VX-3839. Copy forwarded to Everette Steele, Chief Deputy.

The Commissioners received and reviewed copy of a notice from Attorney James Blankenship to Wilma Sue Miller and Home Lewis Cooper, Co-Administrators regarding the Estate of Mamie Mae Cooper.

The Commissioners received and reviewed fax from the Secretary of State Office with update of election information.

Invoices were reviewed and approved.

The meeting was adjourned at 11:45 a.m. Next scheduled meeting is August 9, 2000.



A handwritten signature in black ink is written over a horizontal line. The signature is highly stylized and cursive, consisting of several overlapping loops and strokes.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
AUGUST 9, 2000
COURTHOUSE
FAYETTEVILLE, WV 25840
MEMBERS Present: John H. Lopez, John L. Witt

The Fayette County Commission met in regular session on this 9th day of August, 2000.

Commissioner Carte called meeting to order at 9:34 a.m.

Exonerations were approved and signed.

The Commissioners received and reviewed letter from Mr. & Mrs. Randall K. Morris requesting a credit on their taxes. Ms. Holly informed the Commission she forwarded a copy of the letter to the Assessor's Office for them to review.

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

Gene Hogan, Mayor for the Town of Gauley Bridge appeared before the Commission to request funding for a truck, cost \$9,000.

Mr. Hogan informed the Commission they have applied for funding to the Governor but would like for the Commission to pay half of the cost (\$4,500). The Commission informed Mr. Hogan they would research and let him know something by the 30th. No decision made.

Outstanding bills and payroll were approved. Payroll to be released on August 15, 2000.

The Commissioners received and reviewed resignation from Bob Massey, Maintenance Supervisor, effective August 30, 2000.

The Commissioners opened bids for the Memorial Building Sound System from Electronic Specialty Company (\$19,640.75) and Custom Electronic and Communications (\$29,644.00). The bids were accepted. Mr. Witt stated that he would check over bids to see that both

vendors meet specifications and to determine the reason for the price variance. Deferred decision pending review.

The Commissioners signed Sales Tax Report for the month of July, 2000 for the Fayette County Park.

Ms. Holly presented to the Commission for Dave Pollard, Community Resource Coordinator a drawdown request for payment regarding the Comprehensive Plan Update, amount \$2,993.44. Commissioner Witt moved to adopt Resolution, approved and authorized the payment of services. Commissioner Carte seconded. Unanimous. Resolution signed.

The Commissioners signed Comprehensive Plan Update Program Income Revenue Report.

The Commissioners received and reviewed order, order the additions of Streets in the town of Pax-Mill Stone Circle, Brookside Lane, Rosewood Circle, Rockcliff Drive, Circle View Drive/Willow Lane, Church Street/Circle View Drive, Maple Lane, Emerald Place and Center Street to the State Local Service System.

The Commissioners approved invoice from C-PAC for the month of July, amount \$755.50.

The Commissioners received/reviewed and approved request from the Beards Fork Community Center for contribution for Fiscal Year 2000-2001.

The Commissioners received and reviewed letter from Charter Communications informing that effective September 1, 2000 they will no longer be carrying WCHS and WVAH as part of their programming.

The Commissioners received and reviewed Workers' Compensation letters.

The Commissioners received and reviewed letter from Steptoe and

Johnson regarding the Roger and Peggy Bryant lawsuit.

The Commissioners received and reviewed from the Workers' Compensation Division the Employer Loss Activity Statement for the period July 1, 1996 to June 30, 2000.

Ms. Holly informed the Commission that she would call the Supreme Court of Appeals today to get report on the status of the request for the rental increase for the Family Law Master Office.

The Commissioners signed letter to Governor Cecil Underwood and the Division of Highways requesting they take immediate action to plan, approve and construct the major improvements needed along U S Route 19, especially the intersections, in an effort to reduce the number and seriousness of accidents of this major highway.

Winifred Andrews appeared before the Commission to contest the residency decision by Kelvin Holliday, County Clerk regarding Gene Hogan, Mayor of the Town of Gauley Bridge. Also present were the County, Prosecuting Attorney and Nora Bostic.

Paul Blake, Prosecuting Attorney informed the Commission he had reviewed the information from the County Clerk and according to the statute provided under the WV Code 3-2-17, the decision by the County Clerk is correct.

Ms. Andrew informed the Commission and the Prosecuting Attorney that her challenge was that according to the Town of Gauley Bridge By-laws you have to be a resident of the Town for 30 days before running for office. Ms. Andrew informed the Commission that Mr. Hogan changed address on June 23, 2000.

Mr. Blake informed that this was a different matter and asked the Commission if they wanted him to check into. The Commission asked Mr. Blake to check and get back with them.

Ms. Holly informed the Commission she talked with Melissa Crawford with the Supreme Court of Appeals and they approved the increase in rent to \$1,500.00 for Family Law Master building. Ms. Holly informed the Commission that she would ask the Prosecuting Attorney to prepare an addendum to the lease with Matt Edwards, Landlord. Approved.

Attorney Belinda Morton appeared before the Commission to contest the will of the Estate of Lula Craze. Attorney James Blankenship was in opposition of the petition.

Mr. Blankenship informed the Commission that this hearing according to WV Code 41-5-7 should have been presented in the Circuit Clerk's Office.

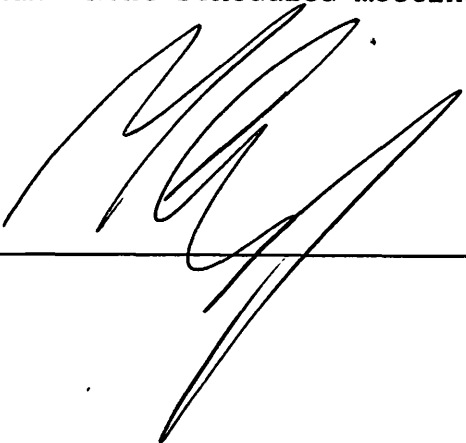
After a brief discussion it was decided that the Petition should be filed in the Circuit Clerk's Office. Hearing adjourned.

The Commission approved mobile radio for Tim Hannah and Larry Parsons.

The Commissioners received and reviewed from Kelvin Holliday, County Clerk, Judy Hess request to use sick leave.

Harold Bragg questioned about the Assessor and the Fayette County Health Department Director taking county vehicles home. Mr. Bragg asked the Commission to adopt a policy regarding the use of county vehicles. The Commission told Mr. Bragg they would review further on August 30, 2000.

The meeting was adjourned at 11:30 a.m. Next scheduled meeting is August 30, 2000.



FAYETTE COUNTY COMMISSION
REGULAR SESSION
AUGUST 30, 2000
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in regular session on this 30th day of August, 2000.

The meeting was called to order at 9:31 a.m.

Exonerations were approved and signed.

Tom Aiello, Assessor informed the Commission that during the Board of Equalization and Review hearings they had pre-approved for the State Tax Department to make corrections of any mineral changes. Ms. Holly asked Mr. Aiello if this was the reason the Commission was receiving so many letters from the State Tax Department on minerals. Mr. Aiello answered yes.

Mr. Aiello informed the Commission that he had talked with Commissioner Lopez and Commissioner Witt about hiring Keith Richardson from the PVC Fund as a full-time employee to be a data collector, issue zoning permits and do carpentry work if needed. Mr. Aiello asked the Commission if they would pay Mr. Richardson's fringe benefits on a temporary basis until he can submit a new PVC budget. Commissioner Lopez moved for the County Commission to pick up Keith Richardson's fringe benefits on a temporary basis; Commissioner Carte seconded. Commissioner Witt informed as long as it was temporary, he would go along with it. Approved.

The Commissioners signed order that subject to the approval of the Assessor, Randall K. and Kelly Morris be afforded tax relief for tax year 1998 in the total amount of \$492.71 in the form of a credit against taxes owing for the following year or years with said tax

relief being spread over the year or years until debt is paid.

The Commissioners signed letter to Senator Robert C. Byrd expressing their support for the proposed Pressley Ridge project along U. S. Route 19.

Gene Hogan, Mayor Town of Gauley Bridge appeared before the Commission to discuss getting a cruiser for the Town. Commissioner Witt informed he had talked with Everette Steele, Chief Deputy and was informed that they had two or three cruisers they could pick from.

Mr. Hogan again asked the Commission if they would help with the purchase of a dump truck for the town of Gauley Bridge, cost \$4,500.00. Mr. Hogan informed the Commission that a private donation of \$1,000 was made toward the purchase leaving a balance for the Commission of \$3,500.00.

Commissioner Lopez informed Mr. Hogan that the Fayette County Commission had sent a letter on July 14, 2000 to the Town of Gauley Bridge and that he had talked with Ruby Winebrenner explaining that the County had curtailed spending due to the significant losses of revenue, especially Coal Severance Funds.

Commissioner Witt moved to waive the fee for the cruiser for the Town of Gauley Bridge; Commissioner Lopez seconded. The Commissioners approved and signed the title for a 1992 Chevrolet Caprice VIN#1G1BL5371NR148322 over to the Town of Gauley Bridge.

Ms. Holly advised the Commission that the current balance of the Coal Severance Fund was-\$216.94; however she reminded the Commission that they were holding the first quarter 4-C allotment check in the amount of \$12,587.40 until the October Coal Severance allotment is received.

Commissioner Lopez asked Carl Harris about the status of the Mountain Laurel Bankruptcy settlement; Carl stated that he did not think the County would receive any funds from the settlement.

Commissioner Lopez reminded the Commission that West Virginia Water had not paid the agreed \$15,000 to the County in lieu of the 1/2% bond issuance fee.

Commissioner Lopez informed Mr. Hogan that the Commission is in no position to make a commitment today on the dump truck.

The Commissioners decided to table the Winfred Andrews' complaint for the time being.

Carl Harris, Assistant Prosecuting Attorney introduced the new Assistant Prosecuting Attorney Neil Boden to the Commission.

The Commission approved to pay an invoice from Plateau Printing for signs for the Fayette County Beautification Committee, amount \$275.00.

The Commissioners received and reviewed letter from the Women's Resource Center requesting funding for fiscal year 2001. Ms. Holly informed the Commission that the Women's Resource Center did not submit a request for funding for fiscal year 2001, and the Commissioners did not allocate funds to the Center. Commissioner Carte suggested that a letter be sent informing that the Commission had reduced funding to outside agencies, and we are not able to provide financial assistance at this time. Letter signed.

The Commissioners signed letter to Tom Aiello informing that the Auditor are currently auditing the financial statements for the year ended June 30, 2000 and asking the Assessor to confirm to the Auditor all major taxpayers, whose assessed value equals 10% or more of total assessed based.

The Commissioners signed Fire Levy Protection Agreements for Montgomery Volunteer Fire Department and Mount Hope Volunteer Fire Department for the period July 1, 2000 to June 30, 2001.

The Commissioners signed Fire Levy Pumper Replacement Agreement for Mount Hope Volunteer Fire Department for the period July 1, 2000 to June 30, 2001.

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

The Commissioners approved minutes for August 3 and August 9, 2000.

The Commissioners approved to send a letter to the Fayette County Solid Waste Authority informing that based on their review of the recent Solid Waste Authority financial report and minutes, the Commission requests that the annual lease payment for the landfill at Cunard be paid by the Fayette County Solid Waste Authority for Fiscal Year 2001 from the funds that are currently available in their account. Letter signed.

The Commissioners signed letter to Barbara Baxter, Director, Family Law Masters requesting reimbursement for rent in the amount of \$1,500.00 for the month of September, 2000.

The Commissioners signed letter to K. L. Grigsby, Superintendent Norfolk Southern, informing of the several complaints they received from residents of Boomer of trains blocking railroad track crossings; the Commission requested that he investigate these complaints and enforce any regulations applicable to alleviate the blocking of the crossings for such extended periods.

Charles Jones, George Manahan and Bryant Belcher appeared before

the Commission to request that the Commission send a letter of support for their master plan for the Yeager Airport. Letter signed.

Ancil Schmidt, West Virginia University Extension Agent introduced Patty Cook, the new West Virginia University Extension Agent, to the Commission.

The Commissioners signed letters to the Radisson Hotel and Lakeview Resort giving authorization to have Larry Dotson, Tom Woodrum, Jan Neal, Paula Sutphin, Paul Blake, Jr., and Carl Harris sleeping rooms, meals, room guarantees and parking fees charged while they are attending the Annual In-Service Training Seminar for Sheriffs and Tax Deputies and the Prosecuting Attorney's Institute Fall Training Seminar.

Outstanding bills and payroll were approved.

The Commissioners signed Supplemental Application for uninsured and underinsured motorists coverage from Jim Lively Insurance (PENCO).

Ms. Holly informed the Commission she received Salvage Certificate from Specialty Risk Services on 1992 Chevrolet VIN#1G1BL5379NR143286; Ms. Holly told the Commission that this is the car that the insurance had totaled and Earl Pauley, Park Superintendent had repaired. Ms. Holly told the Commission that Mr. Pauley would have to apply for a Reconstruction Title.

The Commissioners received and reviewed park and garage expenditures as of August 29, 2000.

Ms. Holly informed the Commission that the Democrat Executive Committee is scheduled to meet on September 5, 2000 at 6:00 p.m. in the County Commission meeting room.

Ms. Holly presented the Commission the Financial Statement for

the Fiscal Year ended June 30, 2000 and informed the Commission that it had been submitted to the Office of the Chief Inspector, State Auditor's Office.

The Commissioners received and reviewed two accident reports. Copies were submitted to the County's insurance agent for processing.

The Commissioners received and reviewed a letter from the West Virginia Development Office giving a summary of projects to be considered for funding from the Governor's Community Partnership Program during Fiscal Year 2001 Legislative Digest.

The Commissioners received and reviewed letter from the West Virginia Development Office giving a summary of projects to be considered for funding from the Local Economic Development Assistance Program during Fiscal Year 2001 Legislative Digest.

The Commissioners informed that several project names listed were not for the Fayette County Commission and asked Ms. Holly to inform the West Virginia Development Office of this. Letter signed.

The Commissioners approved request of Thelma Kincaid, Circuit Clerk to hire a part-time employee to help with the General Election, effective September 1, 2000.

The Commissioners received and reviewed invitation from the City of Montgomery, inviting the Commission to attend the dedication of the Montgomery Firing Range, ceremony to take place on Thursday, September 14, 2000 at 11:00 a.m.

Paul Hutchinson and Pat Coley with AFLAC appeared before the Commission to ask if the County would be interested in adopting a Section 125 Plan for the employees. The Commission advised Mr. Hutchinson that the Commission had considered and rejected the 125 Plan on June 15, 2000 and that they were not interested in adopting

the Section 125 Plan at this time; however they approved for Mr. Coley to set up a time with Ms. Holly to talk with the employees about the new Dental Plan option and to update other optional coverage.

Rod Lang, Region 4 Planning and Development Council presented to the Commission a drawdown request for payment regarding the New Haven Public Service District Water System Extension project, amount \$149,507.96. Commissioner Lopez moved to adopt the Resolution and approve and authorize the payment of services; Commissioner Witt seconded. Unanimous. Resolution signed.

Peter Minter with the United States Department of Housing and Urban Development (HUD) appeared before the Commission to inform them of the Implementation of the new \$1 Home Sales to Local Governments Program. Mr. Minter asked the Commission if they would participate in the program. The property is located on Route 41, Maplewood, West Virginia. Mr. Minter informed the Commission that the goal and objective for purchasing this property is to repair property and sell to a low income eligible family through partnership with Southern Appalachian Labor School; this will enable a low income family to achieve home ownership assistance. Mr. Minter stated that the County would have no cost but the Commission would have a reporting requirement in June, 2001.

