

FAYETTE COUNTY COMMISSION
REGULAR SESSION
APRIL 4, 2001
COURTHOUSE
FAYETTEVILLE, WV 25840

MEMBERS Present: John L. Witt, John H. Lopez, Matthew D. Wender

Others Present: Harold Bragg, Tom Stafford, Larry Coleman, Paige Skaggs,

Lee Ann Gore

The Fayette County Commission met in regular session on this 4th of April, 2001.

Steve Cruikshank, OES Director appeared before the Commissioners to discuss appointments to the Fayette County Local Emergency Planning Committee. Mr. Cruikshank gave a brief summary of what the Committee would be involved with. Mr. Cruikshank informed the Commission they need to go back and redo By-Laws. Commissioner Witt suggested appointing members. Mr. Cruikshank informed the Commission that the Committee has been inactive, need to schedule a meeting.

Mr. Cruikshank presented to the Commissioners a list of names (Matthew Wender-Elected state and local official, Sargent Bill Scott-Law Enforcement, Tim Hannah-Firefighting, Barry Justice-Hospital, Mike Hamrick-Hospital, George Gannon-Media, Chet Brandon-Facilities, Kim Casto-Facilities, Forrest Bragg-Emergency Management) he is requesting to be appointed to the Fayette County Local Emergency Planning Committee.

Commissioner Wender made a motion to reactivate Committee and appoint the people listed in the letter from Mr. Cruikshank. Commissioner Wender asked that a meeting be called as soon as possible to address By-Laws. Mr. Cruikshank informed the Commissioners that every person on that list has been approved to serve. Commissioner Lopez seconded. All approved.

Exonerations were approved and signed.

Larry Coleman, Superintendent Board of Education appeared before the Commission to discuss the Special School Bond Election; Mr. Coleman informed the Commissioners that in the meeting held on February 20th that it was decided that the Board would reimburse. Commissioner Lopez suggested that the County assume responsibility and the Board to reimburse. Mr. Coleman informed this is a learning experience for him. Mr. Coleman informed the Commissioners that the Board would reimburse the staff for their time. Commissioner Wender made a motion to underwrite the cost and to invoice the Board for all expenses in conducting the Special School Bond Election and to tract County office hours for reimbursement of regular and overtime expenses and all expenses. Commissioner Lopez seconded.

Earl Pauley, Park Superintendent appeared before the Commissioners to discuss price changes at the park.

Mr. Pauley and the Commissioners discussed changing the daily rates, weekend rates, pool party fees, and seasonal passes.

Commissioner Wender asked Mr. Pauley what the other counties' rates were. Mr. Pauley informed they are astronomical.

Commissioner Lopez made a motion to increase pool passes to \$65.00 for 1st member, \$15.00 for each additional member; single pool price weekday-children \$2.50, adults \$3.50; single pool rates weekends \$3.00, adults \$4.00; and to increase pool party rates from \$14.26 per hour to \$18.00 per hour for two lifeguards; Commissioner Wender seconded. Unanimous.

Commissioner Lopez suggested that the Commissioners look at camp charges after this year.

Mr. Pauley informed the Commissioners they are working on

getting natural gas at the Park this year. Mr. Pauley informed the Commissioners they would be getting gas from Rick Manning, who will purchase the well behind shelter #1; Mr. Pauley informed the line is about one and half miles off. Mr. Pauley informed the Commissioners he will get with Mr. Manning on Monday and will get back with the Commissioners with more details.

Mr. Pauley informed the Commissioners they would have to buy the line.

Commissioner Wender asked who would lay the pipe. Mr. Pauley replied they would have to lay a two inch line per Mark Lokant and the well would need a three inch line.

The Commissioners discussed the propane cost and the electricity.

Mr. Pauley informed the Commissioners that he has no pool manager for this year; Philip Peron with the Fayette County Health Department will do the chemical tests. Mr. Pauley informed that Tammy Gill will take a course to be certified for next year.

Commissioner Witt advised Mr. Pauley to get right on gas deal to save money.

Ms. Holly asked if there was power at the animal shelter trailer. Mr. Pauley informed he has talked with Jim Johnson, but had no response; Mr. Pauley informed he has done everything in his power and is waiting on the final connection.

Commissioner Wender suggested getting in touch with the Public Service Commission. Commissioner Witt suggested writing a letter once Mr. Pauley got back with all the details concerning this matter.

Commissioner Wender made a motion to approve County Commission minutes of March 21, 2001; Commissioner Lopez seconded. All

approved.

Ms. Holly informed the Commissioners she had received the Lease Agreement for the Jail Museum from Paul Blake, Prosecuting Attorney, that he prepared. Ms. Holly informed the lease is for two years as agreed.

The Commissioners approved and signed; the lease needs the signature of the Fayette County Historical Society designated official.

The Commissioners received and reviewed the Audit Report of Fayette County for the fiscal year ended June 30, 2000. The Commissioners signed a report to the Federal Single Audit Clearinghouse.

Ms. Holly informed she received a request from Region IV Planning & Development Council for the Fayette County Commission to proclaim April as Fair Housing Month. Commissioner Lopez made a motion to proclaim the month of April Fair Housing Month; Commissioner Witt seconded. All approved. Proclamation signed.

Commissioner Witt signed a corrected Grant Agreement from Claude Worthington Benedum Foundation on behalf of Gauneka-Ruritans Club, in the amount of \$25,000, as part of the Small Grants for Distressed Counties program for improvements to the heating system of the community center building.

The Commissioners reviewed the legal advertisement for the Dog Warden position. Ms. Holly informed the Commissioners that the applications are due by April 13, 2001.

Outstanding bills were approved.

The Commissioners received and reviewed copies of two grants from Sheriff William Laird (COPS MOORE 2001 Program and Court

Security Grant).

Ms. Holly informed the Commissioners she had received an invoice for shelves at the jail. Commissioner Witt informed they will get more.

Jim Kilburn stopped in to thank the Commissioners for their assistance in getting the Boonesborough/Kanawha Falls Water project off the ground; completion is scheduled for October, 2002. Mr. Kilburn thanked Susan Williams for the publicity.

Lee Ann Gore, America's Promise, appeared before the Commissioners to thank them for their support and to tell them if they had any suggestions or projects they wanted her to help with to let her know. Ms. Gore informed the Commissioners she will work on pointing the youth of Fayette County in the right direction.

The Commissioners received and reviewed 2001 legislative updates.

The Commissioners received and reviewed correspondence from Steptoe and Johnson regarding Roger & Peggy Bryant lawsuit.

The Commissioners received and reviewed Workers' Compensation updates.

Commissioner Lopez asked Ms. Holly to remind him of a letter from the City of Montgomery at the April 13th County Commission meeting.

The Commissioners received and reviewed a letter from Charter Communications updating a number of changes in service over the next few months.

Commissioner Witt informed the Commissioners that WCHS Channel 8 will be back on the air April 20th.

Discussion was held about the newspaper article regarding the

wireless cell phones reception and towers.

Ms. Holly informed the Commissioners that a letter was sent to the Public Service Commission last May regarding this matter but the County Commission did not receive a response.

The Commissioners asked that a letter be sent to the Public Service Commission, Cellular One and U.S. Cellular to explain the problem.

Ms. Holly presented to the Commissioners the 2001 Budget Digest Requests: additional funding for construction costs to install an elevator (\$106,500); Replace 2 flat roof areas of jail and Sheriff's Road Office (\$25,000); Restoration of slate roof of Historic Fayette County Jail (\$52,000); move and remodel Fayette County Courthouse juror lounge (\$50,000); Purchase and install a generator for the Valley Tower site (\$20,000); Purchase and installation of computer aided dispatch system for E911 Center (\$55,000); Scraping and painting exterior woodwork of the Fayette County Courthouse (\$20,000); Replace exterior doors of Fayette County Courthouse and construct an accessible ramp (\$60,000); Upgrade of existing law enforcement radio system utilized for emergency services to digital encryption (\$30,000); and upgrade and replacement of the heating, ventilating and air conditioning (HVAC) equipment in the Courthouse Annex (\$60,000).

The Commissioners approved for Ms. Holly to submit this list for the 2001 Budget Digest Request.

Commissioner Lopez asked Ms. Holly to check the balance of the Boomer Ballfield Grant. Commissioner Lopez informed that the fence is in bad shape.

The Commissioners received and reviewed from Crawford & Company

an estimate cost to repair county cruisers.

Commissioner Witt informed the Commissioners that he and the special advisory members of the Fayette County Memorial Building Board had inspected the building and found repairs that needed immediate attention by the Board of Education. Commissioner Witt requested that a letter be sent to the Board requesting they repair, scrap, prime, and paint all exterior windows, gutters and downspouts of the Memorial Building.

Harold Bragg suggested to the Commissioners to have the Sheriff to start enforcing the law regarding Fayette County residents that's running on out of State license plates and address the Assessor for not enforcing Dog Taxes. Commissioner Lopez suggested sitting down with the Sheriff to discuss. Mr. Bragg also suggested enforcing yard sale licenses.

Attorney Jamie Blankenship appeared before the Commission to present a motion to waive requirements of notice to creditors and approval of Final Settlement in the Estate of Flora Painter Lewis.

Paul Blake, Prosecuting Attorney was present and informed the Commissioners he saw no problem with approving the motion.

Commissioner Lopez made a motion to waive required notices to creditors and approve final settlement; Commissioner Witt seconded. Unanimous.

The Commissioners received and reviewed from the Public Service Commission a check in the amount of \$19,516.38 representing a disbursement of Wireless E911 subscribers fees for the months of November, 2000-January, 2001.

The Commissioners received and reviewed a letter from Kingston Resources, Inc. informing they are applying for Phase III Release on


Permit #U-3025-91, issued for 16.9 acres on July 6, 1992.

The Commissioners received and reviewed from Stafford Consultants Incorporated five copies of the "Preliminary Engineering Report for Fayette County Commission-Paint Creek and Plum Orchard Lake Water Line Extension".

The Commissioners received and reviewed a letter from SCT congratulating the Commissioners on their recent purchase of the PSAS2000: Change Account Number subsystem product and a list of their current pricing information for onsite training and telephone training.

The Commissioners received and reviewed a letter from the Department of Military Affairs and Public Safety on behalf of the West Virginia Division of Corrections offering the use of the "Tower" at Mount Olive Correctional complex for placement of a Repeater by 911 services.

The meeting was adjourned at 11:07 a.m. The next scheduled meeting is April 13, 2001.



FAYETTE COUNTY COMMISSION
REGULAR SESSION
APRIL 13, 2001
COURTHOUSE

FAYETTEVILLE, WV 2580

MEMBERS Present: John L. Witt, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in regular session on this 13th day of April, 2001.

Commissioner Witt called the meeting to order at 9:33 a.m.

Exonerations were approved and signed.

The Commissioners approved releasing payroll.

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

The Commissioners signed Zoning Office minutes of March 27, 2001.

The Commissioners signed equipment list for the Court Security Grant.

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

The Commissioners signed an order subject to the approval of the Assessor that John F. and Debbie Miller be afforded tax relief for tax year 1997, 1998, and 1999 in the total amount of \$944.12 in the form of a refund of \$331.13 for tax year 2000 and a credit of \$612.99 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 Fayette County Board of Health contract for Fiscal Year 2001-2002.

The Commissioners signed letters to the Elected Officials approving their budgets for Fiscal Year 2001-2002.

Ms. Holly reminded the Commissioners of their special meeting on Tuesday, April 17, 2001 at 10:00 a.m. to Lay the Levy.

Ralph Young, attorney for C-Pac appeared before the Commission to discuss their proposed contract agreement. Mr. Young presented a draft agreement to the Commissioners. The Commissioners reviewed and discussed the draft.

Discussion was held regarding asking the Assessor to get volunteers to help with getting dogs registered.

Commissioner Lopez suggested asking the Assessor's Office to help with filling out forms to collect the \$3.00 tax assessment for dogs when they are brought in to be spayed or neutered.

Ms. Holly asked Mr. Young if he had worked with the Prosecuting Attorney to draft the agreement and suggested talking with the Prosecuting Attorney regarding the agreement.

Commissioner Wender asked C-PAC for their input regarding the applicants who applied for the Dog Warden position. C-PAC informed they would review and come back with their recommendation. Commissioner Lopez requested that the Dog Warden be allowed to take the County Vehicle home at night; approved.

Patty Adkins informed the Commissioners they have talked with their accountant he has agreed to submit expenditure reports monthly.

Commissioner Wender asked if they were ready to start on April 15th. C-PAC informed yes.

Commissioner Wender made a motion to retain the current Deputy Dog Wardens on a temporary basis to help C-PAC during their transition and until a new Dog Warden is hired; Commissioner Lopez seconded. All approved.

Selena Vickers and Tina Wimbish with the Children's Home Society

appeared before the Commission to request use of the Courthouse lawn to hold a candlelight vigil on April 27, 2001 from 8:00 p.m. to 9:00 p.m. and asked the Commission if they would fly a flag that the children designed.

Ms. Vickers also asked for permission for the use of the hall in the courthouse if inclement weather occurs.

Commissioner Lopez made a motion to allow the Children's Home Society the use of the courthouse lawn to hold a candlelight vigil on April 27 at 8:00 p.m.-9:00 p.m., permission to fly the flag, supply a line for electricity and contingent use of the hall if inclement weather occurs. Commissioner Wender seconded. Unanimous.

Commissioner Witt made a motion to add the additional policy for use of the Memorial Building that non-school groups must have a Fayette County Board of Education custodian, teacher or coach to open and lock the building and to be present throughout the scheduled activity; John Lopez seconded. Unanimous.

The Commissioners signed a letter to the Board of Education requesting that the Board repair, scrape, prime and paint all exterior windows, gutters and downspouts of the Memorial Building.

Commissioner Witt made a motion to give Fayette Awning permission to order the doors for the Courthouse. Commissioner Lopez seconded with the understanding that the completion and payment of the project were contingent upon the outcome of current grant applications for funding; unanimous.

The Commissioners amended the order for C-PAC to operate the Fayette County Animal Shelter beginning on April 16, 2001.

Commissioner Lopez moved to go into Executive Session to have a personnel discussion with the maintenance crew.

Upon reconvening from the Executive Session, Commissioner Witt informed that after their discussion with maintenance no further action is needed at the bench.

Commissioner Witt made a motion to readvertise for the Dog Warden position; Commissioner Lopez seconded. Unanimous. Ms. Holly asked if the Commission wanted any changes in the public advertisement; the Commission said no changes.

Commissioner Wender informed that Pat Ford would be meeting on April 19th to discuss the Upper Paint Creek Watershed Project.

Discussion was held regarding Peggy Bennett's position. The Commissioners informed that Ms. Bennett will go back on the Fayette County Park payroll as a part time employee if Earl approves to hire her part-time.

Ms. Holly informed the Commissioners that Know Your County Government Day is Friday, May 4, 2001. The Commission asked Ms. Holly to represent the Commission.

The Commissioners received and reviewed a letter from the State Tax Department informing that the County will be receiving a one time higher Coal Severance Distribution for the year 2001 due to two coal companies reporting errors in the year 2000.

The Commissioners received and reviewed a letter from the Division of Criminal Justice Services acknowledging receipt of the application for the Court Security Program funds.

The Commissioners received and reviewed a letter from the Bank of Mount Hope regarding their responsibilities to various needs and concerns of the citizens, communities and various activities in their servicing area.

Commissioner Wender informed he would talk with Council members

of Meadow Bridge regarding the status of interest for a bank in their town.

Commissioner Witt asked about the status of the Circuit Express; Ms. Holly informed she had contacted Butch Evans who will pay for the equipment, but the County would have to pay for a one time cost of \$500.00. Ms. Holly informed the Commission that this expense would be more than the \$500.00; Ms. Holly informed the Commission the program would be on the County's AS400 computer system which is limited on space available for job processing and that a cable would have to be run to the Circuit Clerk's office from the AS400 (no address available on current cable to office). Also, a monthly phone line expense would have to be paid by the County. The Commissioners asked Ms. Holly to check into; Ms. Holly reported she had discussed this with Mr. Evans on February 16 and he was supposed to check into this and get back to her but he had not.

The Commissioners received from O. T. Sizemore a petition requesting renaming Bell Creek Bridge Road to Church Hill Road. Commissioner Lopez made a motion to rename Bell Creek Bridge Road to Church Hill Road; Commissioner Wender seconded. Unanimous.

The Commissioners received and reviewed a letter from the Division of Highways asking that they change Shot Gun Hollow Road to Long Branch Road. Due to the similarity of the road name, the Commissioners asked that this be forwarded to David Neal, E911 Coordinator, to contact residents and request another name.

The Commissioners suggested that Earl Pauley, Park Superintendent, talk with Peggy Bennett regarding whether or not he needed her to work part-time at the Park. The Commissioners agreed to continue to pay the County's share of the PEIA coverage for an

additional 90 days and asked Ms. Holly to notify Ms. Bennett of the insurance extension.

The Commissioners recessed for lunch until 1:00 p.m.

The Commissioners approved for Earl Pauley to be acting Dog Warden and for Randy Redden and Dan Pauley to be deputy Dog Wardens during the transition of C-PAC and until they hire a permanent dog warden.

Janette Woodrum appeared before the Commission to ask permission that Phil Davis work his 400 Community Service hours at the Courthouse; the Commissioners approved. Commissioner Lopez suggested working him on the third floor.

Ms. Holly asked the Commissioners if they had any other Legislative Digest requests. The Commissioners informed no.

The Commissioners signed letters to United States Cellular, the West Virginia Public Service Commission, and Cellular One regarding the numerous complaints regarding wireless cell phone reception throughout Fayette County.

The Commissioners signed a letter to Dr. Karen LaRoe, President, West Virginia University Institute of Technology (WVUIT), thanking her for the offer of the WVUIT building located in Oak Hill for use by the 4-C Economic Development Authority.

The Commissioners signed a letter to Mike Cobb, Supervisor, West Virginia Division of Highways informing of citizens' complaints regarding the deteriorated condition including potholes and guardrails of State Route 15 between Mossy and Mahan in Fayette County. Commissioner Wender requested a copy be sent to Howard Hughes.

Ms. Holly informed the Commissioners she received a fax from

John David regarding the house the County purchased through a special HUD program. Ms. Holly informed the Commissioners she sent a copy of the information to Paul Blake, Prosecuting Attorney, for him to review.

The Commissioners approved for Kelvin Holliday, County Clerk to attend the National Association of Counties (NACo) conference in Philadelphia.

Commissioner Wender informed he thinks the Commissioners need to get back with John Sorrenti, Hancock County Commissioner, and requested Ms. Holly to contact West Virginia University, West Virginia University Institute of Technology and Marshall University to find out what personnel and students may be available to undertake and put together the salary and wage survey.

Ms. Holly informed the Commissioners that Joe Shelton was in to see her to talk about the telephone system. Ms. Holly asked the Commissioners if they wanted to put him on the agenda. The Commissioners informed no.

The Commissioners received and reviewed a check from Claude Worthington Benedum Foundation for \$25,000 on behalf of the Gauneka-Ruritans. Ms. Holly informed the Commissioners that the money will be drawn down as needed.

The Commissioners received and reviewed a copy of a letter from Sheriff William Laird informing that Dallas Duncan will resign effective April 20, 2001.

Ms. Holly informed the Commissioners she received the proposed lease back from Ken Eskew with a minor name change to the Jail and Law Enforcement Museum.

The Commissioners received and reviewed PEIA rate premiums

effective July 1st. The Commission will pay the increase in premiums as agreed in the budget and will realize any savings from reduced premiums for non-smokers.

The Commissioners received and reviewed a letter from Senator Shirley Love confirming his support for the Community and Technical College Implementation Board recommendations related to WVU Institute of Technology. Mr. Love also referenced Senate Bill 703.

The Commissioners received and reviewed copies of Fayette County Park Shelter reservations.

Commissioner Wender asked if there was any interest in having a County picnic and asked to discuss this at the next meeting.

The Commissioners received and reviewed park and garage expenditures report for the month of March.

The Commissioners received and reviewed a copy of hotel/motel tax collections for January-March, 2001. A check was issued to the New River Convention and Visitor's Bureau for 50% of the collections.

The Commissioners received and reviewed a letter from Thelma Kincaid, Circuit Clerk informing of the dates the Circuit Clerk's Office will be open for persons to vote an absentee ballot. Copy given to the maintenance department.

The Commissioners received and reviewed a check from Specialty Risk Services for Walter Casey's cruiser.

Ms. Holly informed the Commissioners of the cancellation notice she received from PENCO. Ms. Holly informed the Commissioners she had talked with Beverly Oxley with Jim Lively Insurance regarding this matter. Ms. Oxley faxed a memo saying that the payment and cancellation notice crossed in the mail, coverage is in force and will receive reinstatements from PENCO.

The Commissioners received and reviewed correspondence from Steptoe and Johnson regarding Michelle Lynn O'Dell lawsuit.

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

The Commissioners received and reviewed Legislative Digest requests.

The Commissioners received and reviewed a letter from Motorola regarding Equipment Lease Purchase No. 078-0020973-000.

The Commissioners received and reviewed a letter from Branch Banking and Trust Company (BB&T) informing of the securities held as collateral to secure the deposits of Fayette County Commission.

The Commissioners received and reviewed a letter from Joe Manchin, Secretary of State informing of the proposed change of absentee voting from the Circuit Clerk's Office to the County Clerk's Office.

The Commissioners received and reviewed renditions of sketches of courthouses from Personalized Drawings in Tazewell, Virginia.

Commissioner Lopez made a motion to contribute \$2,000 to the City of Montgomery for pool improvements; Commissioner Wender seconded. All approved.

Commissioner Witt and Ms. Holly reminded the Commissioners they will be on vacation next week.

Commissioner Wender suggested writing letters to the County's Golden Horseshoe Winners and to Tom Aiello, Assessor congratulating him on being Elected President of the West Virginia Association of Counties for 2001-2002.

Commissioner Wender suggested that a letter of thanks be written to John Sorrenti for his presentation to the County's elected

officials.