The Commissioners signed letter to Michaelson, Connor, Boul, Inc. informing they intend to purchase for \$1.00 the property located at Route 41, Maplewood, West Virginia under Housing and Urban Development's Good Neighbor Program; approved and signed Addendum to Sales Contract.

Earl Pauley, Park Superintendent appeared before the Commission

to give an update of the events that will take place at the Park.

Mr. Pauley asked the Commission if they would approve for Shonda Treadway to work 4 week days and Saturday taking calls and adopting pets on Saturday. The Commission approved.

Mr. Pauley informed the Commission that they had to close the pool on Thursday August 24 because of rain and August 25 because of no lifeguards. The Commission approved of the closings.

The Commissioners approved internet for the Animal Control Center, Tim Richardson, and Charlotte Holly.

The Commissioners approved nine part-time employees for the Fayette County Park if needed until January 1, 2001.

Mr. Pauley asked the Commission if they were going to get natural gas for the Park. Commissioner Witt will contact Mark Lokant with West Virginia Power regarding this matter.

The Commissioners received and reviewed bid from Rick Myles for wash room for the Fayette County Animal Control Center. The Commissioners approved up to \$15,000 for wash room (labor and materials); the county will supply the material.

The Commission approved that part-time Park employees Lucille Redden and Athylene Grimmatt be assigned to the Courthouse for one month starting August 31.

Discussion was held regarding elected officials taking county-owned vehicles home. Ms. Holly informed the Commission that she had called several surrounding counties, and none have a written policy. Commissioner Carte informed he was not interested in developing a policy.

Commissioner Lopez moved that an Elected Official can take a County vehicle home if such vehicle is available and at his disposal;

Commissioner Carte seconded. Commissioner Witt opposed and stated he did not think it was in the best interest of the County. Vote 2 aye, 1 nay.

Discussion was held regarding the doors for the Family Law Master Office. Ms. Holly informed the Commission that the Supreme Court had recommended in their September, 1996 security audit to replace all of the interior doors with solid wood or metal doors and deadbolt locks and had approved Court Security Grant funds for this purpose. Ms. Holly advised the Commissioners that in talking with the Family Law Master and staff they think there are other things that would improve security more than to replace the doors.

The Commissioners asked Ms. Holly to have Janet Steele write a letter to the Commission with recommendations for security improvements as a basis for requesting a grant revision with the Supreme Court.

The Commission agreed to wait before beginning the replacement of the doors at the Family Law Master Office until a determination was made regarding a grant revision.

The Commission agreed to allow Billy Horrocks recommend a part-time helper to assist him with the project.

The Commissioners received and reviewed several Applications for Employment.

Commissioner Lopez made a motion that effective September 1, 2000, James Perdue be promoted to Maintenance Supervisor, annual salary \$19,700 plus benefits; Commissioner Witt seconded. Commissioner Lopez informed the Commission that if Mr. Perdue felt he could not handle the position and wanted to go back to janitor/maintenance that his salary would be dropped back to his

current salary. Unanimous; letter signed for payroll change.

The Commissioners received and reviewed bids for the OES Vehicle; King Coal Chevrolet, \$25,035.90; Brown Chevrolet, bid 1 \$24,140.00. The Commissioners informed they would accept the lower bid if it meets the specifications. Ms. Holly was directed to review with Steve Cruikshank.

Commissioner Witt made a motion that the bids on the Sound System for the Memorial Building be rejected and rebid. Agreed.

The Commissioners received and reviewed a letter from the County Commissioners Association of West Virginia informing them of the County Commission Association Fall Board and Legislative Committee meeting scheduled for September 17-18, 2000 at the Country Inn and Suites.

The Commissioners received and reviewed letters from Charter Communications informing of changes affecting cable television services.

The Commissioners received and reviewed the third quarter franchise fees from Charter Communications.

The Commissioners received and reviewed an order from the Division of Highways ordering the addition Ames Church Road, Graywolf Lane (Fayetteville Area) and Coots Road (Lookout) to the Home Access Roads Program (HARP).

The Commissioners received and reviewed an order from the Division of Highways ordering the addition of Hawks Nest Heights Road to the State Local Service System.

The Commissioners received and reviewed Financial Statement of the New River Convention and Visitors Bureau, Inc. for the periods ended December 1998 and 1999.

The Commissioners received and reviewed a letter from the Fayette County Chamber of Commerce informing that the Chamber has developed a series of quarterly economic development forums; the next scheduled forum is scheduled for Thursday, September 21, 2000 at "Smokey's On The Gorge"/Class VI River Runners.

The Commissioners received and reviewed a letter from Robert Thomas informing that he would be interested in removing old buildings. Copy forwarded to Larry Parsons, a member of the Fayette County Beautification Committee.

The Commissioners received and reviewed several letters from Steptoe and Johnson regarding lawsuits.

The Commissioners received and reviewed thank you note from the Fayette County Emergency Food Assistance Center for their allocation for Fiscal Year 2001.

The Commissioners received and reviewed Workers' Compensation letters.

The Commissioners received and reviewed Election Information from the Secretary of State Office.

The Commissioners received and reviewed the 2000-2001 Maintenance Contracts from Software Systems, Inc.

The Commissioners received and reviewed Certificate to Operate the Courthouse Incinerator for the period July 1, 2000 to June 30, 2001.

The Commissioners approved HVAC maintenance agreement with Casto Technical Services.

The Commissioners received and reviewed letter from Governor Cecil Underwood informing that he had appointed a Government Policy Task Force to broaden the partnership formed by his administration

between State and Local governments and building a series of recommendations for the 2001 legislative session. Mr. Witt stated that he and Dave Pollard were responding.

The Commissioners received and reviewed a letter from the West Virginia Development Office approving time extensions to June 30, 2001 for the Courthouse, Minden Community Center, Gauneka Ruritan Building, Boomer Ballfield, the Comprehensive Plan, Sheriff Department, Marquis De LaFayette and Fire Hydrants Fiscal Year 2000 Legislative Digest projects.

The Commissioners signed letters to the Gauneka Ruritans, Sheriff Department, Minden Community Meeting Center and Upper Kanawha Valley Community Center requesting these organizations complete the Legislative Digest Information Sheet for Fiscal Year 2001 for their project and return the sheets to the Commission to submit to the West Virginia Development Office.

The Commissioners signed a letter to the West Virginia Development Office requesting the second drawdown for the Minden Community Meeting Center Legislative Digest grant #00-388.

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

The Commissioners received and reviewed a letter from Eastern American Energy Corporation regarding erroneous tax ticket, Ticket #3024. Copy forwarded to the Assessor's Office.

The Commissioners received and reviewed letters from the Governor and the Division of Highways thanking the Commissioners for expressing their concerns for the safety of traveling motorists on US Route 19 in Fayette County.

The Commissioners signed a letter to Governor Cecil Underwood

endorsing the nomination of John Wayne Hughes for appointment to the West Virginia State Emergency Medical Service Advisory Board.

The Commissioners received and reviewed Audit Reports of Mount Hope Volunteer Fire Department for the Fiscal year ended June 30, 1997, June 30, 1998 and June 30, 1999.

The Commissioners received and reviewed information from the West Virginia Supreme Court of Appeals informing they would be sponsoring a Bailiff Training Seminar on December 5-7, 2000 at the Charleston Civic Center. Original forwarded to Sheriff Larry Dotson.

The Commissioners received and reviewed safety recall notices from Ford Motor Company. Originals forwarded to Earl Pauley, Park Superintendent.

The Commissioners received and reviewed Certificate of Membership from the West Virginia Association of Counties.

The Commissioners received and reviewed letter for planning meetings from Ann McCutcheon requesting help in getting assisted living facilities established in Fayette County. Forwarded to Dave Pollard.

The Commissioners approved for Gene Carte and Charlotte Holly to attend the West Virginia Employment and Labor Law Seminar being held September 14, 2000.

The Commissioners reviewed request of Nancy Farrell for Boomer Baptist Church to use the Boomer Ballfield on October 14, 2000.

The Commissioner received and reviewed letter from the West Virginia Development Office informing that the West Virginia Office of Coalfield Community Development is required to establish and administer guidelines and procedures for the submission of Community Impact Statements by coal operators for proposed new surface mining

operations.

The Commissioners received and reviewed check in the amount of \$41,388.21 from Bell Atlantic for the Emergency Telephone System Fee for the month of July, 2000.

The Commissioners received and reviewed check in the amount of \$60.34 for the 911 fee from Citizens Telecommunications Company for the month of July, 2000.

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 notice from Workers' Compensation informing the Commission that they have the option of filing quarterly reports via the internet. Original given to payroll.

The Commissioners received and reviewed check in the amount of \$200.00 to the Fayette County Park from Calvary Baptist Church for shelter rental.

The Commissioners received and reviewed notice from the Governor's Highway Safety Program announcing the availability of grant funds to hire a Project Director to implement the Federal Section 137-Discretionary Innovative grant to Support Increased Seat Belt Use Rates.

The Commissioners received and reviewed letter from Jackson and Kelly PLLC informing that the Public Service Commission had scheduled a hearing on the merger of Ames and New Haven Public Service District at 1:00 p.m. on Monday, August 28, 2000.

The Commissioners received and reviewed notice of a West Virginia Regional Jail and Correctional Facility Authority meeting


held August 21, 2000 at 10:30 a.m.

The Commissioners received and reviewed a copy of a letter to the State Office of Emergency Service from Joddie Burgess of The American Radio Relay League, Inc. asking the State Office of Emergency Service to intervene to get the radio room operational at the 911 Center.

The Commissioners received and reviewed promotional booklet for the consulting firm of Blackman & Associates and The Austin Group, articles about recovering phone overcharges and a article about the dog catcher from the West Virginia Association of Counties.

The Commissioners reviewed and signed Internal Control Questionnaire and Management Inquiry for Fiscal Year ended June 30, 2000 for the State Auditor.

The meeting was adjourned at 12:40 a.m. Next scheduled meeting is September 6, 2000.

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right, positioned above a solid horizontal line.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
SEPTEMBER 6, 2000
COURTHOUSE
FAYETTEVILLE, WV 25840
MEMBERS Present: John H. Lopez, John L. Witt

The Fayette County Commission met in regular session on this 6th day of September, 2000.

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

Exonerations were approved and signed.

Patti Payne, with C-PAC appeared before the Commission to inform the Commission that the Fayette County Animal Control Center did not get her permission to use her home telephone number on their website page and would like for it to be removed. Ms. Payne informed the Commission that C-PAC Spay and Neuter was not affiliated with the Fayette County Animal Shelter and that C-PAC Spay and Neuter is in the process of putting their own website on the internet.

Commissioner Witt informed he would notify the Dog Warden and have him remove her telephone number.

The Commissioners opened the ballot room for Kelvin Holliday, County Clerk.

The bids for the sound system at the Memorial Building were discussed. Mr. Witt said he would review specs and recommend any changes before re-advertising.

Stephen Bailey, area Manager/West Virginia Housing Development Fund to inform the Commission about that agency's program soliciting proposals from parties interested in its funding.

Harold Bragg questioned the Commission about their decision to allow the Elected Officials to take county-owned vehicles home. Discussion was held; Commissioner Lopez informed Mr. Bragg that the

decision of the Commission would stand unless the Commission received an adverse opinion from the Prosecuting Attorney's Office.

The Commissioners received and reviewed letter from the West Virginia Parkways Economic Development and Tourism Authority informing they would be glad to accept the Commission's offer that they could hold their Board meetings in the County Commission meeting room.

The Commissioners signed letter to the West Virginia Parkways Economic Development and Tourism Authority formally extending their invitation to the Board to schedule one of their monthly meetings in the County Commission meeting room.

Ms. Holly informed the Commission that she had talked with Annette Treadway about preparing a revision to the present court security grant in order to better meet the needs for improved security. Ms. Holly informed the Commissioners she received a memorandum from Janet Steele regarding suggestions for a revision to the Court Security Plan for the Family Law Master Facilities that would better utilize the grant funds for this purpose instead of replacing doors. Ms. Holly informed the Commission that the revision would have to be submitted to and approved by the Court Security Grant Board. Ms. Holly informed the Commission that she has prepared letters to Chief Judge Vickers, Judge Hatcher, and Sheriff Dotson for their written comments on the proposed revisions. Letters signed.

The Commissioners signed renewal of maintenance support for SCT PSAS2000 (Budgeting/Accounting/Payroll/Personnel) products in AS400 format for a 12 month period commencing November 1, 2000 on the terms and conditions of the SCT Customer Support Agreement.

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 will not be attending the 15th County Commission meeting because he will be out of town. Commissioner Lopez informed he had several doctor appointments and he would not be able to attend. The Commissioners cancelled meeting for the 15th and approved 1st half payroll today.

Ms. Holly informed the Commission that the Democrat and Republican Executive Committees' Poll Workers lists have to be in by September 12th and the Commission would have to schedule a special meeting to sign an order approving and appointing the Poll Workers for the General Election no later than September 19, 2000. The Commission informed Ms. Holly they would let her know about scheduling a special meeting. The Commissioners authorized Ms. Holly to use Commissioner Witt's stamp if Commissioner Carte wasn't available to sign order.

David Perry, Democratic Executive Committee Chairman appeared before the Commission to inform the Commission that at their Democratic Executive Committee meeting held on February 29, 2000 by unanimous vote the Executive Committee respectfully requested in accordance with Code 3-1-44 an increase in election officials' pay. After a brief discussion, the Commissioners approved an increase in pay from \$65.00 to \$85.00 to Poll Workers only effective with the 2000 General Election; training pay will remain \$50.00. This increase does not apply to any workers except poll officials.

Dave Pollard, County Resource Coordinator presented to the Commission a drawdown request for payment regarding the Comprehensive Plan Update project, amount \$2,424.22. The Commissioners approved to

adopt Resolution and to approve and authorize the payment of services. Resolution signed.

Pat Ford gave an update of what has been done on the Comprehensive Plan project. Mr. Ford informed the Commission that a final draft should be completed by the end of the year. Mr. Ford informed the Commission he has scheduled meeting in the Plateau and Valley Districts on September 11th and in the New Haven District on September 12th. Mr. Ford informed the Commission they would be meeting with the Steering Committee after this meeting to discuss plan.

Commissioner Witt informed the Commissioners he had received several complaints from residents regarding residential telephone service outage for extended periods of time following storms and requested that a letter be sent to Verizon Communications (formally Bell Atlantic) asking for their assistance. Letter signed.

The Commissioners approved Kelvin Holliday's request to hire a part-time worker at \$40.00 a day for the General Election.

Ms. Holly informed the Commissioners that she received recommendation from Circuit Thelma Kincaid to hire Paul McGraw, and Dave Bennett as Emergency Absentee Commissioners. Ms. Holly informed the Commissioners she was told that Mr. McGraw said he would work.

The Commissioners received and reviewed information regarding the Election from the Secretary of State's Office.

The Commissioners received and reviewed a letter from the State Tax department informing that after reviewing the J. L. Beury Estate Inc. file their office agreed that the accounts had a processing error on Natural Resource System.

The Commissioners received and reviewed letter from Steve

Cruikshank, OES Director informing he recommended that the Commission accept bid #2 from Brown Chevrolet in the amount of \$25,925.00. Mr. Cruikshank informed the Commission that this bid is the closest to meeting bid specification and is in stock for immediate delivery. The Commissioners approved the #2 bid from Brown Chevrolet.

The Commissioners received and reviewed Workers' Compensation letters.

Ms. Holly informed the Commissioners she received a call from Pat Coley, AFLAC regarding a time to discuss coverage with employees. Ms. Holly advised Mr. Coley to coordinate a time with the payroll clerk and then to get back with her so that a notice could be sent to employees. Employees are to schedule with Mr. Coley on their own time or with the permission of the officeholder.