The Commissioners received and reviewed an invitation to join Joe Manchin, III as he hosts a celebration in honor of the 30th Anniversary of the 26th Amendment, which granted 18-20 years old the right to vote.

The Commissioners signed State Tax Quarterly Report for the Fayette County Park for the months of January-March, 2001.

The Commissioners approved to pay \$1,395.00 to C-PAC, Inc. Spay/Neuter Program for the month of March.

The Commissioners received and reviewed estimates from Crawford and Company for Law Enforcement cruiser. Copy forwarded to Earl Pauley, Park Superintendent.

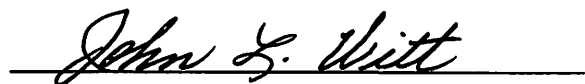
The Commissioners received and reviewed the Audit Report and Financial Statement from Southern Appalachian Labor School Foundation, Inc. as of December 31, 1999.

The Commissioners received and reviewed a letter from Allegheny Power inviting the Commissioners to attend a Natural Gas Awareness training session being held Wednesday, May 30, at the County Inns & Suites at Beckley. Commissioner Witt will attend.

The Commissioners received and reviewed a request from Southern Appalachian Labor School requesting the Commission continue its appropriation of \$3,000 for Fiscal Year 2001-2002.

Outstanding bills were approved.

The meeting was adjourned at 2:00 p.m. The next scheduled meeting is April 17, 2001.



FAYETTE COUNTY COMMISSION
SPECIAL SESSION
APRIL 17, 2001
FAYETTEVILLE, WV 25840
MEMBERS PRESENT: John H. Lopez, Matthew D. Wender

The Fayette County Commission met in special session on this 17th day of April, 2001.

Commissioner John H. Lopez called meeting to order at 10:05 A.M.

Commissioner John Lopez informed that the Commission is to meet the third Tuesday in April to hear and consider any objections to officially adopt the levy rates for property taxation for the fiscal year beginning July 1, 2001. There was no one in attendance with objections to levy rates. Commissioner Matthew Wender offered motion to approve County Commission Levy Order and Rate Sheet. Commissioner Lopez seconded the motion. County Clerk Kelvin E. Holliday signed Levy Order and Rate Sheet. Commissioner Lopez and Commissioner Wender signed order laying the levy to be used in Fayette County for fiscal year beginning July 1, 2001.

The Commissioners reviewed letter from Judge John W. Hatcher regarding parking space for Jurors. The Commissioners informed they would discuss this at their next County Commission meeting.

The Commissioners reviewed vouchers for approval.

Commissioner Wender had been contacted by C-PAC about funds for animal control center. Prior minutes were reviewed and found the Commission had approved for the Commission to enter into a contract with C-PAC organization to operate the animal shelter; the effective date of that contract shall be April 15, 2001. The minutes did not state an amount but both Commissioners felt the amount was decided when preparing budget for next fiscal year. \$155,928 was approved for fiscal year 2001-2002. This would calculate to \$12,994 monthly. Both felt the amount for April to June 30, 2001 would be the amount that was budgeted monthly for next fiscal year. April, 2001 will be half of the monthly contribution being as they did not take over until April 16, 2001. The Commissioners approved to issue check to C-PAC in the amount of \$6,497 for operational expenses at the animal control center.

The Commissioners were informed that invoices for professional services at the Oak Hill Animal Hospital had been misplaced and were not turned in for payment at the end of March, 2001. Earl Pauley had mistakenly placed them in his personal vehicle and forgot to turn in. The Commissioners approved to issue check for \$960.00 to Oak Hill Animal Hospital. The Commissioners also approved check in the amount of \$2,000.00 to the city of Montgomery for assistance with their pool.

The Commissioners reviewed a letter from C-PAC Board of Directors in which

they thanked them for the opportunity to serve the Fayette County residents and animals. The Board asked that they be allowed to use a retired ambulance that could be reworked to make a mobile pet adoption center. This would allow them to take animals to different cities within the county as a means of reaching people that cannot visit the facility. Commissioner Matthew Wender questioned if the county owned the ambulance. He informed that he would not have a problem with this if the County owned the ambulance and it was operational. Commissioner John Lopez requested to get information on the ambulance and they would discuss further at the April 24, 2001 meeting.

County Clerk Kelvin E. Holliday appeared before the Commissioners with a letter to them in which he asked that each Commissioner provide names for two male carriers each for the Special School Bond Election. He informed that he was cutting his own staff's time working in the office to control cost in these times of budget uncertainty. Commissioner Lopez informed he felt offering these jobs to individuals helped generate interest in the elections and informed he could probably limit his workers to 5 to 6. Commissioner Matthew Wender informed he would offer his 2 positions to Mr. Lopez. He had not been approached from anyone to work. Final decision was for Mr. Witt and Mr. Lopez to come up with 8 workers and Kelvin would have 4 workers as carriers for the Special School Bond Election. He suggested offering persons who normally work at the Courthouse during the


election to work as poll officials.

County Clerk Kelvin Holliday also informed they would need in votomatic room the first of next week.

Larry Parsons had requested Commission President John Witt to look over expenses turned in by William Caudill from the Fayette County Beautification Committee. Mr. Witt had requested Commissioner Lopez and Commissioner Wender review for approval. Commissioner Lopez informed he knew Mr. Caudill has been traveling all over county and said he did not have a problem with the invoices. Commissioner Wender also approved invoices.

The meeting was adjourned at 10:25 a.m. The next meeting is scheduled for April 24, 2001 at 7:00 p.m.

Minutes taken by Debbie Berry



FAYETTE COUNTY COMMISSION
REGULAR SESSION
APRIL 24, 2001
COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: John L. Witt, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in regular session on this 24th day of April, 2001.

Commissioner Witt called the meeting to order at 7:03 p.m.

Rod Lang, Region 4 Planning and Development Council appeared before the Commission to hold the second public hearing on a Small Cities Community Development Block Grant Fund application in the amount of \$1,242,000 for the Paint Creek, Plum Orchard and Mossy areas. Present were Dave Pollard, Resource Coordinator and concerned citizens from the area.

Mr. Lang informed the Commissioners that notice of this hearing had been published and posted in the required locations.

The meeting was open for public comment. No opposition.

Commissioner Lopez made a motion to adopt the Resolutions and approved the application; Commissioner Wender seconded. Unanimous, resolutions signed. The public hearing was adjourned at 7:15 p.m.

Patty Adkins appeared before the Commissioners to introduce the new shelter employees and to give an update of what's going on at the Fayette County Animal Shelter. Patti Payne was present. Ms. Adkins reported to the Commissioners that they had 17 adoptions, 3 reclaims, and 23 euthanized.

Commissioner Wender asked if they were using the Animal Shelter trailer. Ms. Adkins informed no, but hopefully within the next couple of weeks they would move into the office.

Commissioner Wender asked Ms. Adkins to keep the Commissioners informed about what is going on.

Ms. Adkins informed the Commissioners that the Shelter is open from Tuesday-Friday 11:00 a.m. to 7:00 p.m. and Saturday from 11:00 a.m. to 4:00 p.m.

Bill Caudill, Chairman, Fayette County Beautification Committee, appeared before the Commission to ask for assistance in getting the language changed in the Fayette County Beautification Ordinance from building to debris. Mr. Caudill asked that one of the Commissioners go with him to ask the Prosecuting Attorney to request that this be changed. Mr. Witt said he would go with Mr. Caudill.

Commissioner Wender asked Tim Hannah, Chairman, Fayette County Solid Waste Authority and Bill Caudill for an update on the Mandatory Garbage Proposal. Mr. Hannah informed the Commissioners that the Authority is waiting to hear what changes were made during the Legislative session.

Ms. Holly informed the Commissioners that the minutes are typed, but have not been proofread. Ms. Holly asked if they wanted to approve the minutes. The Commissioners asked Ms. Holly to proofread the minutes before they approve.

The Commissioner approved and signed a request to combine or divide and segregate land as submitted by the Assessor's office.

The Commissioners signed several letters to the West Virginia Development Office asking for extensions until June, 2002 of all their legislative digest grants.

The Commissioners signed a letter to John Sorrenti, Hancock County Commissioner, extending their sincere appreciation for his presentation on February 27, 2001, regarding the study of personnel

classification and pay scales and review of the county employee personnel policy in Hancock County. The Commissioners also asked Mr. Sorrenti to submit his travel expenditures so he can get reimbursed for his expenses.

Ms. Holly informed the Commissioners she had contacted WVU, WVUIT, and Marshall regarding the study of personnel classification and pay scales and review of the county employee personnel policy; she left a voice mail with WVU for Dr. David Williams, at WVUIT she talked with John David but the undergraduates do not have the knowledge to do the job on their own, and Dr. Mark Burton at Marshall University seemed interested and informed they would get information for performing such a project.

Commissioner Wender suggested to Ms. Holly to talk with Jimmy Oxendale at WVUIT.

The Commissioners signed a letter to Joe Hays, Jr. with Division of Highways informing that the Commissioners approved the renaming of Bell Creek Bridge Road County Route 16/2, Fayette County to Church Hill Road.

The Commissioners received, reviewed and signed the Lease Agreement from Ken Eskew with the change of name to Fayette County Jail and Law Enforcement Museum.

The Commissioners signed an order transferring \$5,000 from the Fayette County General Fund to the Fayette County Dog Tax Fund.

The Commissioners signed Final Settlement of the account of Reverend David Peters, Executor of the Estate of Jeanette Opal Hartsaw.

The Commissioners signed order for the Sheriff of Fayette County to Administer the Estate of John Woods.

The Commissioners received and reviewed correspondence from Steptoe and Johnson regarding Michelle O'Dell and Roger Bryant lawsuits.

Ms. Holly advised the Commissioners that Thelma Kincaid, Circuit Clerk, informed her that the Commissioners would be served with a Wrongful Death lawsuit in the Estate of Jonathan Wesley Skaggs.

The Commissioners received and reviewed an invitation from the United Community Services inviting the Commissioners to their 18th Annual Award Dinner being held at the West Virginia Tech Ballroom on Friday, May 11, 2001 at 6:30 p.m.

Ms. Holly informed the Commissioners she had received four applications for the Dog Warden position. Ms. Holly informed the Commissioners applications would be accepted until Wednesday, May 9, 2001.

The Commissioners received and reviewed Allegheny Energy, Inc. 2000 Annual Report.

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

Ms. Holly informed the Commissioners she received two accident reports involving deputies' cruisers. Ms. Holly informed the Commissioners she forwarded the reports to Jim Lively Insurance (Stephen Gray & James Sizemore).

The Commissioners received and reviewed a copy of a letter to Kelvin Holliday, County Clerk from Paul Blake, Prosecuting Attorney informing that after April 13, 2001, Neil Boden is no longer employed in his office.

The Commissioners received and reviewed a copy of a letter to Debbie Aliff, Payroll Clerk from William Laird, Sheriff informing

that effective April 30, 2001, Deputy Sheriff H. M. Canterbury will be retiring as a Deputy Sheriff.

Commissioner Wender made a motion to write an appreciation letter to Mitch Canterbury for his years of service.

The Commissioners received and reviewed Unemployment claims and Workers' Compensation claims.

The Commissioners received and reviewed a DUI Overtime grant application from Sheriff Bill Laird.

The Commissioners received and reviewed reinstatement notices from Hartford Insurance Company.

The Commissioners received and reviewed a memo from Ben Newhouse informing that a "Spring Clean Up" is scheduled for Friday, May 4 and Saturday, May 5, 2001 in the Kanawha County area.

The Commissioners received and reviewed a letter from Judge John Hatcher requesting that the air conditioner for his court reporter's office be reinstalled. Approved.

The Commissioners received and reviewed Grant Adjustment Notice from the Division of Criminal Justice Services for the Court Security Grant.

The Commissioners received and reviewed a check from the Sheriff of Raleigh County for reimbursement of TRIDENT overtime for February for Deputy Garland Burke, Project #98-DC-27.

The Commissioners received and reviewed the West Virginia Ethics Review Newsletter.

The Commissioners received and reviewed from Verizon a check in the amount of \$41,825.60 for the Emergency Telephone System Fee for the month of March, 2001.

The Commissioners received and reviewed from the Division of

Natural Resources a copy of the 2002 West Virginia Recycling Assistant Grant Program Guidelines. Ms. Holly informed the Commissioners she forwarded the original to the Fayette County Solid Waste Authority.

The Commissioners received and reviewed a letter from General Motors Corporation informing of a recall involving flexible fan blades. Original forwarded to Earl Pauley, Park Superintendent.

The Commissioners received and reviewed a letter from Judge John Hatcher requesting that the Commissioners consider restricting the use of the county parking lot between Blue Ridge Outdoors building and the Blankenship law office building when jurors are attending court.

After a brief discussion, the Commissioners asked Commissioner Witt to talk with Judge Hatcher again regarding this matter.

Harold Bragg presented to the Commissioners a copy of West Virginia Code 17A-3-1a-Registration of vehicles of new residents and 17A-3-1-Misdemeanor to violate provisions of article; penalty. Mr. Bragg told the Commissioners they need to start enforcing collecting taxes on out of state vehicles.

Commissioner Lopez informed the Commissioners that to enforce this law the municipalities would have to get involved.

Commissioner Lopez suggested meeting with all the Mayors in Fayette County to discuss the out of state vehicles and dog issues.

Commissioner Wender suggested writing a letter to the Assessor, Prosecuting Attorney, and the Sheriff scheduling a follow-up of the meetings and discussions of March 12 and March 24, 2001 regarding pursuing the collection of uncollected tax revenues, dog taxes, and unpaid business personal property tax and the enforcement of the

registration of vehicles of new residents. The Commissioners signed letter requesting they meet on Tuesday, May 15, 2001 to discuss.

The Commissioners asked Ms. Holly to hold the letter from Carl Harris, Assistant Prosecuting Attorney, regarding the C-PAC contract.

Commissioner Wender presented to the Commissioners a copy of his response to Carl Harris, Assistant Prosecuting Attorney on his opinion regarding C-PAC's draft proposal agreement.

Ms. Holly asked the Commissioners if they wanted her to proceed with plans for the Courthouse picnic. The Commissioners asked Ms. Holly to send memos to all the elected officials and department heads informing they have discussed reviving the Courthouse "covered dish" picnic and requesting they poll members of their staff to determine employees' interest, estimate number of how many will be attending and date preference. The Commissioners asked Ms. Holly to check for dates that are available at the Park.

Commissioner Lopez informed the Commissioners he would like to discuss workers for Special School Bond Election. Commissioner Lopez informed he thinks Kelvin Holliday should hire more workers to carry the supplies. Commissioner Wender informed he feels that Mr. Holliday is complying with the Commissioners' request to cut back on expenses. Commissioner Lopez informed that for the Levy Election he would like more workers.

Commissioner Wender requested Ms. Holly to get in touch with Vivian Parsons or Patti Hamilton to see if Fayette County could host the Regional Legislative Wrap up meeting.

Payroll and outstanding bills were approved. Paayroll approved to be released Friday, April 27.

Commissioner Wender informed the Commissioners that the

Workforce Investment Board, Bill Loope, Rick Fisel, and Carol Morgan would like to put in place a one-stop satellite center in the Plateau area and a full service center in the Valley. Commissioner Wender informed the Commissioners that this would be no cost to the County.

The Commissioners decided to pursue after July 1st and invite the Kanawha County Commission and Karen LaRoe, WVUIT, to sit down to see what they can come up with to have a full service office in Montgomery. Bill Loope is writing the letter to set up the full-service center.

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

The meeting was adjourned at 9:28 p.m. The next scheduled meeting is May 9, 2001.

John B. Witt

FAYETTE COUNTY COMMISSION
REGULAR SESSION
AUGUST 8, 2001
COURTHOUSE
FAYETTEVILLE, WV 25840
MEMBERS Present:

John L. Witt, Matthew D. Wender

The Fayette County Commission met in regular session on this 8th day of August, 2001.

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

Exonerations were approved and signed.

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

The Commissioners signed an order appointing Deborah Sizemore as a member of the Fayette County Planning Commission to replace Adona Pugh.

The Commissioners signed a letter to the Drug Enforcement Administration informing that the Fayette County Animal Shelter located at Route 2, Fayetteville, Fayette County, West Virginia was damaged in a flood on July 8, 2001 and is now located in a temporary shelter at Route 19, Milroy Grose East, Lansing, West Virginia.

Ms. Holly informed the Commissioners that C-PAC called Debbie Berry, Bookkeeper/Accounting, about setting up garbage service for the temporary animal shelter. The Commissioners approved. Commissioner Wender asked Ms. Holly to make sure this is included under FEMA expense and give a copy to Tom Woodrum.

The Commissioners received and reviewed a report on calls received and answered from C-PAC to the Fayette County Animal Shelter.

Ms. Holly presented to the Commissioners invoices to be approved for Ms. Berry to prepare checks.

Ms. Holly informed the Commissioners that there was a correction made in the amount of the Hotel Occupancy Tax appropriation for July-Aug-Sept, 2000; the total amount should have been \$10,501.00 but the check was only written for \$5,735.13. Ms. Holly has prepared a check to pay the difference; the Commissioners approved.

Ms. Holly informed the Commissioners that the Court Security Grant included funding for the courthouse doors (100%). Ms. Holly informed the Commissioners that since the courthouse is considered a historic landmark, Sheriff Bill Laird informed her that according to West Virginia Code 29-1-8 alterations dealing with historic landmarks and paid for by State funds has to be approved by the West Virginia Department of Culture and History. Ms. Holly informed the Commissioners that Sheriff Laird is preparing a letter to the Deputy State Historic Preservation Officer.

The Commissioners advised Ms. Holly that Earl Pauley, Park Superintendent, needed a letter written to the West Virginia State Agency for Surplus Property requesting the trailer that was damaged at the Animal Shelter during the July 8th flood be released from compliance by Surplus Property.

Ms. Holly informed the Commissioners she received a call from Lewis Shockey requesting that the lien be released on the title of the old ambulance that he purchased at the last auction. Ms. Holly informed the Commissioners she has to receive a release of lien from the State Office of Emergency Medical Services since the ambulance was originally purchased in part by State funds.

Ms. Holly informed the Commissioners she received from Valley

High School an invoice requesting reimbursement for long distance telephone calls made by flood relief workers stationed at the school during the flood emergency. The Commissioners approved to pay and submit for FEMA reimbursement.

Ms. Holly informed the Commissioners that she had received a call asking if the Commissioners' reward for unsolved murders was still in effect. Ms. Holly informed the Commissioners they had approved the reward back in 1987. The Commissioners informed that this was a one-time reward only if the person charged is convicted by the Prosecuting Attorney.

Commissioner Wender asked Ms. Holly to check the Assessor's Office travel vouchers to see if any mileage was turned in that was related to the flood; if so, this mileage should be given to Tom Woodrum for FEMA to reimburse.

Ms. Holly presented FEMA reports to the Commissioners.

Ms. Holly reminded the Commissioners of the meeting tomorrow at 12:30 with Department of Tax and Revenue Cabinet Secretary Brian Kastick who is the Recovery Coordinator appointed by the Governor to oversee the overall housing and community recovery efforts. Mr. Kastick is requesting local input on the flood relief efforts and the long-term planning for Fayette County.

Ms. Holly informed the Commissioners that she received one proposal from Appalachian Office Products for maintenance on all copiers for the courthouse, annual cost \$9,700.00. Ms. Holly reported that these machines currently are under separate maintenance agreements at approximately the same cost and better coverage for the number of copies.

The Commissioners approved the maintenance for the copier

machine in the County Commission's Office.

Commissioner Wender asked Ms. Holly to get maintenance bids on the elevator and HVAC units at the courthouse and courthouse annex.

Ms. Holly informed the Commissioners that she received a copy of a letter from Attorney John Shumate, Jr. asking if the Commission wishes to cross examine Dr. Curtis Thomas regarding Harold Conner's Workers' Compensation claim. The Commissioners informed they did not wish to cross examine Dr. Thomas.

The Commissioners approved to pay \$500.00 contributions to the Mountain RC&D and \$1,000 to the Upper Kanawha Valley Community Center for the Fiscal Year 2001-2002 as approved in the budget.

The Commissioners received and reviewed from the West Virginia Development Office projects to be considered for funding from the Local Economic Development Authority Program (LEDA) during fiscal year 2002-Fayette County Sheriff's Department-\$15,000 and Fayette County Chamber of Commerce-\$10,000.

The Commissioners received and reviewed from the West Virginia Development Office project to be considered for funding from the Governor's Community Partnership Program (GCPG) during fiscal year 2002; Fayette County Weatherization-(\$2,500), REACT-(\$5,000), Youth Soccer Association-(\$22,000), Princess Theater-(\$10,000), Fayette County Youth Soccer-(\$4,000), Christian Helping Others Food Pantry-(\$8,000) and Emergency Food Assistance Center-(\$8,000).

The Commissioners received and reviewed from the West Virginia Development Office a Time Extension Policy Notification until June 30, 2002 for Ruritans Center, Gauneka-Ruritans Building, Computer Equipment and Sheriff's Office Renovation, Upper Kanawha Valley, Minden Community Center, Marquis De LaFayette, Fire Hydrants, Boomer

Ballfield, Sewage Plan Study, Upper Kanawha Valley, and Sheriff's Department.

Ms. Holly informed the Commissioners that the grant for the elevator will expire on June 30, 2002 and she asked the Commissioners if they wanted her to contact the architect. Ms. Holly informed the Commissioners that according to the preliminary estimate there would be additional costs for the elevator exceeding the amount of the grant.

Commissioner Witt presented to the Commissioners a flood relief contribution from all Elected Officials and County Agency Department Heads from Kanawha County Commission, amount \$2,304.00.

Steve Cruikshank appeared before the Commission requesting part-time help for the Office Emergency Service Office (OES). Mr. Cruikshank informed he had talked with W. D. Smith and Alice King regarding getting a Economic Development Authority grant.

Commissioner Wender made a motion to hire on a temporary basis a part time employee for the OES office. Commissioner Witt seconded. After a brief discussion, the motion was tabled until Steve Cruikshank, OES Director, reported back with a rate of pay for the position.