Ms. Holly informed the Commissioners that the Supreme Court of Appeals approved the increase in rent for the Family Law Master Office; the fully executed addendum to the Rental and Lease Agreement was received by the Commission.

The Commissioners received and reviewed an Application for Employment from Herbert Harrell.

The Commissioners received and reviewed letter from the New River Convention and Visitors Bureau requesting assistance in producing a new Fayette County brochure 2001, cost \$7,500.00. The Commissioners approved to contribute half of the cost (\$3,750.00) to be paid from the Tourism Grant money.

Commissioner Witt informed the Commission he would like to recommend Roma Lively to be appointed as a fourth member of the New Haven Public Service District Board. Ms. Holly informed the Commission that from her recollection that the number of members

cannot be expanded until after the Bondholders issue their consent and approval of the Public Service District consolidation at which time the consolidation is final and the County Commission can appoint up to five members; the bondholder approval date is considered the effective date of the consolidation by the Public Service Commission (WV Code 16-13A-3). Mr. Witt stated that Dave Pollard was up to date on the status of the approval by the Bondholders. Approved subject to no conflict with WV Code.

Commissioner Lopez asked Ms. Holly to forward an advisory request to the Prosecuting Attorney's Office asking whether or not their decision to allow an Elected County Official to drive a county-owned vehicle home was in conformity with West Virginia Code 7-7-16a. Letter signed. Commissioner Witt suggested getting information from the County Commissioners Association regarding policies of other Counties. Ms. Holly informed the Commission she had called Vivian Parsons, Director, but she had not returned her call in regard to this matter.

Harold Bragg suggested publishing the County Commission meetings in the newspapers. Commissioner Witt agreed. Ms. Holly advised the Commission that meeting notices are faxed in advance to Susan Williams (Gazette) and George Gannon (Tribune).

The Commissioners approved the C-PAC invoice for the month of August, amount \$785.00.

The Commissioners received and reviewed the franchise fee received covering the period from April 1, 2000 to June 30, 2000 for Charter Communications, Inc.

The Commissioners received and reviewed two Accident Reports involving County Sheriff's cruisers.

Ms. Holly informed the Commission that David Neal had called Friday, September 1, 2000 to report that someone had backed into the 911 Mapping Jeep when it was parked in a parking lot. An accident report was done by the Sheriff's Department but had not been received.

The Commission received and reviewed minutes for the months of July and August from Page-Kincaid Public Service District.

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

Ms. Holly informed the Commission that all the polling places located outside of schools had been called, but the new principal at Dixie Elementary and the superintendent of Nicholas County questioned as to why Fayette County was using their school to hold the Fayette County Election. Approval was received in 1991 to locate the polling place in Nicholas County since no other suitable building was readily available to voters in the Belva area (Precinct 32). The principal had said he would discuss the request with the school superintendent and call us back.

Ms. Holly informed the Commissioners she received a call from Floyd McKnight informing he wanted to discuss a complaint with the Commissioners but did not tell her about the complaint.

David Neal, E911 Coordinator called to inform her that Bill Watts talked a man through delivering a baby today and informed Ms. Holly that the press wanted a copy of the tape but the policy is not to release tapes to the press. The Commission approved not to release the tape.

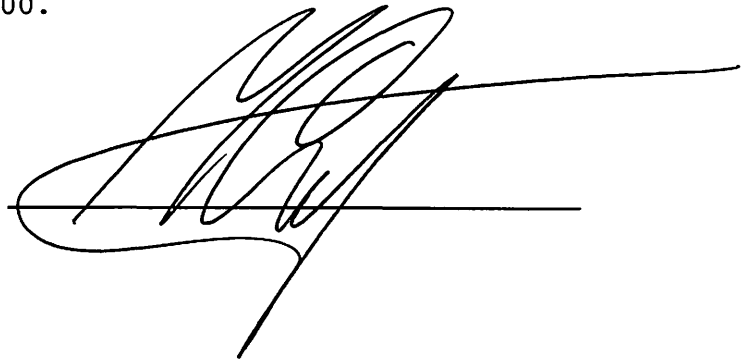
Outstanding bills were approved.

The Commissioners received a letter from David Neal, E911

Coordinator informing that due to the frequent turnover of part-time Communications Specialists he is proposing a change in the E911 Center part-time pay scales as follows: part-time-\$6.75 from \$6.50, probationary part-time-\$6.50 from \$6.00, and include an additional salary step for probationary full-time at \$7.00 and full-time with less than one year to be \$7.33 (currently all \$7.33). The Commissioners approved.

The Commissioners received and reviewed a letter from David Neal informing of the several changes in the part-time employees of the E911 Center in the last week. Discussion was held, the Commission asked Ms. Holly to inform Mr. Neal that unless an employee has resigned a vacant full-time position does not exist. Commissioner Lopez suggested asking David that if he could operate with only one part-time position they would consider another full-time position that would be funded by transferring money budgeted from his extra help line item to the salaries and wages line for full-time employees.

The meeting was adjourned at 11:40 a.m. The next Regular scheduled meeting is September 27, 2000.

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FAYETTE COUNTY COMMISSION

SPECIAL SESSION

SEPTEMBER 14, 2000

COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a special session on this 14th day of September, 2000.

Commissioner Carte called meeting to order at 10:05 a.m.

The Commissioners approved check to the West Virginia Prosecuting Attorneys Institute for registration fee for Neil Boden, Assistant Prosecuting Attorney to attend the West Virginia Prosecuting Attorneys seminar being held October 5-8, 2000.

Commissioner Lopez made motion to approve minutes of September 6, 2000 meeting; Commissioner Carte seconded. All approved.

Ms. Holly presented to the Commissioners the lists of poll workers and alternates received from the Democratic and Republican Executive Committees for the Presidential General Election being held November 7, 2000. Order signed appointing poll workers.

The Commissioners received/approved and signed order from Thelma Kincaid, Circuit Clerk appointing the Emergency Absentee Voting Commissioners for the upcoming Presidential General Election.

Ms. Holly presented the Commission with the list of polling places for the General Election and advised the Commission that the only change was Precinct 28 at Smithers which was moved from the City Hall to the Recreation Hall and that precinct 26 at Cannelton had not been confirmed by the Union Hall.

Commissioner Lopez made a motion to approve the Polling Places for the Presidential General Election as presented; Commissioner

Carte seconded. Approved.

The Commissioners approved the request of County clerk Kelvin Holliday to pay out of the election expense overtime for Linda Johnson and Sherry Davis for their work in preparing the ballot frames for the Presidential General Election.

Ms. Holly informed the Commissioners she received from Linda Johnson the number of frames that will be used for the General Election.

The Commissioners received and reviewed election information from the Secretary of State Office.

The Commissioners received and reviewed a letter of support from Sheriff Larry Dotson for revisions in the Court Security Grant improvements for the Fayette County Law Masters office building.

Commissioner Lopez informed George Gannon, Reporter for the Fayette Tribune, that they received an opinion from Paul Blake, Prosecuting Attorney, regarding the Commission's previous decision to allow elected County officials to drive a county-owned vehicle home if such vehicle is available and at his or her disposal. Commissioner Lopez stated that the Prosecuting Attorney informed the Commissioners that the decision of the Commission is in conformity with West Virginia Code 7-7-16a which provides that any County official may, in the discretion of the county commission, be furnished with the use of a public provided carriage to travel from his or her residence to his or her workplace and return. Mr. Blake further pointed out there is a provision in such statute that provides that "such usage is subject to the supervision of the Commission and is directly connected with and required by the nature and in the performance of such county official's duties and

responsibilities." A copy of the letter was given to Mr. Gannon.

Mr. Lopez requested that at the September 27, 2000 meeting the Commission send a memo to elected county officials stating the Commission's decision to allow said officials to drive a county-owned vehicle home if such vehicle was available and at his disposal provided that "such usage is subject to the supervision of the Commission and is directly connected with and required by the nature and in the performance of such county official's duties and responsibilities." (WV Code 7-7-16a)

The Commissioners received and reviewed an advisory opinion from Paul Blake, Prosecuting Attorney regarding the challenge of the appointment of Gene Hogan as the Mayor of the Town of Gauley Bridge over the qualifications to hold said office. Mr. Blake stated that after reviewing the matter that the key appears to be whether or not Mr. Hogan was a resident of Gauley Bridge at the time that he was appointed to the position of Mayor by a majority of town council members. The Clerk made a determination that he was in fact, a resident of the municipality at the time that he was appointed and nothing had been presented to Mr. Blake that shows that the decision by the Clerk was in violation of statutory authority or clearly against the weight of the evidence on that issue. Mr. Blake further stated that if anyone should take issue with any of the matters that have occurred regarding this issue to date, the Circuit Court of Fayette County is certainly open to them to challenge any matter they feel is improper.

The Commissioners received and reviewed an order from the Division of Highways ordering the addition of Crotty Road (Lookout) to the Home Access Roads Program (HARP).

Ms. Holly informed the Commissioners that she sent a memorandum to David Neal, E911 Coordinator, informing him of the Commission's suggestion that if David could operate with only one part-time position they would consider approving another full-time position to be funded from the part-time line item.

The Commissioners received and reviewed confirmations of shelter rentals for the Fayette County Park from Earl Pauley, Park Superintendent.

The Commissioners received and reviewed a safety recall notice from Ford Motor Company. Original forwarded to Earl Pauley, Park Superintendent.

The Commissioners received and reviewed a letter from the Coal Heritage Trail Association, Inc. informing that a meeting will be held on Friday, September 15, 2000 at 2:00 p.m. at Twin Falls Park.

The Commissioners received and reviewed invitation from Southern Appalachian Labor School to the housewarming and special dedication of the House of Labor in the New Page Housing Project being held Friday, September 15, 2000 from 3:00-4:00 p.m.

The Commissioners received and reviewed a thank you note from the Town of Gauley Bridge for the donation of the police cruiser.

The Commissioners received and reviewed Workers' Compensation letters.

The Commissioners received and reviewed the Third Annual Report to the State from West Virginia's Promise.

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

The Commissioners received and reviewed the Audit Report of Salem-Gatewood Public Service District for the Fiscal Year ended June 30, 2000.

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

The Commissioners received and reviewed a letter from Tom Aiello, Assessor informing he decided to purchase the OCE7055 Wide-Format Copier at a cost of \$7,085.00 from IKON Office Solutions for his Mapping Department.

The Commissioners received and reviewed a copy of a letter to Kelvin Holliday from David Perry, Chairman, Democratic Executive Committee, informing that Bruce Todorovich's name has been removed as an election official in the May, 2000 Primary because of complaints received by the committee from voters and peer poll workers and asking Mr. Holliday to explain why Mr. Todorovich had been paid as an election official in said election.

The Commissioners received and reviewed three accident reports involving County Sheriff's cruisers (Feltner, Crisp, and Bryant).

The Commissioners received and reviewed a letter from Steptoe and Johnson regarding the Roger and Peggy Bryant lawsuit.

The Commissioners received and reviewed from Thelma Kincaid, Circuit Clerk, a report of interest earned from the Clerk's checking account from July, 1999 through June, 2000.

The Commissioners received and reviewed a letter from Christopher Callas of Jackson and Kelly PLLC and a copy of the Public Service Commission Order approving the Fayette County Project-Merger of Ames Public Service District with and into New Haven Public Service District.

The Commissioners received and reviewed a letter from the State Tax Department informing that after reviewing the files of John and Clynton M. Crosier and Grace Coleman that their office agreed that the accounts had a processing error on the Natural Resource System.

The Commissioners received and reviewed a fax from Vivian Parsons regarding an article published in the newspaper about across-the-board pay raises for correctional officers.

The Commissioners received and reviewed a check in the amount of \$4,703.00 received from the Criminal Justice Services for the Local Law Enforcement Block Grant for Fiscal Year 1999, Project #99-LL-06.

The Commissioners received and reviewed check in the amount of \$60.98 from Citizens Telecommunications Company for 911 fees for the month of August, 2000.

The Commissioners approved to release payroll.

The Commission received and approved the petition of Anna Doan in the Estate of Mollie Estep to appoint a fiduciary commissioner to review the matter. Ms. Holly was directed to contact Lynn Pollard, attorney, to prepare an order for the Commission to sign regarding this petition.

The meeting was adjourned at 10:30 a.m. The next scheduled meeting is September 27, 2000.

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FAYETTE COUNTY COMMISSION

REGULAR SESSION

SEPTEMBER 27, 2000

COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in regular session on this 27th day of September, 2000.

Commissioner Carte called meeting to order at 9:31 a.m.

Exonerations were approved and signed.

Ms. Holly informed the Commissioners she received letter from Cleopatra McCune asking for a credit for overpayment in taxes due to a clerical error placing her homestead exemption on an incorrect parcel. Ms. Holly informed the Commissioners that the letter was forwarded to the Assessor's Office; the Assessor reviewed and informed the Commission that the taxes for the year 2000 have been credited and the error has been corrected for the year 2001; total amount of the overpayment is \$1,120.58. The Commissioners approved; order to be prepared.

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 minutes of August 30, 2000 and September 14, 2000 meetings; Commissioner Carte seconded. All approved.

Ms. Holly informed the Commissioners she received letters of support for revisions to the court security plan for the Family Law Master facilities from Judge Charles Vickers and Sheriff Larry Dotson; Ms. Holly informed the Commissioners that Sheriff Dotson

recommended the removal of a window in the hearing room and either blocked or bricked on the exterior wall.

Ms. Holly advised the Commissioners that she had prepared a letter to the Supreme Court of Appeals requesting approval to implement the revised security improvements to the Family Law Master Office to the extent possible with approved grant funds instead of replacing the interior doors and requesting a budget revision to increase the line item for electronic door locks by \$4,985 and decrease the line item for interior door/partitions by \$4,985; letter signed.

Ms. Holly presented a request for reimbursement from the West Virginia Division of Criminal Justice Services Court Security Grant in the amount of \$21,488.85; request signed.

Ms. Holly informed the Commissioners she received a drawdown request from Minden Community Meeting Center, Inc. in the amount of \$2,607.78; request signed.

The Commissioners signed Fire Levy Agreement for the Oak Hill Fire Department for the period from July 1, 2000 through June 30, 2001; Mr. Witt confirmed with Tim Richardson that the change in the contract from the City of Oak Hill to the Oak Hill Fire Department had been approved by City Counsel.

Commissioner Lopez informed the Commissioners he had received a complaint this morning regarding a property owner who lives in a trailer at Armstrong Creek. Commissioner Lopez told the Commission he was told that an odor is coming from the trailer, that it had no utilities, and that it is a nuisance to the neighbors. Commissioner Lopez suggested calling Lee Massey, Fayette County Health Department to appear before the Commission to ask for their assistance. Mr.

Massey appeared before the Commission; the Commission explained the situation. Commissioner Lopez suggested to Mr. Massey that he get Philip Peron, Sanitation Engineer and a Deputy Sheriff to investigate the situation; Sheriff Dotson and Mr. Massey agreed.

Mr. Massey asked the Commission if they could have two parking spaces by the Fayette County Health Department marked for the Fayette County Health Department Employees Only.

A discussion was held whether the County or the Town of Fayetteville owned the property. The Commission informed Mr. Massey that if the County owned the property it would be okay for the Health Department to reserve the spaces; if it belongs to the Town they would send a letter on behalf of the Health Department requesting approval.

Ms. Holly informed the Commission she received information from the Assessor's Office regarding an annexation by the City of Mount Hope on August 6, 1997. Ms. Holly informed the Commission that according to the information she received, errors in the paperwork recorded by the City of Mount Hope have resulted in a discrepancy of the property annexed.

Ms. Holly informed the Commissioners that she has prepared a letter to the City of Mount Hope asking them to advise the Commission of whether or not an error exists in the property included in said annexation by the City and if an error exists to advise the Commission of the plans by the City to correct the error. Letter signed.

The Commissioners signed orders reappointing William Caudill, Larry Parsons, John Raney, Tim Hannah, Tim Richardson, Philip Peron (to replace Michael Sale, Fayette County Health Department) to serve

on the Fayette County Beautification Committee, said terms to expire August 26, 2002.

The Commissioners received and reviewed a letter from Yvonne Harp, Extension Agent thanking the Commission for their assistance during the last year and a half while the Extension Office has been in transition and advising the Commission that Danita Young will be leaving to take the position as Magistrate in January and that Ms. Harp will be on maternity leave of absence starting in January for approximately 8 weeks or longer.

Ms. Harp is requesting that the Commission appoint a new office manager to serve in the same capacity as Ms. Young.

Discussion was held; the Commissioners asked Ms. Holly to hold off on advertising for that position.

Ms. Holly informed the Commission she had received a telephone call from Danita Young asking if the February 22, 2000 request by the Fayette County Extension Service Committee had included the purchase of a desk for the new Extension Agent when hired. The Commissioners approved purchase of desk only if they have money left in their travel line item.

Commissioner Witt informed the Commissioners he had received several complaints regarding the number of keys that were out to the Memorial Building. Commissioner Witt suggested changing locks and appointing a special committee to oversee the maintenance and operations of the building. Commissioner Witt informed the Commission he had talked with the Fayette County Board of Education Superintendent, and they suggested appointing Charlie Jones, Calvin Wooldridge and Dale Watkins to the special committee to review complaints and make the recommendations to the Commission for

Memorial Building improvements. The Commission approved.

The Commissioners signed order appointing Jamie Blankenship, as Fiduciary Commissioner in the Estate of Mollie Vaunex Estep.

Ms. Holly informed the Commissioners that she and Tom Woodrum had set up new checking accounts for several funds including the Building Improvement Fund because new checks had to be ordered and the account numbers could be changed at that time. Ms. Holly informed the Commission that the State Investment Fund required that a Bank Account Confirmation, a Resolution authorizing investments in the Consolidated Fund and a Signature Authority Form be signed for State Investment Pool accounts. The Commissioners approved and signed State forms for the Building Improvement Fund.

Ms. Holly informed the Commission she had prepared a letter of support on the behalf of the City of Oak Hill to purchase the Lewis House from the Estate of Elizabeth Lewis as requested by Senator Love. The Commissioners informed Ms. Holly that this offer had been turned down by the Oak Hill City Council and asked Ms. Holly not to send the letter of support.

The Commissioners received and reviewed Audit Reports for the Fiscal Year Ending June 30, 2000 from Gauley River Volunteer Fire Department and Boomer Volunteer Fire Department, Inc.

The Commissioners received and reviewed an accident report involving a County Sheriff's cruiser (Stephen Gray).

Ms. Holly informed the Commission that she has received various applications for the maintenance position and asked the Commission if they wanted to make any hiring decision today. The Commissioners asked Ms. Holly to hold the applications with no action to be taken today. Commissioner Lopez asked Ms. Holly to call Earl Pauley, Park

Superintendent, and ask if they could continue using his part-time employee for a few more weeks.

The Commissioners received and reviewed Workers' Compensation letters.

Ms. Holly informed the Commissioners that she received a Workers' Compensation claim from Tammy Gill for a Community Service worker. Ms. Holly informed the Commissioners that she told Ms. Gill that this was not a Workers' Compensation claim because this was not a County employee.

Discussion was held about who is responsible for any injuries that might occur with a Community Service worker; the Commission discussed dropping program as requested by Earl Pauley. Commissioner Carte asked Neil Boden, Assistant Prosecuting Attorney, for his assistance; Mr. Boden said that he would have to check into the matter. Commissioner Witt suggested talking with the Judge and not to cut the program off at this time. The Commission agreed to continue the program pending a resolution to the liability question.

Harold Bragg and several concerned citizens appeared before the Commission to discuss the Commission's decision to allow the Elected Officials to take county-owned vehicles home. Mr. Bragg read a prepared statement to the Commission. The Commissioners informed Mr. Bragg that a letter had been prepared to be signed today to the Elected Officials and County employees regarding the use of county-owned vehicles subject to the supervision of the Commission and directly connected with and required by the nature and in the performance of their duties and responsibilities. Letter signed. The Commission stated that family members were not permitted to ride in County vehicles. Commissioner Lopez stated that other emergency

vehicles such as OES and 9-1-1 should fall under the same category as the Sheriff's department; agreed.

Commissioner Lopez addressed the statements of Mr. Bragg questioning the status of Commissioner Carte's residence in Fayette County. Mr. Lopez confirmed that Mr. Carte was a resident of Fayette County.

Rod Lang, Region 4 Planning and Development Council presented to the Commission a drawdown request for payment regarding the New Haven Public Service District Water Extension project, amount \$92,549.39. Commissioner Lopez moved to adopt the Resolution and approve and authorize the payment of services; Commissioner Witt seconded. Unanimous; resolution signed.

Outstanding bills and payroll were approved. The Commissioners moved to release the payroll on September 29, 2000.

The Commissioners received and reviewed a check in the amount of \$41,490.27 for the Emergency Telephone System Fee for the month of August, 2000 from Verizon.

Ms. Holly informed the Commission that the County can purchase the 1995 Crown Victoria totaled by Deputy Dallas Duncan back as salvage for \$625.00 and that Earl Pauley and Everette Steele recommended that it be used for parts. Ms. Holly informed the Commission that ITT Specialty needs to have the vehicle titled as salvage by the State of West Virginia and then assign the salvage title back to the County. Commissioner Lopez made motion to buy back the 1995 Crown Victoria; Commissioner Witt seconded. Unanimous. Ms. Holly is to prepare a letter to ITT Specialty advising them of the Commission's decision.

The Commissioners asked Ms. Holly to check and get back with

them as to how many of the County owned vehicles (excluding Sheriff's cruisers) are unmarked.

The Commissioners received and reviewed a letter from the West Virginia Association of Counties asking the County to respond to a survey form and authorization which would permit Accordia Employers Service to review the Workers' Compensation and Unemployment Compensation accounts of the County.

The Commissioners received and reviewed a letter from Vision Service Program giving an update of their administrative support for billing and membership efforts.

The Commissioners received and reviewed a copy of a letter from David Neal, E911 Coordinator regarding a request from Page 1 for the Commission to approve installation of a booster and antenna by Page 1 on the 911 Center tower at the Memorial Building. Discussion was held regarding other companies asking for the same permission. The Commissioners asked that this request be referred to the 9-1-1 Advisory Board.

The Commissioners received and reviewed a letter from David Neal, E911 Coordinator, with invoices for repairs and replacement of equipment and devices that were damaged by the severe lightning storm on August 8, 2000. Original invoices were forwarded to the insurance on September 14, 2000 for claim processing.

The Commissioners received and reviewed a letter from the State Tax Department informing that after reviewing information on the account of Naomi Ruth Aquino et al that their office agreed that an incorrect total was placed on the parcel.

The Commissioners received and reviewed a Certificate of Membership from the County Commissioners' Association of West

Virginia.

The Commissioners received and reviewed an order from the Division of Highways amending the Commissioner's Order, dated July 27, 2000 regarding Streets in the Town of Pax: Item 7-Maple Lane to the State Local Sewer System.

The Commissioners received and reviewed a letter from the Fayetteville Women's Club asking for the Commission's support of the Random Acts of Kindness Movement. No action taken.

The Commissioners received and reviewed a letter from the West Virginia Development Office regarding the United States Department of Labor's Semi-annual Labor Standards Enforcement Report.

The Commissioners received and reviewed letters from the United States Department of the Interior notifying the Commission that the Fiscal Year 2000 payment under the Payments in Lieu of Taxes (PILT) Act (P. L. 97-258, as amended) will be sent by Electronic Funds Transfer (EFT) to the bank account number that been provided. Copies sent to Tom Woodrum, Chief Tax Deputy.

The Commissioners received and approved request from Kelvin Holliday, County Clerk to hire Tina DeQuasie as a part-time worker for 2-4 weeks preceding Election Day at \$40.00 a day.

The Commissioners received and reviewed work receipt from Lucent Technologies for 2 DID single lines for modems for Tim Richardson, Zoning Officer and Debbie Berry, Bookkeeper/Secretary.

The Commissioners received and reviewed letters from the West Virginia Department of Transportation regarding instructions for an "Intent-To-Apply" form for the Recreational Trails Program. Original forms given to Dave Pollard, Community Resource Coordinator and to Earl Pauley, Park Superintendent.

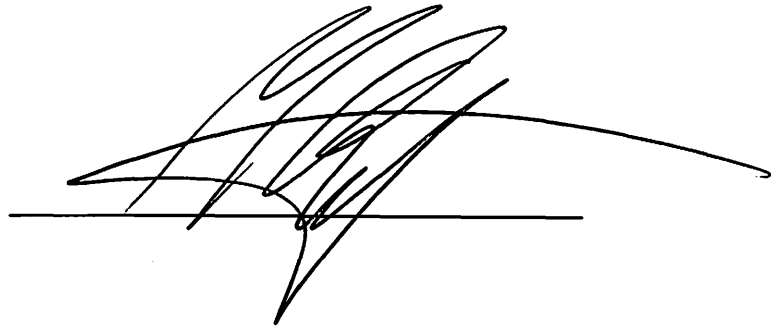
The Commissioners received and reviewed a letter from Steptoe and Johnson regarding Roger and Peggy Bryant lawsuit.

Discussion was held regarding a bridge replacement study on Laurel Creek. The Commission was advised by Ms. Holly that the Division of Highways plans to replace the bridge in the near future and will contact the County at that time since the County owns adjoining property.

Ms. Holly informed the Commissioners that the canvass would be held on Monday, November 13, 2000 at 9:00 a.m.; approved.

John Lopez asked Gene Carte whether or not he wished to serve on the Board of Directors for 4-C and CAEZ; Commissioner Carte stated that he wanted to remain a member of said boards. Commissioner Witt stated that he will attend the board meetings too.

The meeting was adjourned at 12:00 noon. Next scheduled meeting is October 4, 2000.

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FAYETTE COUNTY COMMISSION

REGULAR SESSION

OCTOBER 4, 2000

COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in regular session on this 4th day of October, 2000.

Commissioner Carte called meeting to order.

Ms. Holly presented minutes of July 14, 2000 and September 27, 2000 to be approved. Commissioner Lopez moved to approve minutes of July 14 and September 27, 2000. Commissioner Witt seconded. All approved.

The Commissioners signed order that subject to the approval of the Assessor, Cleopatra McCune be afforded tax relief for tax year 1995, 1996, 1997, 1998, and 1999 in the total amount of \$1,120.58 in the form of a credit against property taxes owing for the following year or years with said tax relief being spread over the year or years until debt is paid.

The Commissioners signed order that subject to the approval of the Assess, Paul F. or Evelyn L. Bricker be afforded tax relief for tax year 1999 in the total amount of \$325.89 in the form of a credit against taxes owing for the following year or years with said tax relief being spread over the year or years until debt is paid.

The Commissioners recessed to open ballot room for Thelma Kincaid, Circuit Clerk, to get gray envelopes for the November Election.

Ms. Holly informed the Commissioners that she had talked with the City of Oak Hill, the Town of Fayetteville and the town of Gauley

Bridge and they informed her that they would be sponsors for the Fayette Historic Theater (Town of Fayetteville), Fayette County Chapter of the American Red Cross (City of Oak Hill), and Evan Scent (Town of Gauley Bridge).

Ms. Holly asked the Commission if they would make a motion to be the sponsors for the Caring Hands, Inc. project. Commissioner Witt made motion that the Fayette County Commission be the sponsor for the Caring Hands, Inc. project. Commissioner Lopez seconded. All approved.

Ms. Holly informed the Commissioners she received only one of the project information sheet from Minden Community Center.

Ms. Holly informed the Commissioners she has prepared Resolutions for Minden Community Center, the Fayette County Sheriff's Department, The Gauneka-Ruritans Community Center, The Upper Kanawha Valley Community Center, and Caring Hands, Inc.

Commissioners Lopez made motion to approve and authorize the adoption of the Resolutions; Commissioner Witt seconded. Unanimous.

The Commissioners signed a letter to the West Virginia Development Office requesting the third drawdown for the Minden Community Meeting Center Legislative Digest grant #00-388.

The Commissioners received request for reimbursement for the Boomer Ballfield.

The Commissioners signed a letter to Paul Blake, Prosecuting Attorney, asking him to review news item entitled "Ethics Commission Says..." from the September, 2000 of The County Line (received 10/2/00) and advise the Commission in this matter.

In conjunction with the annual Audit the Commissioners signed letters to Paul Blake, Prosecuting Attorney, Steptoe and Johnson,

Allen, Guthrie and McHugh, and John MacCorkle asking that they furnish to our auditors a description of all material pending or threatened litigations, claims, and assessments.

The Commissioners signed Management Representation Letter to Lisa Thornsburg, Deputy State Auditor for audit for the fiscal year ended June 30, 2000.

The Commissioners signed letter to Barbara Baxter, Director, Family Law Masters, requesting reimbursement for rent in the amount of \$1,500.00 for the month of October, 2000.

The Commissioners approved to schedule the next County Commission meeting on Thursday, October 12th and canceling the October 13th County Commission meeting.

The Commissioners signed order appointing the special advisory members of the Fayette County Soldiers and Sailors Memorial Board to oversee complaints and to make recommendations to the Commissioners regarding maintenance and repair to the Memorial Building.

The Commissioners signed the original Fire Levy Agreement for the Oak Hill Fire Department for the period from July 1, 2000 through June 30, 2000.

The Commissioners approved request from the West Virginia Extension Office to purchase blank certificates from Plateau Printing, amount \$14.37.

The Commissioners received and reviewed letter from Kelvin Holliday, County clerk, asking the Commission to schedule test and inspection of voting equipment.

The Commissioner scheduled Tuesday, October 31, 2000 at 9:30 a.m and 10:00 a.m. to test votomatics machines and tabulator machine equipment for the General Election. The Commissioner asked that this

time be confirmed with Election Systems and Software, Inc.

The Commissioners received and reviewed invitation from Southern Soil Conservation District inviting the Commission to their Annual Awards Banquet being held October 26, 2000.

Ms. Holly informed the Commissioners she was served with a summoned amending the Civil Action #00C-217-H Michelle Lynn O'Dell V. Jack L. Brown lawsuit to Michelle Lynn O'Dell v. Jack L. Brown and the Fayette County Commission.

The Commissioners received and reviewed respond from Verizon (Bell Atlantic) regarding complaints received of residential services outages for extended periods of time following storms.

Ms. Holly informed the Commissioners that she checked with Earl Pauley, Park Superintendent, and he informed her that all the vehicles have been marked including the Assessor's Office except for his vehicle, David Neal, E911 Director (information has been ordered), Steve Cruikshank, OES Director and the Courthouse maintenance vehicle. Commissioner Witt asked Ms. Holly to tell Earl that his vehicle has to be marked.

Ms. Holly informed the Commissioners of the Tenth Regional Round-up meeting being held October 11, 2000. Commissioner Witt informed he would be attending and requested the use of the county jeep.

Ms. Holly informed the Commissioners she received application for Court Security Fund Grant, application must be submitted no later than 4:30 p.m. on Friday, March 30, 2001.