Richard Halstead appeared before the Commission with a request to be removed as Administrator of the Harold Campbell Estate. Mr. Halstead informed the Commissioners the reason is the heirs cannot come to terms in settling the estate. The Commissioners asked Mr. Halstead who was his attorney. Mr. Halstead informed Michael Anderson and Carl Harris is the attorney representing the Estate of Harold Campbell. The Commissioners thanked Mr. Halstead for coming and informed him they would check with the Prosecuting Attorney's

Office regarding this matter. Commissioner Wender asked Mr. Halstead to leave his mailing address so that they could let him know about their decision.

Earl Pauley, Park Superintendent appeared before the Commissioners for approval of the service exchange of a motor for the Komatsu for the Fayette County Park. The cost for the service exchange would be \$18,635.00 and a rebuilt motor would be \$8,019.00; Ms. Holly advised the Commission that this exceeded the \$15,000 limit and would have to be advertised for bids. Commissioner Wender made a motion to advertise for bids for the repair and service exchange of the Komatsu. Commissioner Witt seconded.

Mr. Pauley informed the Commissioners that a contractor crew was down dredging the creek and any metal or debris they would haul but requested permission to bury trees, rocks, and debris from the flood on County property. Ms. Holly suggested to Mr. Pauley that he should talk to Larry Parsons, Fayette County Solid Waste Authority, and also get approval from the Department of Natural Resource (DNR) before allowing. John Witt requested that DNR fax a letter of approval to the Commission.

Commissioner Witt made a motion to go into Executive Session with Earl Pauley to discuss a personnel matter. Commissioner Wender seconded.

Upon reconvening from the Executive Session the Commission informed this was a personnel matter at the Fayette County Park. No decision made.

Tom Aiello, Assessor, appeared before the Commission to inform them of the flood relief donation they received from the Kanawha County Commission and staff (\$2,304.00). Mr. Aiello informed the

Commissioners he was told that they are still collecting money for flood relief to help Fayette County. Mr. Aiello suggested to the Commissioners that a nice thank you letter be written.

Martha Carver appeared before the Commission with a complaint about her neighbors and their dogs. Ms. Carver complained of the neighbors dumping in pond and dogs not having a leash. She informed the Commissioners of several calls she made to the 911 Center regarding this matter. The Commissioners told Ms. Carver they will check with the Sheriff's Office and the Fayette County Animal Control regarding this complaint.

Commissioner Witt introduced James Ennis, Director of Business Development and the person who designed the Fayette Station Bridge Herbert M. Mondel, P.E., V.P., GAI Consultants, Inc. who stopped by to say hello.

Commissioner Wender informed the Commissioners that he had attended the first meeting held at Kilsyth after the flooding to discuss the sewage and other damages. Commissioner Wender informed it was suggested that the Commission reactivate the Dunloup Creek Watershed Project in Fayette County. Commissioner Wender made a motion for Dave Pollard to write a letter to the Natural Resources Conservation Service and to the Southern Soil Conservation District requesting they reactivate the Dunloup Creek Watershed Project in Fayette County. Commissioner Witt seconded. All approved.

Commissioner Wender made a motion for the Commission to approve \$2,000 funding for an independent study on the impact that timbering, mining and agriculture had on the severity of the July 8th flooding. Commissioner Witt seconded. Unanimous. Commissioner Wender gave a press release to the media.

Ms. Holly presented to the Commissioners copies of Shelter Rental Agreements from the Fayette County Park.

The Commissioners received and reviewed correspondence from Steptoe and Johnson regarding several lawsuits.

The Commissioners received and reviewed quarterly franchise fees from April 1, 2001 to June 30, 2001 from Charter Communications, amount \$15,917.01.

The Commissioners received and reviewed a letter from the Public Service Commission informing Shelia Withrow that her letter concerning main line extension request on Hawver Road in Fayette County has been referred to the Public Service Commission's Waste and Wastewater Division for response.

The Commissioners received and reviewed from Powellton Company, L.L.C. Community Impact Statement application. Original forwarded to Tim Richardson, Zoning Officer.

Ms. Holly informed the Commissioners she received the signed agreement from West Virginia University and a draft of the Job Analysis Worksheet.

The Commissioners received and reviewed a copy of the Statement of Expenditures from the Fayette County Park and Central Garage as of June 30, 2001 and July 31, 2001.

The Commissioners received and reviewed Workers' Compensation claims.

Ms. Holly reminded the Commissioners of their Annual County Commissioners meeting being held this weekend at Canaan Valley Resort.

The Commissioners received and reviewed a letter from the State Auditor's Office informing they received the Commission's response to

their Notice of Conditional Approval of the Levy Estimate for the Fiscal Year Ending June 30, 2002 and found all conditions of the approval have been satisfactorily corrected or explained.

Ms. Holly informed the Commissioners that the State Auditor was here and that she needed the Commissioners to sign a Letter of Understanding. Letter signed.

The Commissioners received a notice from Charter Communications informing that after September 1, 2001 they will be adding fifteen (15) new channels to the Digital Basic Service in Mount Hope.

The Commissioners received/reviewed and approved revised overtime expenditures for the Law Enforcement Division due to the reoccurrence of flooding in Fayette County.

The Commissioners received a thank you card from the Wirt County Commission thanking the Commission for their support in seeking financial aid.

The Commissioners received a letter from Branch Banking and Trust Company (BB&T) informing of the securities that were held as collateral to secure the deposits of Fayette County Commission as of July 31, 2001.

The Commissioners received and reviewed Application of Employment from Joan B. Sizemore.

Ms. Holly informed the Commissioners that she received a call from Judy Gunsaulis, Director, Fayette County Public Libraries, informing they had space to set up a County Web page if the Commission wanted to use this space. Mr. Witt said he would check with Dave Pollard, County Resource Coordinator on the status of the one he was working on.

Ms. Holly informed the Commissioners she had talked with Sheriff

Laird regarding his cell phone. He has a Star Tac with digital service through U S Cellular.

The Commissioners signed IKON maintenance agreement for copier in the County Administrator's Office.

The Commissioners received and reviewed an estimate from Crawford and Company regarding a Deputy's cruiser. Copy forwarded to Earl Pauley, Park Superintendent.

The Commissioners approved applications for Constance Daniel and Danny Martin for a permit or renewal to handle controlled substances to the West Virginia Board of Pharmacy.

The Commissioners received and reviewed from Sheriff Bill Laird an accounting of the current K-9 donation receipts and disbursements as of August 6, 2001.

The Commissioners received and reviewed a letter from Sheriff Bill Laird informing the Commissioners of the Policy Standard for Review of Department Traffic Accidents.

The Commissioners received and reviewed a letter from the State Tax Department informing they reviewed the Tax Year 2001 appraisals of all wells.

The Commissioners received and reviewed a letter from Koch Financial Corporation informing they have be assigned Equipment Lease/Purchase Agreement ("Agreement") date 14-Sept.93, Lease Number 93115, by and between Motorola, Inc. ("Lessor") and Fayette County Commission ("Lessee").

The meeting was adjourned at 12:10. The meeting was called back to order at 12:10. Outstanding bills were approved and signed.

The meeting was adjourned at 12:13. The next scheduled meeting is August 15, 2001.



FAYETTE COUNTY COMMISSION

REGULAR SESSION

AUGUST 15, 2001

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: John L. Witt, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in regular session on this 15th day of August, 2001.

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

Exonerations were approved and signed.

Commissioner Witt introduced Arbutus Pell-Wriston a member of the Whipple Community In Action.

Ms. Holly asked the Commission if they wanted to make a decision on Janet Zamelia's request for the County to allow red and white County tags to be used on Fayette County Senior Program vehicles which are not owned by the County Commission.

Ms. Zamelia was scheduled to appear but did not show.

Commissioner Witt informed the Commissioners he had checked around with several other Counties to see if they purchased these tags; everyone he talked with said no.

Commissioner Witt stated that the Senior program does a good job. Commissioner Witt asked the Commission to reconsider Ms. Zamelia's request.

Commissioner Wender suggested talking with the Prosecuting Attorney to discuss and suggested the request asking the Fayette County Senior Program if they would consider transferring vehicles to the County for \$1.

Commissioner Lopez suggested talking with Jim Lively Insurance regarding the liability insurance.

Commissioner Wender suggested to Ms. Holly to talk with Janet Zamelia, the Prosecuting Attorney and Jim Lively Insurance regarding the matter.

The Commissioners decided to delay a decision until Ms. Holly could get back with them.

Ms. Holly presented to the Commissioners with several minutes to approve. The Commissioners asked to hold until they reviewed the minutes.

Ms. Holly presented to the Commissioners for Dave Pollard, County Resource Coordinator, a drawdown request for payment regarding the Comprehensive Plan Update-1998 SCBG 98SCBG0063, amount \$2,254.95. Commissioner Wender moved to adopt the Resolution and approved and authorized the payment of services, Commissioner Lopez seconded. Unanimous; resolution signed.

The Commissioners signed an agreement with Joe L. Howell, Jr. Fayette County Deputy, stating that he will be attending the Law Enforcement Officers Training Academy.

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

The Commissioners signed a letter to the West Virginia Agency for Surplus Property informing that as a result of the flood in Fayette County on July 8, 2001, the 12x70 mobile home that was purchased on September 17, 1999 was damaged and has been condemned and requesting release of the Fayette County Commission from the original conditions, terms, and certification for this trailer.

The Commissioners signed an order having been advised of the need to substitute certain securities pledged on behalf of the

Fayette County National Bank does hereby order the release of said securities provided securities will be substituted simultaneously and that Fayette County funds deposited with said banking institution will not be unsecured.

Ms. Holly presented a letter to the Commissioners informing that she had received a letter from Kanawha Falls Public Service District requesting that Nancy Ferrell be reappointed as a Board member effective September 1, 2001. Commissioner Lopez made a motion to reappoint; discussion was held. Commissioner Wender asked that this be tabled until the next meeting.

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

Steve Cruikshank, OES Director, appeared before the Commissioners to inquire on whether or not the Commissioners will approve the hiring of a temporary assistant through the Economic Development Authority Grant at the 911 Center. Mr. Cruikshank informed the Commissioners the temporary employee would be paid \$6.00 an hour, that FEMA will reimburse related costs, the grant is good for one year. Commissioner Wender made a motion to approve the temporary assistant at \$6.00 an hour for a period of time yet to be determined. Commissioner Lopez seconded. All approved.

The Commissioners received and reviewed Financial Report from C-PAC. The Commissioners approved expenditures for July of \$7,977.18 for August allotment.

Commissioner Wender informed Ms. Holly that the Commissioners have approved up to \$10,000 for expenditures for the temporary animal shelter to be reimbursed by FEMA.

The Commissioners met with Senators Shirley Love and Leonard Anderson, Delegates David Perry and Tom Louisos, Mike Browning, Division of Highways, Bill Harris, Southern Soil Conservation, John Pack, Jerry Bird and concerned citizens of the Whipple, Glen Jean, Scarbro, Mount Hope and surroundings areas to give an update of the cleaning-up of the creeks, ponds and streams in Fayette County and to discuss what the County can do to prevent future flooding.