The Commissioners received and reviewed letter form Fred Long, Tri-County Champion Community informing they need assistance in getting a Board of Directors and financial assistance in filing for a

non-profit 501(c)(3) status. Mr. Long is requesting that each of the three counties (Fayette, Summers and Greenbrier) donate \$100 to the Tri-County Champion Community to get the two requirements in place. Commissioner Witt made motion to donate \$100 to the Tri-County Champion Community. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from the State Tax Department informing they have been charged with certifying the boundaries for legal entities in West Virginia for the U. S. Census Bureau and asking the Commission to review the list of all active incorporated places to verify that the list is complete. Ms. Holly informed the Commission that the original has been forwarded to Tim Richardson, Zoning Officer, to review.

The Commissioners received and reviewed updated information regarding the Election from the Secretary of State Office.

The Commissioners received and reviewed check i the amount of \$1,454.30 representing payment for the lighting damage to the generator at the 911 Center. Ms. Holly informed the Commissioners that the total cost of repair is \$2,454.30 minus deductible. Ms. Holly informed the Commissioners she asked Debbie Berry to prepare check.

Ms. Holly informed the Commissioners she was still holding maintenance applications; informed the Commissioners that Earl Pauley has approved for the Commission to continue using his part-time worker; and informed the Commissioners that the other part-time worker has a full-time job.

Ms. Holly informed the Commissioners she received a call from Earl Pauley asking about Peggy Bennett salary; Commissioner Witt made motion to approve an annual salary of \$15,000 plus benefits effective

October 1, 2000 for Peggy Bennett. Commissioner Lopez seconded. All approved. Letter signed.

Commissioner Witt informed the Commission he had not heard anything back regarding the Sound System for the Memorial Building.

The Commissioners made motion to go into Executive Session to discuss personnel matter.

Upon reconvening from Executive Session, Commissioner Lopez made motion that effective January 1, 2001 David Neal, E911 Director annual salary would be \$32,000 plus benefits to be paid from E911 Fund. Commissioner Witt seconded. All approved.

The Commissioners signed and approved from Attorney James Blankenship order regarding the Report of Claims in the Estate of Chester Stewart Puckett.

The Commissioner signed a letter to Jim Murdock, Mayor, Town of Fayetteville requesting permission on behalf of the Health department to designate 2 parking spaces adjoining the sidewalk along Wiseman Avenue and Church Street in front of the Fayette County Health Department building as "Reserved for Health Department".

The Commissioners reviewed letter to Pittsburgh SRS, Inc. regarding Certificate of Title for a 1995-Ford Crown Victoria, VIN 2FALP71WOSX183480 which the Commission will buy as salvage for \$625.00.

The Commissioners received and reviewed a letter from the West Virginia Parkways Economic Development and Tourism Authority confirming their Board meeting Thursday, October 26, 2000 in the County Commission meeting room.

The Commissioners asked ms .Holly to check with Earl Pauley, Park Superintendent regarding a cruiser for the Town of Ansted.

The meeting was adjourned at 11:10 a.m. The next scheduled meeting is October 12, 2000.

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FAYETTE COUNTY COMMISSION
SPECIAL SESSION
OCTOBER 12, 2000
COURTHOUSE

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

The Fayette County Commission met in special session on this 12th day of October, 2000.

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

Commissioner Carte presented a petition and order from Attorney Phil Tissue asking that the Clerk issue current Letters of Administration in the Estate of Walter A. Wilson, deceased, to Walter H. Wilson to enable him to transfer the United States Series HH Bonds. Order signed.

The Commissioners approved minutes of the County Commission meeting held on October 4, 2000.

The Commissioners signed the Governor's Community Partnership Program Legislative Digest Information Sheet for the Fayette County Sheriff's Department for Fiscal Year 2001.

The Commissioners signed letter to Kelvin Holliday, County Clerk, informing that effective January 1, 2001, the annual salary to be paid to David Neal, E911 Director, will be \$32,000 plus benefits to be paid from the E911 Fund.

Commissioner Witt made a motion to approve hydro seeding at the Fayette County Animal Control Center, cost \$2,000. Commissioner Lopez seconded. All approved.

Ms. Holly informed the Commissioner she received from the Auditor's Office a revised audit Management Representation Letter for the Fiscal Year ended June 30, 2000; Ms. Holly informed the Commissioners the letter was dated July 11, 2000 but she received

October 5, 2000; Ms. Holly told the Commissioners she would review the letter.

The Commissioner received and reviewed from the Division of Criminal Justice Services approval for Court Security Grant changes for the Family Law Master Office as requested.

Commissioner Witt moved to approve bid received for a walk through metal detector for the Family Law Master Office, amount \$2,795.00 to be paid from the Court Security Grant. Commissioner Lopez seconded. All approved.

The Commission received and reviewed a letter from the Supreme Court of Appeals regarding the upcoming Court Security Seminar which will be held at the Charleston Civic Center. Copy forwarded to Larry Dotson, Sheriff.

The Commissioners received and reviewed a letter from Raleigh General Hospital asking the Commission to sign a support letter to Mr. Parker Haddix, Chairman of the West Virginia Health Care Authority regarding open heart surgery services in southern West Virginia. The Commissioners informed that they had sent a letter of support previously, and another letter need not be sent.

Ms. Holly informed the Commissioners she received a petition from Lynn Pollard to combine Deepwater and Armstrong Creek Public Service Districts. Ms. Holly informed the Commissioners that a map was not attached with the petition. The Commissioners asked to hold off setting a date until everything is received.

Ms. Holly informed the Commissioners she had talked with Earl Pauley, Park Superintendent and James Perdue, Maintenance Supervisor and asked them to get a list of equipment to be auctioned. The Commissioner decided to schedule the auction for 11:00 a.m., Tuesday,

October 31, 2000.

The Commissioners received and reviewed a letter from Charter Communications informing that as of December 21, 2000, the Disney Channel will be changing from Premium Pay Service to Expanded Basic Services.

Ms. Holly informed the Commissioners she received Sanitation Inspection Report from the Fayette County Health Department regarding the Fayette County Park. Copy forwarded to Earl Pauley.

The Commissioners approved request of Joanne Warrick to use the Memorial Building for a Gospel sing for the Wildflower Memorial Fund; rental fee waived.

The Commissioners received and reviewed a copy of a letter from Paul Blake, Prosecuting Attorney to the West Virginia State Auditor's Office regarding any pending litigations, claims or assessments against Fayette County for the Fiscal Year ended June 30, 2000.

The Commissioners received and reviewed a copy of the Community Impact Statement for the proposed Bridge Fork Surface Mine from Powellton Coal Company, L.L.C.

The Commissioners received and reviewed payment from Specialty Risk Services, Inc. for Stephen Gray, Deputy Sheriff vehicle (hit by a deer), amount \$1,324.27.

The Commissioners received/reviewed and approved from the Department of Agriculture Supplemental Salary payment to Tom Aiello, Assessor, for completion of the Farm Census Report of 2000.

The Commissioners received and reviewed a response letter from Norfolk Southern regarding trains blocking crossings in Boomer.

The Commissioners received and reviewed letters from Steptoe and Johnson regarding Michelle O'Dell lawsuit.

The Commissioners received and reviewed an order from the Division of Highways ordering the addition of Shamrock Street (Glen Jean area) to the Home Access Roads Program (HARP). Copy forwarded to David Neal, E911 Director.

The Commissioner received and reviewed an order from the Division of Highways amending the Commission order dated July 27, 2000, Streets in the Town of Pax-Mill Stone Circle section of highway to the State Local Service System. Copy forwarded to David Neal.

The Commissioners received and reviewed Application for Employment.

The Commissioners received and reviewed from the West Virginia University Extension Office job description for the Office Manager position. No action taken.

The Commissioners received and reviewed response Statistics for the month of June, 2000 from the 911 Center.

The Commissioners received and reviewed a letter from Paul Blake, Prosecuting Attorney, regarding inquiry concerning Chamber of Commerce banquet tickets.

The Commissioners received and reviewed letters from the Workers' Compensation Division.

The Commissioners received and reviewed check from the Public Service Commission in the amount of \$13,573.26 representing a disbursement of Wireless E-911 subscriber's fees for the months of May through July, 2000.

The Commissioners received and reviewed first quarter Fiscal Year 2000-2001 report from Boomer Volunteer Fire Department, Inc.

The Commissioners received and reviewed fax from the Association of Counties informing of the accidental death of Grant County Circuit

Clerk Betty Moomau's son.

Commissioner Lopez moved to go into Executive Session to discuss personnel matter.

Upon reconvening from Executive Session the Commission informed that Billy J. Bennett is to be hired as a part-time worker at the Fayette County Park.

Commissioner Witt made a motion that all future hirings by the Commission be advertised and hiring done from applications; Commissioner Lopez seconded. All approved.

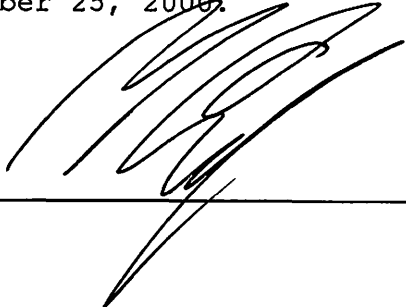
The Commissioners signed State Tax Report for the month of September for the Fayette County Park.

The Commission approved \$2,500, as previously requested for the Town of Gauley Bridge for the purchase of a dump truck.

The Commissioners received and reviewed a letter from the West Virginia Development Office regarding the deadline dates for Small Cities Block Grants (SCBG) for Fiscal Year 2001. Copy forwarded to Dave Pollard, Community Resource Coordinator.

Outstanding bills and payroll were approved, the payroll to be released Friday.

The meeting was adjourned at 10:30; the Commissioners will be attending the Governor's Presentation of Legislative Digest Grants at 11:00 a.m. Next scheduled meeting is October 25, 2000.



FAYETTE COUNTY COMMISSION
REGULAR SESSION
OCTOBER 25, 2000
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in regular session on this 25th day of October, 2000.

Exonerations were approved and signed.

The Commissioners approved minutes of the County Commission meeting held on October 12, 2000.

After reviewing the total number of requested voters and the number of registered voters of each party in each precinct and having determined the number of voting devices needed for the Presidential General Election, the Commissioners approved and signed an order assigning the number of vote recording devices in each precinct.

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

The Commissioners received and reviewed from a few residents a petition requesting the closure of State Route 18 which runs through Gethsemane Cemetery from Pea Ridge Road to Sanger in Fayette County. After a brief discussion, Commissioner Witt made motion to write a letter to the Division of Highways requesting they close off road. Commissioner Lopez seconded. All approved.

Ms. Holly presented to the Commissioners several newspaper articles for them to review.

Ms. Holly presented to the Commissioners a trial balance and statement of expenditures as of October 24, 2000. The Commissioners reviewed, Ms. Holly informed the Commissioners that a Budget Revision

would have to be done.

Commissioners Lopez made a motion that Budget Revisions for the General County and Coal Severance Funds for Fiscal Year 2000-2001 be made; Commissioner Witt seconded. All approved.

The Commissioners signed letter to 4-C Economic Development Authority notifying them that at their October 25, 2000 County Commission meeting, Commissioner Gene Carte announced the he would resign effective October 25, 2000 from the Board of Directors. Commissioner John Witt was appointed by the Commission to replace Commissioner Carte as a member of said Board of Directors.

Ms. Holly presented to the Commissioners for Dave Pollard, Community Resource Coordinator, a drawdown request for payment regarding the Comprehensive Plan Update project, amount \$649.25. The Commissioners approved to adopt Resolution and to approve and authorize the payment of services. Resolution signed.

The Commissioners received/reviewed and signed Legislative Digest Information Sheet from Gauneka-Ruritans Community Center.

Ms. Holly informed the Commissioners that the members of the Fayette County Enhanced Emergency Telephone System Advisory Board, Robert "Chunky" Begley, Fire Service, Eddie Long, County Citizen Representative, Stephen Cruikshank, Emergency Services and the current President of the Fayette County Firefighter's Association terms expired on July 1, 1999 and July 1, 2000. Ms. Holly informed the Commissioners that orders have been prepared reappointing them members of the Fayette County Enhanced Emergency Telephone System Advisory Board. Orders signed. The Commissioners asked Commissioner Lopez to check the residency of March Tucker.

The Commissioners signed invoices to the City of Oak Hill, the

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

Sheriff Larry Dotson appeared before the Commission to request an advancement on a loan for the Women's Resource Center, amount \$8,000. Mr. Dotson informed the Commission that he guarantee 100% percent that advancement would be paid back. Commissioner Lopez made motion to approve advancing the \$8,000 to the Women's Resource Center. Commissioner Witt seconded. All approved.

Commissioner Carte signed Management Representation Letter to Lisa Thornsburg, Deputy State Auditor reaffirming audit for the Fiscal Year ended June 30, 2000.

Ms. Holly informed the Commissioners she received drawdown from the Minden Community Meeting Center, Grant #00-388 in the amount of \$2,309.79. Ms. Holly informed the Commissioners that the 10% balance (\$1,500) would be paid on final completion.

The Commissioners approved request from the West Virginia University Extension Office to purchase items needed for 4-H Clothing Workshop, amount \$150.00.

The Commissioners received and reviewed Workers' Compensation and Unemployment claims and letters.

The Commissioners received and reviewed a copy of the Annual Water and Sewer Audit for the Fiscal Year ending June 30, 2000 from Page-Kincaid Public Service District.

The Commissioners received and reviewed minutes from Page-Kincaid Public Service District for the month of September.

The Commissioners received and reviewed fax from John David informing the Commission that Southern Appalachian Labor School has been awarded a \$700,000 Youthbuild Implementation Grant.

Ms. Holly informed the Commissioners that she had talked with Lynn Pollard, attorney for the merger of Armstrong/Deepwater Public Service Districts. Ms. Pollard informed Ms. Holly she had talked with Farmers Home Administration (FHA) and the contractor they both asked that she wait until later to set a hearing.

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

Ms. Holly informed the Commissioners that Billy Horrocks is in the process of doing renovation to the Family Law Master Office; Mr. Horrocks informed Ms. Holly he will put blocks on back wall and informed he has hired Rick Carver, carpenter part-time to assist with renovations. Ms. Holly informed the Commissioners that this would be paid out of the Court Security Grant. The Commissioners approved.

The Commissioner received/reviewed and approved request of Judge John Hatcher to purchase an Executive Chair, cost \$1,495.00. The Commissioners asked Ms. Holly to offer request to Judge Charles Vickers.

Discussion was held regarding the County Commission meeting for November 8th. Commissioner Lopez moved that November 8th Commission meeting be canceled. Commissioner Witt seconded. All approved.

The Commissioners received and reviewed a letter from Thelma Kincaid, Circuit Clerk giving evening dates her office will be open for persons to vote an absentee ballot.

The Commissioners received and reviewed a copy of a letter from the Supreme Court of Appeals to Thelma Kincaid, Circuit Clerk informing of the increase in juror fees; increase the reimbursement over a five year period for jurors serving on juries to the maximum of forty dollars per day by West Virginia Code 52-1-17 effective

January 1, 2001.

The Commissioners received and reviewed fax from the West Virginia Association of Counties informing of the death of Richard 'Dick' Shelton, founder and Director of the West Virginia Association of Counties.

Barbara Painter, Weatherization Coordinator appeared before the Commission to present an update of the services of the Weatherization Programs Fayette and Nicholas Counties have done. Ms. Painter informed the Commissioners that Monday is National Weatherization Day and asked that the Commissioners wear a pin.

Ms. Holly informed the Commissioners that Sheriff Larry Dotson called to inform her that he is getting a free vehicle from Surplus Property with new motor.

The Commissioners received and reviewed minutes and financial statements for the month of September from the Fayette County Solid Waste Authority.

Tim Hannah was present, Commissioner Lopez asked Mr. Hannah if he had any discussions from the Fire Chiefs regarding burning of old dilapidated house. Mr. Hannah informed that a lot are against burning.