Delegate Perry informed the Commissioners he had met with the Soil Conservation and they informed him that it is a 3-phase process in cleaning up the areas. Mr. Perry informed they are asking that the 1975 Dunloup Watershed study be revamped.

Mr. Pack informed the Commissioners that contractors were working in the Page, Kincaid and Laurel Creek areas today and they would continue to work to remove debris. Mr. Pack informed the first phase is to clear chanel's of total blockages, second phase getting the debris and working extensively it would take three to four weeks. Mr. Pack informed the Commissioners that Phase III is starting this week to begin structural projects on Loop Creek to stabilize the channel.

A question was asked about sludge ponds. Mr. Cruikshank informed to check with Charlie Stover with the Department of Environmental Protection.

Commissioner Lopez asked what would have to be done to obtain a permit to enter a creek. Mr. Pack informed permission from the Corp of Engineers. Mr. Pack stated that streams on a property owners property that can be reached from the stream bank could be cleared from the bank.

In discussing the Dunloup Creek Watershed, Commissioner Witt

asked about the time frame for dredging. Mr. Pack informed it would have to go through a permitting process. Commissioner Witt if it would be up to the Commission to get the permit; Mr. Pack suggested the community start a community watershed association.

Commissioner Wender stated that the Commission took action last week to reactive the Dunloup Watershed Project.

Mr. Pack informed that the Landowner Access permit through the West Virginia Soil Conservation Agency has been temporarily suspended by the Corp of Engineers.

Mr. Cruishank informed that the Soil Conservation would have to have easements to enter a stream on property owners property.

Senator Shirley Love introduced Mike Browning with the Division of Highways.

Mr. Browning presented an update of the Division of Highways response to the July, 2001 Floods (See attached).

The Commissioners thanked everyone for coming. The hearing was adjourned.

Commissioner Wender informed the Commissioners he received notification that a Annual West Virginia Planning Association Conference is being held in Flatwoods on Friday, September 14 and he felt this seminar will be of extreme value to those involved in the planning and zoning process. Commissioner Wender made a motion that the Planning Commission and Board of Zoning Appeals members plan to attend the meeting, and the county will pay the cost and mileage expense. Commissioner Lopez seconded. All approved.

Dave Pollard, County Resource Coordinator presented to the Commissioners an order setting the effective date of merger of the Ames Public Service District with and into New Haven Public Service

District; enlarging the New Haven Public Service District Board to five members, appointing the members thereof and setting their respective terms of office; and providing for the use of the Excess Funds of Ames Public Service District and the confirmatory Transfer of Assets.

Commissioner Lopez made a motion to approve the merger of Ames Public Service District to New Haven Public Service District and to approve and appoint five individuals to serve as members of New Haven Public Service District Board: Effective August 1, 2001, Kenneth Hayes, term 6 years July 30, 2007, Imogene Pennington, term 4 years July 30, 2005, Ann Berry, term 4 years July 30, 2005, Loren Fox, term 2 years July 30, 2003, and Roma Lively, term 2 years July 30, 2003. Commissioner Wender seconded. All approved.

Ms. Holly informed the Commissioners that Kelvin Holliday, County Clerk had withdraw his request for a Fiduciary Supervisor.

Mr. Holliday, County Clerk appeared before the Commission with Attorney James Blankenship and Assistant Prosecuting Attorney Carl Harris to discuss changes in the probate clerk's job.

Ms. Holliday informed the Commissioners of his requests: 2-PCs for probate clerk and front office, needs 2 precinct books, room for absentee voting, room for probate clerk, a full-time employee but if the Commissioners would double his allotment for part-time help he would use part-time employees, prorated raise for Sherry Davis, and increase Tina DeQuasie's hourly rate. Commissioner Lopez informed they will not approve a raise for Ms. Davis due to current budget reductions; Commissioner Witt agreed. Mr. Holliday informed the Commissioners that he definitely needed a room for at least two months for absentee voting.

Commissioner Wender informed the Commission that he would have to be excused to leave to attend another meeting.

The Commission told Mr. Holliday they would discuss his requests further at their next meeting (August 29, 2001).

Attorney James Blankenship presented to the Commissioners a Motion to Confirm Report of Claim in the Estate of William Thomas McGuffin and presented to the Commissioners a Return of Report of Claims Evidence and Exceptions in the Estate of James F. Hylton.

After reviewing the orders the Commission found that good cause has been shown for the introduction of further proof on the issue of the assets in the hands of the personal representative. Commissioner Lopez made a motion to refer the issue back to the Fiduciary Commissioner for the taking of further proof in the Estate of James F. Hylton. Commissioner Witt seconded.

Commissioner Lopez made a motion to confirm the Report of Claims in the Estate of Williams Thomas McGuffin. Commissioner Witt approved.

The Commissioners approved the Annual Software Support Renewal maintenance agreement for September, 2001 through August, 2002 for the Voter's Registration Office, amount \$1,685.00

The Commissioners approved and signed Sign Up Sheet for temporary trash service from Dave's Sanitation Services for the temporary animal shelter located at Milroy Grose Road, amount \$130.00 monthly to be reimbursed by FEMA.

The Commissioners signed letters to the Natural Resources Conservation Service and the Southern Soil Conservation District requesting they reactive the NRCS study done on the Dunloup Creek Watershed in Fayette County.

The Commissioners approved to pay overtime submitted by Debbie Berry. Any flood related overtime is to be submitted to FEMA for reimbursement.

The Commissioners received and reviewed request from the Upper Kanawha Valley for funds for the YMCA in the Valley area. The Commissioners informed no action taken today but will look at later.

The Commissioners received and reviewed a copy of a letter from Paul Blake, Prosecuting Attorney, informing that effective as of August 10, 2001 Melissa Merchant has resigned as an Assistant Prosecuting Attorney.

The Commissioners received and reviewed Application for Employment from Anthony A. Smith.

The Commissioners received and reviewed shelter reports and accident reports from the Fayette County Park.

Ms. Holly informed the Commissioners she advertised for bids for repair and engine replacement of the Komatsu; bids are due by August 29, 2001.

The Commissioners received and reviewed a copy of a letter to Susan Pierce, Deputy State Historic Preservation Officer, Division of Culture and History from Sheriff William Laird requesting they review the proposed replacement and renovation to the exterior doorways to the Courthouse.

The Commissioners received and reviewed a revised lawsuit from Gary K. Skaggs, Administrator in the Estate of Jonathan Skaggs.

The Commissioners received and reviewed a copy of a letter from Sheriff Bill Laird to Steptoe & Johnson requesting their assistance in answering the complaint in the Jonathan Skaggs lawsuit.

The Commissioners received and reviewed from the Public Service

Commission a copy of a letter to Marjorie Campbell regarding her request for water service on Sunday Road near Ansted.

The Commissioners received and reviewed a list of securities pledged to the Fayette County Commission as of July 31, 2001. Original forwarded to Kelvin Holliday, County Clerk.

The Commissioners received and reviewed a check in the amount of \$4,942.15 (total loss settlement) from Specialty Risk Services for Deputy Carey Vickers 1994 Chevrolet cruiser.

The Commissioners received and reviewed 911 fees from Metro Teleconnect Company (\$76.44), Business Telecom, Inc. (\$8.00), Citizen Telecommunications Company (\$62.32), and Fibernet (\$363.63).

The Commissioners received and reviewed checks from customers using the 911 Alarm Monitoring System, total amount \$6,940.00.

The Commissioners received and reviewed Employer Loss Activity Statement from the July 1, 1997 to June 30, 2001 from the Workers' Compensation Division.

Commissioner Witt moved that outstanding bills and payroll be approved. Commissioner Lopez seconded.

The Commissioners received and reviewed FEMA updates.

The Commissioners received and reviewed a letter from Sheriff Laird regarding the Law Enforcement overtime cost/flood related expenses.

The Commissioners approved for Ms. Holly to attend several seminars being held in the next few months.

Commissioner Witt informed the Commissioners they should take some action on the elevator.

The Commissioners received and reviewed a copy of the Court Security Fund grant award, amount \$52,588.00.

The Commissioners received and reviewed Certificate of Liability Insurance service for Justice Glass Supply Company.

Commissioner Lopez moved that the meeting be adjourned.
Commissioner Witt seconded.

The meeting was adjourned at 12:30. The next scheduled meeting is August 29, 2001.

John L. Witt



West Virginia

Department of Transportation

Responding to the July 2001 Floods



STATEWIDE

Flood Losses Total \$153 Million



Damage to Homes



Destroyed

1,500

Damaged

7,500

Condemned

620

TOTAL

9,620

STATEWIDE HIGHWAY DAMAGE TOTALS



Monetary Amount

\$27,800,000

Number of Roads Damaged or Destroyed

820

Number of Bridges Damaged or Destroyed

109

Flooding Highway Damage Totals by County

BOONE	\$584,000
CLAY	\$40,600
DODDRIDGE	\$53,800
FAYETTE	\$14,203,255
GREENBRIER	\$660,000
KANAWHA	\$193,350
LOGAN	\$341,000
MCDOWELL	\$3,753,500

Flooding Highway Damage Totals by County

MARION	\$121,100
MERCER	\$432,500
NICHOLAS	\$352,900
RALEIGH	\$3,843,400
ROANE	\$3,900
SUMMERS	\$18,000
TAYLOR	\$442,000
WYOMING	\$2,734,000

Fayette County Affected Roads and Bridges

- ▶ US 60
- ▶ WV 16, 41, 61 and 612
- ▶ 154 County Roads
- ▶ 27 Bridges



Number of Contractors Used:
26

**Number of Emergency
Contracts Issued:**

61

Rental of Private Equipment

Dozers	10
Dump Trucks	22
Endloaders	8
Backhoes	5
Excavators	14
Drill Rig for Slides	1
Skid Mounted Fuel Tank	1
Fuel Truck	4
Crew Cab Pick-Up	1
Low Boy w/Tractor	1
TOTAL	67

Transfers from Other Districts

PEOPLE	156
EQUIPMENT	
Excavators	12
Dozers	2
Endloaders	24
Dump Trucks	59
Culvert Cleaners	5
Graders	3
Backhoe	1
Tractor Brooms	2
Jeeps	1
Low Boy w/Tractor	1
Pickups and Crew Cabs	16
TOTAL	126

Off System Work

41 Different Locations

Total Cost for July Flood:

District 1	\$ 194,000
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District 9	\$ 832,100
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District 10	\$ 265,500
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TOTAL	\$1,291,600
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Repair and Prevention

- ▶ **Use larger rock in road foundations and stream banks to help prevent erosion**
- ▶ **When rebuilding bridges, ensure sturdy abutments are used to help prevent damage in future flooding**

10:00 - Whipple Community Update
DOH, Del., Senators

08/15/01

- Jaunita Winkler 540 Kilsyth Rd - Mt Hope
- Monica Kum-Hendley 226 Kilsyth Rd. Mt. Hope, WV
- Betty Lilly 830 4th Main St Mt Hope WV
- Stephen Cruikshank Fayette Co OES Fayetteville
- John W Pack WV SCA Charleston WV
- Bill Harris USDA-NRES Beckley, WV
- LEONARD ANDERSON SEN. HINTON
- Shirley Love SFH OAK HILL
- La Belle Melesky Scarbro
- Freda Sharp Scarbro
- Deborah J. Zoefe OAK HILL
- Richard Persinger RT1 BX 2347 OAK HILL WV
- Panel W. Wolf Rt. 1 Box 229D Oak Hill W. Va.
- Evelyn Foster 567 Kilsyth Rd Mt. Hope
- Carnet Foster 567 Kilsyth Rd Mt. Hope
- William Dickey 550 Kilsyth Rd Mt Hope
- Okey M Skato 227 Kilsyth Rd, Mt. Hope
- MARC TURNER FEMA - Com. Relations
- Ed Kane FEMA - Congressional Relations
- Nebie Terpi Box 263 Glen Jean,
- Lloyd "Pie" Jones Box 68 Glen Jean.
- Wanda Terpi RT 1 Box 396 SCARBRO 25017
- Thomas Wimmer - CARLISLE
- ADELE TERRY - R.T. I. SCARBRO
- RICHARD MARTIN City OAK HILL PO BOX 245
- Judy Williams Glen Jean
- Arthur Bell Winston Scarbro
- Stanley Roseick Scarbro

FAYETTE COUNTY COMMISSION
REGULAR SESSION
AUGUST 29, 2001
COURTHOUSE
FAYETTEVILLE, WV 25840

MEMBERS Present: John L. Witt, John H. Lopez, Matthew D. Wender

The Fayette County met in regular session on this 29th day of August, 2001.