Rod Lang, Region 4 Planning and Development Council presented to the Commission a drawdown request for payment regarding the New Haven Public Service District Water Extension project, amount \$4,829.74. Commissioner Lopez moved to adopt the Resolution and approve and authorize the payment of services; Commissioner Witt seconded. Unanimous, resolution signed.

The Commissioners received and reviewed check in the amount of \$39,968.81 for the Emergency Telephone System Fee for the month of

September, 2000.

The Commissioners received and reviewed check in the amount of \$59.67 from Citizens Communications for 911 fees for the month of September.

The Commissioners signed letter for the Nuttall Volunteer Fire Department to the West Virginia State Agency for Surplus Property informing that the Nuttall Volunteer Fire Department is an essential part of Fayette County's safety program and is considered an instrumentality of the Commission in carrying out fire fighting and other public services.

The Commissioners received and reviewed checks for Funds for Deposit to the Fire Levy Fund.

The Commissioners received and reviewed Auditors Report for Fiscal Year ending June 30, 2000 from Nuttall Volunteer Fire Department.

The Commissioners received and reviewed Shelter Rental Agreements from Fayette County Park.

Ms. Holly reminded the Commissioners that the Parkway Authority will be meeting on Thursday, October 26, 2000 at 10:30 a.m.

Tim Richardson, Zoning Officer, Dave Pollard, Community Resource Coordinator presented to the Commission for dispositon: Z-484-00-2: Request of Charles A. Toney, owner, for a change in land classification from LC-1 (land conservation district) to I-1 (light industrial district) on 0.94 acres, Collinsdale on Rt. 15, Mahan, near the West Virginia Turnpike, Valley District.

Charles Toney and Bill Wooten, attorney representing Mr. Toney were present.

Mr. Wooten told the Commission that they could grant Planned

Development on its own motion, or recommend that the case be returned to the Planning Commission with a recommendation for Planned Development. Mr. Wooten requested that a 1,200 square foot sign be one of the uses in the Planned Development order.

The County Commission on its own motion granted Planned Development on the property and adjacent properties for the purpose of B-3 uses, as well as for a 1,200 square foot sign as one of the purposes and uses. Motion was made by Commissioner John Lopez and seconded by Commissioner Gene Carte and carried on a vote of 2-0 with one abstention (Commissioner Witt).

The Commission heard a request from the Planning Commission, brought by the Board of Zoning Appeals, to place a moratorium on applications for the placement of communications towers until such time as a specific communications tower ordinance could be drafted.

Calvin Carr, Divine Tower International and Tom Winner, Intelos representing the communications tower industry asked that the Commission deny the moratorium request and instead appoint a task force to fast-track development of an ordinance.

Commissioner Lopez made motion that the request for a moratorium be denied. Commissioner Carte seconded. Vote passed 3-0. Commissioner Carte directed Resource Coordinator David Pollard to convene a task force, including industry representatives, to begin work on an ordinance governing the placement of communications towers.

The Commissioners also heard a request from the Planning Commission to amend the language of two sections of the zoning code and to turn said language over to the Prosecuting Attorney's Office for review so that a hearing could be set on the proposed language

changes.

Commissioner Witt made motion to send the proposed language changes to the Prosecuting Attorney's Office so that the matter could be set for a hearing. Commissioner Lopez seconded. Vote passed 3-0.

John Shumate, attorney for the City of Mount Hope appeared before the Commission with an order advising the Commission that Lots 61, 62, 63, 63, 64, and 65 of the Tutwiler Addition to the City of Mount Hope were erroneously included in the petition entered August 6, 1997, granting the petition of the City of Mount Hope to annex by minor boundary adjustment for various lots.

Mr. Shumate informed the Commissioners that Betty Moyer the owner of the lots does not wish them to be annexed into the City of Mount Hope and has requested that they be removed.

Commissioner Witt made a motion that the lots be removed from the annexation by minor boundary adjustments previously granted and the corporate limits of the City of Mount Hope be changed to remove the area described herein. Commissioner Lopez seconded. All approved.

Harold Bragg voiced his opinion about the West Virginia Code regarding amending of the annexation.

Ms. Holly informed the Commissioners that the Fayette County Solid Waste Authority has scheduled a meeting on Tuesday, November 14, 2000 at 6:00 p.m. to discuss mandatory garbage enforcement with the commercial garbage haulers in Fayette County.

Ms. Holly informed the Commissioners that she received a notice from the Fayette County Solid Waste Authority informing that WEE CAN Club of Divide Elementary School has been selected First Place National Award Winner for Youth Groups/Schools for Litter Prevention

by Keep America Beautiful.

Ms. Holly asked the Commission if they wanted to send a letter to the WEE CAN Club of Divide Elementary for being selected. The Commission asked Ms. Holly to prepare letter of recognition.

Outstanding bills and payroll were approved. The Commissioners approved to release payroll on Friday, October 27, 2000.

Ms. Holly informed the Commission that she had prepared several invoices to be paid out of the Dog Tax Fund but the dog Tax Fund is in the red; Ms. Holly asked the Commission if they wanted her to hold checks. The Commissioners asked Ms. Holly to hold checks until Dog Tax Fund receive funds.

The Commissioners received and reviewed expenditures as of September, 2000 for the Fayette County Park.

The Commissioners received and reviewed third quarter Hotel Occupancy Tax to be paid to the New River Convention and Visitor Bureau.

The Commissioners received and reviewed a letter from Steptoe and Johnson regarding the Michelle Lynn O'Dell lawsuit.

The Commissioners received and reviewed several orders from the Division of Highways ordering the additions of streets to the State Local Service System.

The Commissioners received and reviewed order from the Division of Highways ordering the addition of Milo Lane Extension of HA-930 to the Home Access Roads Program (HARP).

The Commissioners received and reviewed a letter from the Town of Pax informing they had received a grant for the full amount of \$3,400 to purchase a blower for their Sewer Treatment Plant and request a change in the \$1,700 the Commission granted be used for

other necessary repairs and equipment. The Commissioners approved.

The Commissioners received and reviewed information from the West Virginia Association of Counties regarding Dental/Vision Benefit Plan.

The Commissioners received and reviewed update from the Powellton Coal Company, L. L. C. regarding the proposed Bridge Fork Surface Mine #1.

The Commissioners received and reviewed letter from the Division of Criminal Justice Services informing they have not received the required Financial and Progress Reports for the quarter of July 1, 2000 through September 30, 2000 for the Local Law Enforcement Block Grant 99-LL-06. Copy forwarded to Sheriff Larry Dotson.

The Commissioners received and reviewed a letter from Steptoe and Johnson regarding the auditors request for pending or threatened litigations, claims and assessments.

The Commissioners received and reviewed a letter from the 4-C Economic Development Authority asking the Commission to confirm their contribution as of June 30, 2000 to the auditors of Smith, Cochran and Hicks, P. L. L. C.

The Commissioners received and reviewed fax from Vivian Parsons with the County Commission Association regarding vehicles polices.

The Commissioners received and reviewed a letter from the Fayette County Solid Waste Authority informing the Commission of the salary increase for Jacqueline Hickman and Deborah Berry, effective October 1, 2000.

The Commissioners discussed the time to be here for Election night, no decision made, would discuss further in the October 31, 2000 meeting.

The meeting was adjourned at 11:30 a.m. The next scheduled meeting is October 31, 2000.



A handwritten signature in black ink is positioned above a horizontal line. The signature is highly stylized and cursive, with several loops and flourishes. The horizontal line is a solid black line that spans across the width of the signature.

FAYETTE COUNTY COMMISSION
SPECIAL SESSION
OCTOBER 31, 2000
COURTHOUSE
FAYETTEVILLE, WV 25840
MEMBERS Present: Gene Carte, Jr., John L. Witt

The Fayette County Commission met in special session on this 31st day of October, 2000.

The meeting was called to order at 9:30 a.m.

The Commissioners recessed to go up on the third floor to test votomatics machines and tabulator machine equipment for the General Election.

The Commissioners reviewed and approved minutes of the County Commission meeting held October 25, 2000.

The Commissioners reviewed and signed minutes of the Zoning Hearing meeting held on October 25, 2000.

The Commissioners signed letter to the Town of Pax approving their request to change the scope of the project as previously approved in the amount of \$1,700 for the purchase of a blower for the sewer treatment plant to make other necessary repairs and equipment at the plant.

The Commissioners signed letter for the Ansted Certified Fire Department to the West Virginia State Agency for Surplus Property informing that the Ansted Certified Fire Department is an essential part of Fayette County's safety program and is considered an instrumentality of the Commission in carrying out fire fighting and other public services.

The Commissioners signed letter to the Division of Highways on behalf of the residents of Pea Ridge Road requesting they close State

Route 18 which runs through Gethsemane Cemetery from Pea Ridge Road to Sanger in Fayette County.

The Commissioners signed letter to WEE CAN Club of Divide Elementary congratulating them for being selected as a first place National Award winner by the Keep American Beautiful, Inc.

The Commissioners signed Resolution for the Fayette County Solid Waste Authority declaring November 15, 2000 as America Recycles Day.

The Commissioners signed letter to Barbara Braxton, Director, Family Law Masters requesting reimbursement for rent in the amount of \$1,500.00 for the month of November, 2000.

Ms. Holly informed the Commissioners she received brochure from Yvonne Harp, West Virginia University Extension Agent and she suggested that the Commission may want to hire someone in time to attend Regional Training for 4H Plus being held December 1-11, 2000; the Commissioners asked Ms. Holly to hold advertising for secretary for the Extension Office.

The Commissioners received and reviewed from the Secretary of State Office a list of the write-in candidates for the 2000 General Election.

The Commissioners signed certification certifying the boundaries for legal entities in West Virginia for the U. S. Census Bureau 2000.

The Commissioners received and reviewed a copy of a letter to Kelvin Holliday, County Clerk from Paul Blake, Prosecuting Attorney informing that effective November 2, 2000, Teresa Daniel resign as Assistant Prosecuting Attorney.

Ms. Holly reminded the Commission that the County Commission meeting for Wednesday, November 8th has been canceled.

The Commissioners approved for Commissioner Carte to sign titles

to the county vehicles that are being sold in today's auction.

Outstanding bills were approved.

Ms. Holly informed the Commission that Judge Vickers thanked the Commission for the offer to purchase an executive chair, but at this time he was satisfied with what he has.

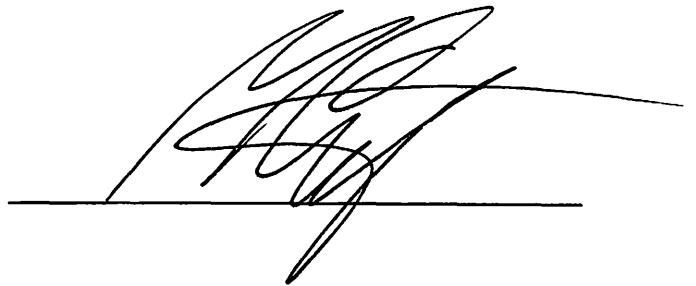
The Commissioners received and reviewed quarterly franchise fee for the period ending September 30, 2000 from Charter Communications, amount \$5,687.40.

The Commissioners received and reviewed check in the amount of \$7,842.00 from ITT Specialty Risk Services, Inc. for Deputy Pete Lopez's cruiser (destroyed equipment-In Car Video System \$5,580 and UHF Mobile Radio \$2,262).

The Commissioners received and reviewed check in the amount of \$89.00 for Funds for Deposit to the Fire Levy Fund.

The Commissioners received and reviewed thank you letter from the Town of Gauley Bridge in helping them obtain a truck for the Town.

The meeting was adjourned at 10:55 a.m.; auction to begin at 11:00 a.m. Next scheduled meeting is scheduled for November 13, 2000.

A handwritten signature in black ink, written over a horizontal line. The signature is stylized and appears to be the name of the official representing the Commission.

FAYETTE COUNTY COMMISSION

SPECIAL SESSION

NOVEMBER 13, 2000

COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a special session on this 13th day of November, 2000.

The meeting was called to order at 9:00 a.m.

Exonerations were approved and signed.

Ms. Holly informed the Commissioners that Governor Cecil Underwood had declared Friday, November 24, 2000 an additional day off for State employees.

The Commissioners approved November 24, 2000 an additional day off for County employees without charge against accrue annual leave. Memorandum to the Elected Officials and Fayette County employees was signed.

The meeting was adjourned to conduct canvass for the Presidential General Election. Next scheduled meeting is November 15, 2000.

A handwritten signature in black ink, appearing to be "J. L. Witt", is written over a horizontal line. The signature is stylized and cursive.

FAYETTE COUNTY COMMISSION

REGULAR SESSION

NOVEMBER 15, 2000

COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in regular session on this 15th day of November, 2000.

The meeting was called to order at 9:35 a.m.

Tim Hannah, Chairman, Fayette County Solid Waste Authority and Bill Caudill, Chairman, Fayette County Beautification Committee informed the Commissioners that the mandatory garbage proposal is coming together, they needed to meet with the Mayors and need to come up with some plan for the older citizens on fixed income.

The Commissioners reviewed and approved minutes of the County Commission meeting held on October 31, 2000.

Payroll was approved and released.

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

Commissioner Witt made a motion to readvertise for sound system at the Memorial Building. Commissioner Lopez seconded. All approved.

The Commissioners signed Fire Levy Pumper Replacement Agreement for Oak Hill Volunteer Fire Department for the period July 1, 2000 through June 30, 2001.

The Commissioners signed order appointing Arnold Whitlow as the County Citizen Representative of the Fayette County Enhanced Emergency Telephone System; term to expire on July 1, 2002.

The Commissioner signed legal holiday list for the coming year

2001 to all Elected Officials and Employees.

Commissioners Witt made motion to purchase small copier for the County Clerk's Office. Commissioner Lopez seconded. All approved. Ms. Holly to get bids.

Commissioner Lopez questioned Kelvin Holliday, County Clerk about the 155 challenged ballots. Mr. Holliday informed the Commissioners that all challenged voters would be notified. Commissioner Witt asked that the Democratic and Republican executive Committee discuss with the poll workers about voting before working Election Day.

The Commissioners received and approved request from Mr. Holliday to hire part-time worker for four weeks to help with poll slips in Voter's Registration Office; to be paid out of election expense.

The Commissioners approved to hire Linda Casey subject to qualification with Yvonne Harp, WVU Extension Agent as part-time secretary for the month of December; full time January 1, 2001, salary same as Danita Young.

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

Discussion was held regarding hiring a maintenance worker. Commissioner Witt suggested to the Commissioners to review applications on file; Commissioner Lopez made motion to hire Lucy Walton as a full time employee, effective December 1, 200, salary plus benefits, amount \$1,100 a month and to move Dee Lively from the Fayette County Commission salary line item to Fayette County Park salary line item. Commissioner Carte seconded.

Christine Lykins appeared before the Commission and presented

her complaint about how rude the Dog Catcher was toward her and the traps that are left to catch animals. Ms. Lykins informed the Commissioners that her kitten had been trapped for at least three days and no one came to check the trap after she called. Ms. Lykins informed the Commissioners that her neighbor is trapping her cats.

The Commissioners informed Ms. Lykins that since she lives in the Town of Gauley Bridge this matter should be addressed to the Town. Ms. Lykins informed the Commissioners that she had talked with the Town of Gauley Bridge and they referred the matter back to the Commission.

Mr. Pauley informed the Commissioners that he had received several complaints about the Dog Catcher and that something needed to be done.

Commissioners Lopez informed Ms. Lykins that the Commission would address a letter to the Town of Gauley bridge regarding this matter.

Greg Nuckols appeared before the Commissioners to complaint about the traps that are set and the length of time the traps are left unattended.

Commissioner Witt made motion to go into Executive Session. Commissioner Lopez seconded.

Upon reconvening from the Executive Session, Commissioner Carte informed they took no action in the Executive Session.

The Commissioners informed that Mark Campbell be demoted to park duties and maintenance, salary \$5.15 an hour.

Commissioner Lopez made motion to approve one time grant allotment request for C-PAC, amount \$3,000. Commissioner Carte seconded. All approved.

The Commissioners approved Charlotte Holly, County Administrator travel voucher.

The Commissioners approved for David Neal, E911 Coordinator to hire Frank Cafego as third part-time communications Specialist only if money is in budget.

The Commissioners received/reviewed and authorized Commissioner Carte to sign legislative Digest Grants for Gauneka-Ruritans, Falls View Community Center, Sheriff's Office, Minden Community Center and Kanawha Valley Community Center.

Ms. Holly informed the Commissioners she had received a letter from Caring Hands, Inc. asking that the \$15,000 grant be given in a lump sum. Ms. Holly informed the Commissioners she had sent a copy of the Caring Hands, Inc. grant and request to Jeanna Bailes with West Virginia Development Office who said the money may be received up-front. Ms. Holly informed the Commissioners she was waiting to hear from Ms. Bailes.

The Commissioners approved drawdown request for Minden Community Center.

Discussion was held regarding the two parking space beside the Fayette County Health Department. The Commissioners asked to hold until December 15, 2000.

The Commissioners received and reviewed letter form the Department of Transportation asking their comments regarding Notice of exemption for the abandonment of approximately 4.8 miles of railroad located in Fayette and Raleigh Counties. The Commissioners informed they had no comment.

Ms. Holly informed the Commissioners she received a call from Attorney Phil Tissue asking that a hearing be scheduled for the

closing of the deed for HUD/Southern Appalachian Labor of School. The Commissioners asked to schedule the closing for 10:00 a.m., Wednesday, November 29, 2000.

Commissioners Lopez made a motion to cancel the County Commission meeting December 27, 2000. Commissioner Carte seconded. All approved.

The Commissioners received and reviewed minutes from Page-Kincaid Public Service District for the months of October and November.

The Commissioner received and reviewed minutes from Salem-Gatewood Public Service District for the month of October, 2000.

The Commissioners received and reviewed reimbursements of funds for deposit to the Fire Levy Fund.

The Commissioners received and reviewed Employer Loss Activity Statement from the Workers' Compensation Development.

The Commissioners received and reviewed letter from Sheriff Larry Dotson informing of equipment that was destroyed from a leak in the trunk of Deputy Micha Feltner cruiser. Copy of loss was faxed to Jim Lively Insurance was told that the loss does not exceed deductible.

The Commissioners received and reviewed fax from the West Virginia Association of Counties informing of Michael Gioulis, Historic Preservation Consultant presentation to the Select Committee to Study Courthouse Facilities.

The Commissioners received and reviewed fax from Janet Zamiela, Fayette County Senior Program asking that the Commissioners sign affidavit to have red and white plates issued to the Fayette County Senior Program vehicle. The Commissioner denied request.

The Commissioners received and reviewed copies of invoices paid by the Christian Helping Others Pantry from the Governor's Contingency Grant.

The Commissioners received and reviewed letter from Steptoe and Johnson regarding Michelle Lynn O'Dell v. Jack L. brown lawsuit.

The Commissioners received and reviewed letter from the State Tax Department certifying that Thomas Aiello, Assessor has substantially complied with the "Assessor's additional duties", amount \$15,000.

The Commissioners received and reviewed order from the Division of Highways ordering the addition of Wolfe Lane (Oak Hill area), White Cemetery Road to the Home Access Roads Program (HARP).

The Commissioners received and reviewed letters from the West Virginia Development Office informing of the Financial Management System Audit for Fayette County Commission/New Haven Public Service District Extension, Project #97SCBG0009 and Fayette County Commission/Comprehensive Plan Update, Project #98SCBG0063.

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

Ms. Holly informed the Commissioners she received a claim from a community service worker who was bit by a cat at the Animal Shelter. Ms. Holly informed the Commissioners she forwarded all information to Paul Blake, Prosecuting Attorney asking him to review the information and advise the Commission who is responsible for this claim.

The Commissioners received and reviewed franchise fees for the period July 1, 2000 to September 30, 2000 from Charter Communications, Inc., amount \$13,545.27.

The Commissioners received and reviewed letter from Charter

Communications informing of the rate adjustment for Charleston/Shrewsbury system effective December 2, 2000.

The Commissioners received and reviewed reimbursement from the Federal Emergency Management Agency Grant (FEMA) to the Fayette County Emergency Services, amount \$5,610.21.

The Commissioners received and reviewed invitation to the Open House Dedication Ceremony for the completion of the New Office Building from Gauley River Public Service District, being held Thursday, November 16, 2000 at 11:00 a.m. to 2:00 p.m.

The Commissioners received and reviewed request from the West Virginia University Extension Office to purchase a desk. Discussion was held regarding travel expense of Patty Cook. No decision made.

The Commissioners received and reviewed letter from John Cavendish asking the Commission if they had any jurisdiction over the management and maintenance of the Lansing cemetery. The Commission asked Ms. Holly to inform Mr. Cavendish that they have no jurisdiction of the management and maintenance of the Lansing cemetery.

Ms. Holly informed the Commissioners that she would have surgery Friday, but informed the Commissioners that she did not know how long she would be off until after she had surgery.

Outstanding bills were approved and signed. The meeting was adjourned at 12:50 p.m.

The Commissioners reconvened the Fayette County Commission meeting to certify the Presidential General Election.

Commissioner Lopez made motion that the canvass of the 2000 Presidential General Election be certified. Commissioner Witt seconded. All approved. The Commissioners signed order certifying

the results of the canvass for the Presidential General Election. The Commissioners signed orders certifying the results of the amendments.

The Commissioners signed letter to Ken Hechler, Secretary of State informing of the votes cast for candidates at the General Election held on November 7, 2000.

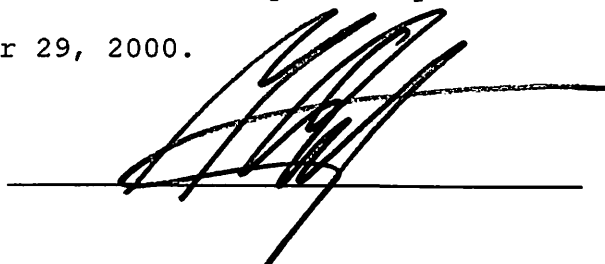
Commissioner Witt made motion to authorize using their stamps to certify results. Commissioner Lopez seconded. All approved.

Commissioner Witt moved that the two had counted precincts combined met the required 1% margin of votes cast. Commissioner Lopez seconded. All approved.

The Commissioners signed letters to Kelvin Holliday, County Clerk, informing that effective November 16, 2000 the annual salary to be paid to Thomas Mark Campbell, Park Maintenance is \$10,712 plus benefits to be paid from the General Fund Park salaries line item and effective December 1, 2000 the annual salary to be paid to Lucille Walton, Courthouse janitor, is \$13,200 plus benefits to be paid from the General Fund Courthouse salaries line item.

The Commissioners received and reviewed fax from David Neal, E911 Coordinator informing that March Tucker, Sr. has submitted his resignation from the Fayette County Emergency Telephone system Advisory Board.

The meeting was adjourned at 1:55 p.m. The Commissioners opened the ballot room to get poll slips for Kelvin Holliday, County Clerk. The next scheduled meeting is November 29, 2000.

A handwritten signature in black ink, appearing to be 'K. H.', is written over a horizontal line. The signature is stylized and somewhat illegible.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
NOVEMBER 29, 2000
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in regular session on this 29th day of November, 2000.

Commissioner Carte called meeting to order at 9:31 a.m.

Exonerations were approved and signed.

Commissioner Witt suggested to the Commissioners that a letter be written to the Division of Highways requesting that all requests prior to naming and posting of streets be referred to the Fayette County Commission for consideration.

David Pollard, County Resource Coordinator presented to the Commissioners a drawdown request for payment regarding the Comprehensive Plan update project, amount \$2,804.89. Commissioner Lopez approved to adopt Resolution and to approve and authorize the payment of services. Commissioner Witt seconded. All approved. Resolution signed.

Pat Minter, HUD presented to the Commissioners the settlement statement for Route 41, Maplewood property for Southern Appalachian Labor of School (SALS), deed was signed and recorded in the County Clerk's Office.

Payroll was approved and released.

Art Burnell appeared before the Commissioners to petition the Commission to close abandoned street at Adena Village. Commissioner Witt moved to close street. Commissioner Lopez seconded. All approved.

The Commissioners signed a letter to Barbara Baxter, Director, Family Law Masters requesting reimbursement for rent in the amount of \$1,500.00 for the month of December, 2000.

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

The Commissioners signed letter to the Division of Criminal Justice Services requesting an extension of the contract period until March 31, 2001 for the Court Security Grant #00-1002 for the Fayette County Courthouse.

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

The Commissioners signed Addendum to Sales Proposal/Agreement with Electronic Specialty Company.

The Commissioners approved subject to Judge John Hatcher's approval ringing of the Courthouse bell on December 15, 2000 at 5:55 p.m.- 6:00 p.m. (5 minutes).

The Commissioners received invitation from the Magistrate Court Personnel to bid farewell to two retiring Magistrates Tom Monk and Allan Workman on Thursday, November 30, 2000 at 12:30.

The Commissioners received response from Paul Blake, Prosecuting Attorney, regarding the cat bite suffered by Kathy Murray while performing community service at the Fayette County Animal Shelter.

The Commissioners received and reviewed order from the Division of Highways ordering the addition of Ames Church Road to the Home Access Road Program (HARP).

The Commissioners approved and signed County Commission minutes of November 13, 2000.

The Commissioners received and reviewed notice from the Coal

Heritage Trail Association, Inc. canceling the meeting on Friday, November 17, 2000.

The Commissioners received and reviewed accident report involving County Sheriff's cruiser (C. Martin).

The Commissioners received and reviewed from Steptoe and Johnson correspondents regarding the Roger Bryant lawsuit.

The commissioners received and reviewed letter from Casto Technical Services announcing an increase of their hourly service rates effective immediately (\$55 per hour to \$60 per hour).

The Commissioners received and reviewed letter from the West Virginia Development Office informing they are unable to accommodate the 2000 Small Cities Block Grant application for Fayette County Commission/Southern Appalachian Labor of School) Dormitory Annex.

The Commissioners received check from Verizon in the amount of \$43,321.33 for the Emergency Telephone System Fee for the month of October, 2000.

The Commissioners received and reviewed fax from the West Virginia Association of counties regarding the Voting system.

The Commissioners received and reviewed letter from the Supreme Court of Appeals confirming the Fayette County ATM (Asynchronous Transfer Mode) training date for all Magistrates.

The Commissioners received and reviewed letter from the State Emergency Response Commission asking that the LEPC submit a Hazmat Plans.

The Commissioners received and reviewed letter from Fast Law office asking that a hearing be scheduled to either affirm, reverse or modify the Special Commissioner's order in the Estate of Robert E. Kelly, Jr.

The Commissioners received and reviewed Funds for Deposit to the Fire Levy Fund.

The Commissioners received and reviewed letter form Stafford Consultants, Inc. informing that a pre-Bid Conference is scheduled for January 3, 2000 at 10:00 a.m. on the New Haven Public Service-Water Extension Project.

The Commissioners received and reviewed bids for a copier for the County Clerk's Office. The Commissioners suggested having Charlotte Holly, County Administrator review.

The Commissioners received and reviewed lawsuit from Plateau Action Network, Inc. and Meredith Gregg.

Paul Blake, Prosecuting Attorney appeared before the Commission to request they go into Executive Session to discuss lawsuit.

Commissioner Lopez made motion that the Commission go into Executive Session with Mr. Blake to discuss lawsuit. Commissioner Witt seconded.

Upon reconvening from the Executive Session. The Commissioners informed the Prosecuting Attorney has advised them to schedule a meeting on December 6, 2000 at 10:00 a.m. to reconsider the matter with the view to set aside the previous order entered and recommit the matter to the Fayette County Planning Commission.

Earnest Cooper and Bonnie Cooper appeared before the Commission to request that Jamie Blankenship, Fiduciary Commissioner for the Estate of Mamie Cooper be removed.

Attorney Jamie Blankenship and Homer Cooper were present.

Mr. Blankenship informed the Commissioners that Earnest Cooper did not inform of this hearing today.

Mr. Blankenship informed the Commissioners that upon their

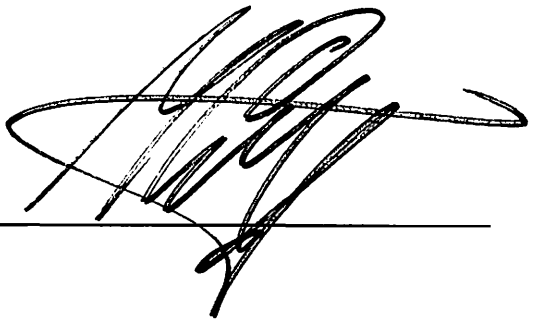
request he had scheduled a hearing and made available by certified mail to the Coopers an account of the various assets sold and the proceeds therefrom regarding the estate.

Mr. Homer Cooper informed the Commissioners that he would like to keep Mr. Blankenship as Fiduciary Commissioner of Mamie Cooper's Estate.

Mr. Blankenship informed the Commissioners that if they wanted to remove him as Fiduciary Commissioner he would gladly turn all information over to the next appointed Fiduciary Commissioner.

Commissioner Lopez and Commissioner Witt informed they were satisfied with Mr. Blankenship's performance and that he should remain as Fiduciary Commissioner of Mamie Cooper Estate. The hearing was adjourned.

The meeting was adjourned at 11:19 a. m. The next scheduled meeting is December 6, 2000.



FAYETTE COUNTY COMMISSION

REGULAR SESSION

DECEMBER 6, 2000

COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in regular session on this 6th day of December, 2000.

Commissioner Carte called meeting to order at 9:36 a.m.

The Commissioners received and reviewed letter from David Turner resigning as a member of the Board of Zoning Appeals.

The Commissioners received and reviewed letter from Tim Richardson, Zoning Officer informing of David Turner resignation and that the term of Rupert Chuyka, Board of Zoning Appeals member expire on January 1, 2001.

The Commissioners approved for payment of travel voucher for the Board of zoning Appeals members.

The Commissioners received and reviewed order from the Division of Highways ordering the addition of North Page Place to the Home Access Road (HARP).

The Commissioners received and reviewed order from the Division of Highways ordering shooting Range Road to the State Local Service System.

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

The Commissioners received and reviewed fax from the West Virginia Association of Counties asking that they review County's page in the County Commissioners 2000 Directory to make any necessary

changes for fiscal year 2001. Commissioners Witt suggested holding until January, 2001.

The Commissioners signed letter to the Division of Highways requesting that all requests for street naming in Fayette County be referred by their office to the Fayette County Commission for approval and request that the coordinator of all street naming activities in Fayette County be directed to the Fayette County E911 Center in care of David Neal, E911 Coordinator.

The Commissioners signed request for reimbursement to the West Virginia Division of Criminal Justice Services for the Courthouse Security Grant.

The Commissioners received and reviewed bids for copier for the County Clerk's Office. Commissioner Lopez asked to hold until January, 2001.

The Commissioners approved request to purchase a chair for the West Virginia University Extension Office, cost \$54.99.

The Commissioners received and reviewed expenditures of the Fayette County Park for the month of November.