Commissioner Witt called meeting to order at 9:25 a.m.

Exonerations were approved and signed.

Dave Pollard, County Resource Coordinator, appeared before the Commission to give his Quarterly Report on what has been done regarding the Regional Water Project, the Comprehensive Plan, Retiree Attraction/Retention, Corridor L, the Solid Waste Authority, Zoning Office, Water Resource Plan, the Regional Sewer. Also attached is a copy of the Fayette Transition Team Funding List/Projection Recommendations.

Ms. Holly informed the Commissioners that the extension of the Fiscal Year 1999 courthouse elevator grant was until June 30, 2002 and that the West Virginia Development Office had notified the Commission that this grant would not be extended beyond that date. Ms. Holly informed the Commissioners they needed to decide on what direction they will take for the project.

Ms. Holly informed the Commissioners that out of the \$94,000 grant only \$4,600 had been expended to date.

Commissioner Wender suggested bidding the project into two or more phases and to continue to seek additional funding to complete the project. Ms. Holly informed the Commissioners that the West Virginia Development Office would approve for the County to do this

if the work was within the scope of the project.

Commissioner Lopez suggested starting by building the shaft.

Commissioner Witt stated that it bothers him that the elevator only goes to the second floor.

The Commissioners asked Ms. Holly to talk to Dan Snead, architect, about developing the project RFJ to be implemented in phases and requested that he attend the next Commission meeting to discuss these matters.

Commissioner Wender made a motion to approve County Commission minutes of May 29, June 6, June 15, June 26 and July 9, 2001; Commissioner Lopez seconded. All approved.

The Commissioners signed an order subject to the approval of the Assessor, that Jeffrey G. Davis be afforded tax relief for tax year 1999 in the total amount of \$350.56 in the form of an exoneration of \$265.80 for tax year 2001 and a credit of \$84.76 against taxes owing on real estate parcel 10-05-30-005-001 for the following year or years with said tax relief being spread over the year or years until the debt is paid.

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 Commissioners she was finishing the Annual County Financial Statement for the Fiscal Year July 1, 2000 to June 30, 2001 to be published in the newspaper. Ms. Holly asked Commissioner Witt to sign the oath certifying the financial statement; all approved. Commissioner Witt signed the oath.

The Commissioners received and reviewed a letter from the Central Appalachia Empowerment Zone of West Virginia informing they

are preparing an application for designation as an Empowerment Zone and asking that the Fayette County Commissioners sign a resolution to be included in the application.

Commissioner Wender made a motion to approve and adopt a resolution of support for the Central Appalachian Empowerment Zone of West Virginia. Commissioner Lopez seconded. All approved.

Commissioner Lopez made a motion to reappoint Nancy Ferrell as a member of the Kanawha Falls Public Service District. Commissioner Wender seconded. All approved. Order signed.

Ms. Holly informed the Commissioners that she had talked with Earl Pauley, Park Superintendent, and was informed that he had not received any other bids on repairs for the Komatsu.

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 September, 2001.

The Commissioners received/reviewed and signed Fire Levy Pumper Replacement Agreement for the Danese Volunteer Fire Department for the period July 1, 2001 to June 30, 2002.

The Commissioners received/reviewed and signed Fire Levy Protection Agreements for Montgomery Volunteer Fire Department, Daneese Volunteer Fire Department and Boomer Volunteer Fire Department for the period July 1, 2001 to June 30, 2002.

Tim Richardson, Zoning Officer presented to the Commissioners several cases for disposition: Z-487-01-01: Request of Hill Land LLC, owner for a change in land classification from RR-1 Rural Residence) to B-2 (General Business), on 75 acres off Roue 19 at Maple Lane, New Haven District.

Mr. Richardson informed the Commissioners that Mr. C.R. Hill,

Jr. was present, there were no opposition. Mr. Richardson informed the Commissioners that the Planning Commission made a recommendation that this request be approved by a vote of 10-0. Mr. Hill informed the Commissioners that he wanted to put this property on the market to be sold and wanted the zoning to be the same as the other property adjoining his(i.e. doctor's offices and law offices).

After a brief discussion, Commissioner Lopez made a motion to approve recommendation of the Planning Commission. Commissioner Wender seconded. All approved.

Case Z-361-92-2: Request of Robert Mr. Bower, Jr. owner for an amendment to the previously granted Planned Development on 4.5 acres on Ames Heights Road, in the New Haven District.

Mr. Bower was present, Mr. Richardson informed the Commissioners that there was opposition but once they heard Mr. Bower's plans for the property no one objected. The Planning Commission approved by a vote of 10-0 to approve request for seven buildings containing up to 300 storage units. Commissioner Wender made a motion to approve the recommendation of the Planning Commission. Commissioner Lopez seconded.

Mr. Richardson presented to the Commissioners an amendment and reenactment of Article XIV, Section 1423, Subsection V for consideration of changing the surety bond or irrevocable letter of credit amount from \$25,000.00 to \$100,000.00 in the Fayette County Ordinance.

Mr. Richardson informed the Commissioners that the Planning Commission recommended by a vote of 10-0 to increase the bond to \$100,000 and the County be listed as the primary or secondary holder, to cover the cost incurred to remove a tower and restore the property

as outlined in Section VI Abandoned Towers prior to the issuance of a building permit. Mr. Richardson informed the Commissioners that the applicant would have to supply the Zoning Administrator a copy of the policy stating that the bonding agent must provide a thirty day notification of cancellation. Tami Samoriga, with Highland Cellular informed the Commissioners that they had no problem meeting this criteria.

After a brief discussion, Commissioner Wender made a motion to accept and approve the recommendation of the Planning Commission. Commissioner Lopez seconded. All approved.

Mr. Richardson presented to the Commissioner an amendment and reenactment of Article XIV, Exceptions and Special Provisions, adding Section 1424, "Special Events/Mass Gatherings".

Mr. Richardson informed the Commissioners that by a vote of 10-0 the Planning Commission's recommendation is to enact as presented with the following changes; Section 5A to be a \$100.00 permit fee and Section 5B to be \$100.00 application fee and add a Section 4C that person or persons having the event notify all the adjoining property owners.

Sheriff William Laird gave a brief discussion regarding the contents of his proposal.

Kim Novak and Curtis Manley appeared before the Commissioners in opposition of the amendment. Mr. Novak informed the Commissioners that this amendment is very intrusive and that a lot of businesses would go to other counties to have an event.

After a brief discussion, Commissioner Wender made a motion to approve as presented originally the \$500.00 application fee but the permit fee be based on the estimated event number of persons

attending. Commissioners Lopez seconded. All approved.

Commissioner Wender asked that the Sheriff recommend the minimum level of liability coverage.

Kelvin Holliday, County Clerk, appeared before the Commissioners to discuss absentee voting needs for his office. Mr. Holliday invited Jan Casto with the Secretary of State's Office, Thelma Kincaid, Circuit Clerk, Tom Fast and Gary Lilly, Republican Executive Committee members. Mr. Holliday made several requests for the Commission.

Commissioner Wender made a motion to approve two part-time workers to do absentee voting, 1 democrat and 1 republican at \$7.00 an hour to work 60 days prior to each election. Commissioner Lopez seconded.

Commissioner Wender made a motion to approve one part-time worker to split work in the voters registration and front office at \$7.00 an hour 60 days prior to each election or two part-time workers for 30 days each.

Commissioner Wender made a motion to approve the two part-time workers to attend the State Training session, cost \$160.00 registration fee; purchase of absentee voters permanent record binder, cost \$104.75; fax machine for his personal office; requested Kelvin to check Surplus Property for a large safe, two file cabinets; ten precinct books for next election, cost \$1,500.00; 300 dual post cards for contacting poll officials for special election in February, cost \$138.00; 5500 R-10 confirmation notices needed for federally-mandated NCOA Process, cost \$770.00. Commissioner Lopez seconded; unanimous.

Commissioner Witt moved to hold the discussion of the absentee

voting area on September 5, 2001. Commissioner Lopez seconded.

The Commissioners asked that the decision to schedule the Special Election in February, 2002 be tabled until September 5, 2001 and requested Ms. Holly to contact the fire, law enforcement, and library for the recommendations of a date for the election.

John David and Katheryn South with Southern Appalachian Labor School appeared before the Commission with several requests; 1) a request for \$25,000.00 for two Housing Specialists. Dr. David informed the Commissioners that these 2 full-time individuals would provide personal assistance and direction to families with the HOME, HELP, USDA-HPG, FEMA, CHDO, Group Workcamp, and related programs in order to provide new, rehabilitated, and repaired homes; 2) asking that the Commissioners host a meeting of major land owners, such as Pocahontas land, Berwind, Addington Brothers, Mountain Laurel, and others, to discuss the possibility of obtaining additional housing sites; 3) asking use of the county's endloader. Commissioner Witt informed Dr. David he would have to talk with Earl Pauley, Park Superintendent about the endloader; 4) asking the Commissioners to write a letter of support to Governor Bob Wise, Jim Thomas, Chairman, and Joan Ambrose, Staff Director of the West Virginia Commission for Community and National Service to request continuation and renewal of the Southern Appalachian Labor School Coalfield Housing AmeriCorps project in Fayette County. Commissioner Wender made a motion to provide grant funding in the amount of \$25,000.00 provided it can be drawn from the Economic Development Authority (EDA) money contingent upon receiving approval per application of Dave Pollard, Community Resource Coordinator. If not, take matter up on September 5, 2001. Commissioner Witt informed he had no problem with this motion.

Commissioner Lopez seconded.