The Commissioners received and reviewed Application for Employment from Victoria Navicki.

The Commissioners received and reviewed letter from David Neal, E911 Coordinator informing Brian Hawver and Kevin White have successfully completed their full-time probationary periods and requesting that their hourly pay rate be adjusted to \$7.84 effective December 1, 2000.

The Commissioners signed letter to Kelvin Holliday, County Clerk informing that effective January 1, 2001, the annual salary to be paid to Charlotte Holly shall be \$49,000 plus benefits to be paid

from the General Fund.

The Commissioners received and reviewed from Earl Pauley, Park Superintendent an estimate of repairs that was faxed to Specialty Risks Services on Deputy Clarence Martin cruiser.

The commissioners received and reviewed letter form Verizon informing of a correction made on their remittance for Fayette County 911 fees for the month of October.

The Commissioners received and reviewed invitation to the City of Smithers parade being held Friday, December 5, 2000 at 7:00 p.m.

The Commissioners received and reviewed invitation to the Fayette County Public Defenders Office Christmas Open House being held Friday, December 15, 2000.

The Commissioners received and reviewed correspondence from The Hartford Insurance regarding claim #YAJAC00841.

The Commissioners received and reviewed letter from the Midland Trail Scenic Highway Association regarding recommended Route for the Extended Midland Trail in West Kanawha, Putnam, Cabell and Wayne Counties.

The Commissioners received and reviewed letter from Citizens Communications enclosing an amendment to the Citizens Communications Enhanced 911 Billing Contract. Copy forwarded to David Neal, E911 Coordinator.

The Commissioners received and reviewed response from the Division of Highways regarding the abandonment of a portion of West Virginia Route 18, which runs through Gethsemane Cemetery from Pea Ridge Road to Sanger.

Paul Blake, Prosecuting Attorney appeared before the Commission to advise the Commissioners that they should send a letter to Vernon

Critchley requesting that he remove the two 1979 GMC tandem trucks that were purchased from the County public auction on September 30, 1998. Mr. Blake asked the Commission to advise Mr. Critchley that he is in violation of the terms of said auction which required removal within 48 hours of the sale. Letter signed.

The Commissioners called meeting of the Zoning hearing to order. Present were Tim Richardson, Zoning Officer, Dave Pollard, Community Resource Coordinator, Paul Blake, Prosecuting Attorney, Bill Wooten, attorney, Charles A. Toney, Gene Kistler, Plateau Action Network and Meredith Gregg.

On the advice of Paul Blake, Prosecuting Attorney, the Commission revisited a decision made October 25, 2000 in the matter of: Z-484-2: Request of Charles A. Toney, owner, for a change in land classification from LC-1 (land conservation district) to I-1 (light industrial district) on .94 acres, Collinsdale on Route 15, Mahan, near the West Virginia Turnpike, Valley District.

During the October 25 hearing, the Commission granted Planned Development for the .94 acres and adjacent properties (a point disputed by counsel for the applicant) for the purpose of B-3 uses, as well as for a 1,200-square foot sign as one of the purposes and uses. The Planned Development designation was in contrast to a Planning Commission recommendation that called for I-1 designation of the .94 acre tract.

On December 6, 2000, Paul Blake, Prosecuting Attorney, counsel for the Commission, stated that a mandamus action had been filed by Plateau Action Network, Inc. citing procedural errors in the Commission order of October 25, 2000. Mr. Blake went on to say that Fayette County Circuit Judge John Hatcher had issued an order to the

Commission to show cause why he should not grant the writ of mandamus. Mr. Blake further stated that a response from the Commission was due by December 11th and that a hearing on the writ had been set for December 14, 2000 at 10:00 a.m.

Mr. Blake said in his review with the Commission there seemed to be procedural errors that would cause issuance of the writ. He further stated that a letter had been sent to the applicant to give them an opportunity to show why not to refer the matter back to the Planning Commission. Mr. Blake cited Section 8-24-22 of the state code which says that the County Commission shall approve recommendations of the Planning Commission, reject them or amended them. In the case of rejection or amendment, the West Virginia Code says the Commission shall report them back to the Planning Commission for response, at which time the Planning Commission has 45 days to respond. Mr. Blake went on to say that the Commission may be able to enact their October 25th order, but that they must send it back first.

In response to Mr. Blake's statements, attorney Bill Wooten (representing the applicant) said the show cause order in no way indicated the opinion of the judge. Mr. Wooten went on to question the minutes from the October 25, 2000 hearing ("and adjacent properties" language) and asked for a correction to those minutes.

Commissioner John Lopez responded that they included the adjacent properties to comply with the ordinance, which specifies that a minimum of two acres was needed for Planned Development applications. Commissioner Lopez offered a motion to return the matter to the Planning Commission, saying "for some reason the applicant does not want to consider the adjacent properties" (motion died on the floor for lack of a second at that time).

Attorney Wooten responded that the adjacent properties were already zoned for commercial uses and the applicant did not need to have the zoning classification changed.

Gene Carte, President, Fayette County Commission then stated that the ordinance says you cannot apply for Planned Development on less than two acres, questioning if Mr. Wooten was saying it could be approved on less than two acres but not applied for.

Attorney Wooten responded that he was advised that the County Commission had approved Planned Development on other properties of less than two acres.

Commissioner Carte responded that the proper thing to do was to reconsider the action of October 25, 2000.

Commissioner Lopez then asked Planning Commission member Gene Kistler if Planned Development had been granted on parcels of under two acres in the past.

Mr. Kistler stated that Planned Development was for multiple uses, but that in the past it had been used as a means of control. Mr. Kistler went on to say that under Planned Development every use has to receive individual approval before that use can proceed. He said that there had been a lot of discussion of the Planning Commission about having a better ordinance so that they did not have to micro-manage projects with the overuse of Planned Development. When asked again by Commissioner Lopez if projects had been approved on less than two acres, Mr. Kistler responded he was sure you could find some.

Commissioner John Witt joined the discussion saying that the best action was to send the action back to the Planning Commission. Commissioner Witt said he wanted to be sure that the issue was

resolved legally.

Commissioner Lopez made motion to have the Tim Richardson, Zoning Officer prepare an amendment to the Zoning Ordinance allowing for 1,200-square foot signs on the 11 miles of the West Virginia Turnpike in Fayette County, saying he wanted it to cover only that section, and not other highways in Fayette County. Commissioner Lopez asked that the amendment be prepared for consideration at the next Planning Commission meeting.

Disposition: On Commissioner Lopez motion to consider a zoning amendment to allow for 1,200 square foot signs to be erected on the 11 mile section of the West Virginia Turnpike in Fayette County, Commissioner John Witt seconded and the motion passed 3-0.

Attorney Wooten then responded that he still felt a correction to the October 25, 2000 minutes was in order. Mr. Wooten said they did not ask the Commission to act on the adjacent property. Mr. Wooten asked that rather than sending the matter back to the Planning Commission the Commission act on the I-1 recommendation forwarded by the Planning Commission.

Mr. Blake advised that the Commission could indeed approve the recommendation of the Planning Commission for I-1, but that if it was changed to Planned Development it would have to go back to that body.

Attorney Wooten said he took exception to Mr. Blake's claim, saying it was not the way the Commission had acted in the past.

Mr. Blake stated he did not see how Mr. Wooten could take that position because the statute stated it "shall be returned".

Attorney Wooten responded by saying they were not talking about changing the ordinance, but just changing a land classification.

Commissioner Witt stated that perhaps actions in the past had

been illegal and that the simplest way to correct the situation was to refer it back to the Planning Commission.

Attorney Wooten then repeated his request to grant the I-1 recommendation of the Planning Commission.

Commissioner Lopez said he saw no problem with that request.

Mr. Blake then asked if the applicants were willing to accept I-1 with a 200-square foot sign as per the ordinance.

Disposition: Commissioner Lopez made a motion to reconsider and dismiss the action of October 25, 2000 granting Planned Development. Commissioner Witt seconded the motion, motion passed on a 3-0 vote.

Tim Richardson, Zoning Officer was then asked to read the October 23, 2000 recommendation of the Planning Commission. Mr. Richardson reading included the full recommendation as well as the advertisement. Commissioner Carte asked that the language regarding sign size be stricken, saying he did not want to attach that future limitation to other properties if the ordinance is amended.

Disposition: Commissioner Lopez that made a motion to accept the October 23, 2000 recommendation of the Planning Commission granting I-1 designation to the .94 acres advertised. Commissioner Witt seconded the motion, motion passed 3-0.

There being no further zoning business, this portion of the meeting was adjourned.

The Commissioners open bid for the purchase and installation of a sound reinforcement system for the Fayette County Soldiers and Sailors Memorial Building.

Commissioner Witt informed the Commissioners that the Board of Education has approved to pay half of the expense.

The Commissioners received only one bid from Electronic

Specialty Company, amount \$21,450.00.

Commissioner Witt made motion to accept Electronic Specialty Company bid with the understanding that the Board of Education will pay half. Commissioner Lopez seconded. All approved.

Virgil Berry a member of REACT and the Red Cross appeared before the Commission to request funds to help the Red Cross. Mr. Berry informed the Commissioners that because of the disaster in Mount Hope the Red Cross funds have been depleted. After a brief discussion, Commissioner Lopez made motion to contribute \$2,000 to help the Red Cross. Commissioner Witt seconded. Commissioner Lopez informed that funds will be available on the December 15th.

Commissioner Carte made motion that Tom Stafford be appointed a member of the Board of Zoning Appeals. Commissioner Lopez seconded.

David Pollard, Community Resource Coordinator appeared before the Commissioners to present the second series of West Virginia Industrial Development Revenue Bonds (WV American Water Co.) 1999 Series A. Mr. Pollard informed the Commissioners that the first series was signed December 15, 1999 by Order and Resolution. Mr. Pollard informed the Commissioners they do not have to sign Resolution or an Order today. Mr. Pollard informed the Commissioners that the Commission would not incur any liability, county would own facility.

Kelvin Holliday, County Clerk and Linda Johnson, Chief Deputy Clerk appeared before the Commission to request for an additional one-time overtime allotment of \$1500 from his 2000-2001 fiscal year overtime line item. Discussion was held, Commissioner Lopez asked Mr. Holliday if he would get all the challenged votes updated the Commission would include an additional \$500.00 to be paid from the

Election Expense for part-time help. Mr. Holliday thanked the Commission and informed he would try his best to get the books updated. Commissioner Witt made motion to allot the one-time additional overtime of \$1,500 to prepare the tax deed and \$500.00 for part-time help to update books, both to be paid out of the Election Expense. Commissioner Lopez seconded. All approved.

The meeting was adjourned at 11:40 a.m. The next scheduled meeting is December 15, 2000.

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke, positioned above a solid horizontal line.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
DECEMBER 15, 2000
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in regular session on this 15th day of December, 2000.

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

Commissioner Lopez informed Kelvin Holliday, County Clerk that its been decided to replace their small copier with the larger copier from the County Administrator's Office. Mr. Holliday agreed to accept the copier.

The Commissioners signed letter to Barbara Baxter, Director, Family Law Masters requesting reimbursement for rent in the amount of \$1,500.00 for the month of January, 2001.

David Pollard, County Resource Coordinator, presented to the Commissioners a drawdown request for payment regarding the Comprehensive Plan Update project, amount \$3,782.82. Commissioner Lopez approved to adopt Resolution and to approve and authorize the payment of services. Commissioner Witt seconded. All approved. Resolution signed.

Payrolls for the first and second half of December were approved. The Commissioner approved to release first half payroll.

Commissioner Witt informed the Commissioners that Dave Pollard was named Man of the Year and Cindy Dragan was named Woman of the Year by the Fayette County Chamber of Commerce.

The Commissioners signed order, ordering the balance of the Fayette County General School Fund in the amount of \$55,569.32 for

the calendar year 2000 to be transferred to the Fayette County General Fund to defray the balance due said fund for the cost of care and feeding of misdemeanor previous incarcerated by magistrates.

The Commissioners signed letter to the West Virginia Development Office on behalf of Caring Hands, Inc. requesting that the legislative digest grant in the amount of \$15,000 for Caring Hands be paid in advance in three installments of \$5,000 each. Prior to the second and third advance payments paid invoices and checks would be submitted by Caring Hand to the County Commission as documentation of the previous advance.

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

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

The Commissoinrs received and reviewed Public Notice from Tim Richardson, Zoning Officer informing that on January 29, 2001 the Planning Commission will hold a public hearing on the proposed amendment of Article XIV, Section 1409 Signs and Billboards, Subsection 5, Subsection (e), Billboards on the West Virginia Turnpike.

The Commissioners signed minutes of the Zoning Hearing held on December 6, 2000.

The Commissioners signed order reappointing Rupert Chuyka to the Board of Zoning Appeals, term to expire January 1, 2004.

The Commissioners signed order appointing Tom Stafford a member of the Board of Zoning Appeals, term to expire January 1, 2004.

The Commissioners signed State Tax Report for the Fayette County

Park for the month of November.

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

The Commissioners received and reviewed Application for Employment from Randolph Monroe Carver.

The Commissioners received and reviewed letter from Branch Banking and Trust Company (BB&T) informing of the securities that were held as collateral to secure the deposits as of November 30, 2000.

The Commissioners received and reviewed a letter from the Fayette Transition Team to Kendall Mitzner, West Virginia-American Water Company requesting they send all data on the waterline extension project to serve the Paint Creek area near Mossy so that they can complete the necessary documents to prepare an Infrastructure Council pre-application to be submitted by February.

The Commissioners received and reviewed letter from the West Virginia Development Office informing of a Small Cities Block Grant (SCBG) training session being held February 22, 2001.

The Commissioners received and reviewed memo from the West Virginia Association of Counties regarding the PEIA proposed Fiscal Year 2002 Financial Plan proposing a 37% increase for non-state participants who are enrolled in PEIA for Fiscal Year 2003.

The Commissioners received and reviewed Audit Report from Gauley River Public Service District for June 30, 2000 and 1999.

The Commissioners received and reviewed fax from the Upper Kanawha Valley Enterprise Community (UKVEC) informing that on December 11, 2000 the West Virginia Memorial Tunnel hosted its First Domestic Terrorist Consequence Management Exercise and Research

Planning Incorporated is hosting a community Open House at the tunnel on Saturday, December 16, 2000 from 1:00 to 4:00 p.m., the Tunnel Staff will conduct briefings and tours of the facility. Copy forwarded to Steve Cruikshank, OES Director.

The Commissioners received and reviewed letter from Specialty Risk Services, Inc. regarding Claim #YAJ-LP-05077-Improper zoning practices on the part of the Fayette County Commission. Copy forwarded to Paul Blake for review.

Mark Burnett-Senator Elect for Fayette County introduced himself to the Commission.

The Commissioners approved shopping day for their employees only.

The Commissioners approved releasing second half payroll on Friday, December 22, 2000.

Bill Caudill, Chairman of the Fayette County Beautification Committee gave an update on the Mandatory Garbage Proposal.

The Commissioners received and reviewed letter from Judge John Hatcher informing that he and Judge Charles Vickers will conduct a swearing in ceremony for all elected county officials on Wednesday, December 27, 2000 at 1:00 p.m. and asked the Commission to notify all elected officials of the ceremony.

The Commissioners signed letter to all elected officials informing them of the swearing in ceremony.

The Commissioners approved for Billy Horrocks to build jury box for domestic violence at the Family Law Master Office. This would be paid out of the Court Security Grant Fund.

The Commissioners signed appreciations letters to the Loup Creek Fire Department and the Meadow Bridge Fire Department for their

assistance to the County and the Fayette County Beautification
Committee.

The meeting was adjourned at 10:55 a.m. Next scheduled meeting
is January 3, 2001.

John L. Witt