Commissioner Wender made a motion that the Fayette County Commission sponsor a meeting with the major land owners, Planning and Zoning, Assessor and have Dave Pollard to attend and request that the Assessor coordinate and set up the meeting as soon as possible. Commissioner Wender made a motion to have Randy Boyd, Executive Director, Upper Kanawha Valley Economic Development attend the meeting. Commissioner Lopez seconded. Unanimous.

Commissioner Wender made a motion requesting that the Fayette County Commission write a letter of support to continue and renew the SALS Coalfield Housing AmeriCorps project in Fayette County. Commissioner Lopez seconded. Unanimous. Mr. David to provide names and addresses.

Commissioner Wender made a motion to approve bid to replace the engine of the Komatsu for the Fayette County Park, amount \$31,635.00. Commissioner Lopez seconded. All approved.

The Commissioners received and reviewed a request from Patty Adkins, C-PAC requesting an additional amount of \$4,287.25 to meet payroll for September 15th. The Commissioners asked to hold request until September 5, 2001.

Outstanding bills and payroll were approved.

The Commissioners approved for 4-C Economic and Development Authority to be the county's lead agent for the Certified Development Community program.

Ms. Holly presented to the Commissioners for Dave Pollard, Community Resource Coordinator, drawdown #15 request for payment regarding the 1998 Small Cities Block Grant-Fayette County Commission-Comprehensive Plan Update, amount \$12,435.20.

Commissioner Wender moved to adopt the Resolution and approved and authorized the payment of services; Commissioner Lopez seconded; unanimous, resolution signed.

Ms. Holly informed the Commissioners she had talked with Janet Zamelia regarding the use of county tags on Committee on Aging vehicles not owned by the County; Department of Motor Vehicles does not allow the County to grant this use. Ms. Zamelia informed her she has sent a letter to the Governor requesting that he step in and help all counties get county tags for the Senior Program.

Ms. Holly informed the Commissioners that Paul Blake, Prosecuting Attorney stopped by her office this morning and informed her that the County would be in violation of the West Virginia Code if they signed the affidavit. The Commissioners asked Ms. Holly to hold off until after Labor Day to see what the Governor does.

Ms. Holly informed the Commissioners that C-PAC is wanting the County to replace the freezer that was lost in the flood and belonged to C-PAC. C-PAC has agreed to reimburse the County for the freezer from FEMA funds received for the destroyed freezer. The Commission requested C-PAC to get bids for the Commission to review on September 5th.

The Commissioners received and reviewed reports, weekly fees collected for deposit, and calls received from C-PAC.

Ms. Holly informed the Commissioners that Patty Adkins brought in two bills from Fire Safety Products, Inc. for fire extinguishers and first aid supplies for the Commissioners to approve. Ms. Holly asked the Commissioners if C-PAC was responsible for the bills; Commissioner Wender approved to pay since this was lost during the flood. Commissioner Wender asked that this be turned in with FEMA

bills.

The Commissioners received and reviewed a letter from Elizabeth Watson regarding choosing a temporary location for the Fayette County Animal Shelter.

Ms. Holly informed the Commissioners she received a list of ice cream items that the Fayette County Park lost during the power outage on August 23, 2001 from 5:30 p.m. to 6:30 a.m. August 24, 2001, amount \$146.15.

The Commissioners received and reviewed Fayette County Park Shelter Agreements and reports.

The Commissioners received and reviewed Workers Compensation letters and claims.

The Commissioners received and reviewed from Verizon a check in the amount of \$41,396.05 for the Emergency Telephone System Fee for the month of July, 2001.

The Commissioners received and reviewed letters from Steptoe and Johnson regarding lawsuits.

The Commissioners received and reviewed Application for Employment from Lisa Redden and a resume from Kimberly B. Harper.

The Commissioners received and reviewed Certificate of Coverage from the Workers' Compensation Division from July 1, 2001 to November 30, 2001.

The Commissioners received and reviewed deposits for the K-9 Fund.

The Commissioners received and reviewed from Ben Newhouse, Executive Director for Upper Kanawha Valley Economic Corporation information of a series of consecutive meetings to discuss the Round III Rural Empowerment Zone Nomination and the betterment of the Upper

Kanawha Valley.

The Commissioners received and reviewed a Pledged Security Notification from the SunTrust bank.

The Commissioners received and reviewed from the Sheriff of Raleigh County a check in the amount of \$640.24 for reimbursement for May, 2001 TRIDENT overtime grant for Deputy Garland Burke.

The Commissioners received and reviewed a check in the amount of \$605.50 from the City of Oak Hill for the reimbursement for housing of prisoners for the month of July, 2001.

The Commissioners received and reviewed from Steve Cruikshank, OES Director the 2000-2001 Levy 7 year 2 Balance Sheet Records for the Fayette County Fire Levy.

The Commissioners received/reviewed and signed from the Division of Highways a State demolition and debris removal form and a Federal addendum form giving permission to the United States Government, it's agents, and the State of West Virginia to enter upon their property and demolish the trailer at the animal shelter that had been condemned by the State Fire Marshal.

The Commissioners received and reviewed from Sheriff Bill Laird restitution payment from Criminal Case 01-M-1263, Bennett v. Scott Allen Webb, amount \$507.00. Ms. Holly informed the Commissioners that according to a letter from St. Paul Insurance the other accident reported would be pursued to be paid by the other driver's carrier.

The Commissioners received and reviewed a letter from Senator Robert C. Byrd confirming they would meet with the Fayette County Commission on September 14, 2001 at 1:00 p.m.

Since Commissioner Witt had planned to attend a meeting with the Planning and Zoning Commission and the Board of Zoning Appeals in

Flatwoods, the Commission decided to change its September 14, 2001 meeting to September 12, 2001.

The Commissioners received and reviewed a letter from Biddle Williams informing that the "Shotgun Hollow Road" sign has been replaced with "Old Long Branch Road".

Ms. Holly informed the Commissioners she received a letter from the Powellton Coal Company, LLC regarding an update to the Bridge Fork West Surface Mine Community Impact. Ms. Holly informed the Commissioners that the original has been forwarded to Tim Richardson, Zoning Officer.

The Commissioners received and reviewed checks from the West Virginia Development Office for grants for Minden Community Center, amount \$2,702.01, UKV Community Center, amount \$2,891.57 and Minden Community Center, amount \$3,000.00.

The Commissioners received and reviewed an order dismissing the lawsuit regarding Crown Communications, Inc. v. Fayette County Board of Zoning Appeals.

The Commissioners received and reviewed letters from the West Virginia Development Office denying their applications for funding through the Governor's Community Partnership Grant Program for the Emergency Food Assistance (\$25,000), Minden Community Center (\$27,000) and the Emergency Generator (\$40,000).

The Commissioners received a check from the Fayette County Board of Education for funding for the West Virginia University Extension Office for Fiscal Year 2002, amount \$19,237.00.

The Commissioners received and reviewed a telephone message from Shirley Roberts, Mayor of the Town of Pax, informing she would have to reschedule her appointment for today.

The Commissioners received and reviewed information from FEMA regarding disaster assistance.

The Commissioners approved payment of the \$5,000 contribution request for Upper Kanawha Valley Economic Development for Fiscal Year July, 2001, as approved in the budget.

The Commissioners received and reviewed a letter from the Brooke County, Prosecuting Attorney regarding Senate Bill 542 regarding authority to create, establish and maintain county boards of health and service area.

The Commissioners received and reviewed FEMA reports.

The Commissioners received and reviewed Executive Order No. 16-01 from the Governor's Press Office declaring a State of Emergency for Boone, Doddridge, Fayette, McDowell, Mercer, Raleigh, Summers, Wyoming due to the flood of July 8, 2001.

The Commissioners received and reviewed a thank you letter from the Department of Tax and Revenue for having the opportunity to meet with the Commissioners and other interested parties on August 9, 2001 regarding the flood relief efforts.

The Commissioners received and reviewed a letter from the Specialty Risk Services regarding claimant Jonathan Skaggs. Copy forwarded to the Sheriff Office for review.

Ms. Holly presented to the Commissioners a total of the money spent to date by Larry Parsons during the flood clean-up process.

Discussion was held regarding the amount of overtime money spent during the flood. The Commissioners asked Ms. Holly to talk to Steve Cruikshank and Tom Woodrum and schedule them for the September 12 meeting to discuss the spending and FEMA reimbursement.

Ms. Holly informed the Commissioners that she had talked to Dave

Pollard and they did not have to sign another order appointing the members to the newly expanded New Haven Public Service District board because their appointments were included in the original order signed on August 15, 2001.

Vouchers and payroll were approved.

Commissioner Wender made a motion that the meeting be adjourned. Commissioner Lopez seconded.

The meeting was adjourned at 1:05 p.m. The next scheduled meeting is September 5, 2001.

John L. Witt

FAYETTE COUNTY COMMISSION
REGULAR SESSION
DECEMBER 5, 2001
COURTHOUSE
FAYETTEVILLE, WV 25840
MEMBERS Present: John L. Witt, Matthew D. Wender

The Fayette County Commission met in a regular session on this 5th day of December 2001.

Commissioner Witt called meeting to order at 9:13 a.m.

The Commissioners received and reviewed a letter from the West Virginia Development Office acknowledging receipt of application to the Governor's Community Partnership Grant Program for the Fayette County Commission to purchase and install an elevator.

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

The Commissioners received and reviewed Annual Water and Sewer Audit Report for the Fiscal Year ending June 30, 2001 for Page-Kincaid Public Service District.

Commissioner Wender made a motion to approve first half December payrolls. Commissioner Witt seconded. All approved. The Commission asked that payroll be released on December 14, 2001.

Commissioner Wender made a motion that outstanding bills be approved. Commissioner Witt seconded.

Ms. Holly informed the Commissioners that the Annual County Commissioners' Legislative Association meeting is being held on January 6, 2002 at the Charleston Embassy Suites.

The Commissioners received and reviewed an invitation from Southern Appalachian Labor School inviting the Commissioners to attend housewarming and special dedication of the Holiday Season

Greeting House in the New Page Housing Project being held Friday, December 7, 2001 at 3:00 p.m.

The Commissioners received and reviewed a fax from the Alaska City and Borough Officials regarding Alaska's Role in National Energy Policy.

The Commissioners received and reviewed last weeks' deposits from C-PAC.

Ms. Holly informed the Commissioners she received a copy of disbursements made by C-PAC just before the meeting today but have not had a chance to review.

Commissioner Wender made a motion to approve documentation from C-PAC once Ms. Holly reviewed. Commissioner Witt seconded. All approved.

Commissioner Wender suggested discussing a location for a new animal shelter at the first meeting in January.

The Commissioners received and reviewed the December Legislative Interim Schedule.

The Commissioners received and reviewed a letter from Bart Jackson, Manager, Page-Kincaid Public Service District requesting a letter stating that Page-Kincaid Public Service District is to be next in line for a Small Cities Block Grant fund.

The Commissioners asked Ms. Holly to have Dave Pollard, County Resource Coordinator prepare a letter. The Commissioners asked to include in the letter that if an emergency the Commission may be forced to change priority for other project.

Commissioner Wender informed the Commissioners that Larry Parson would like a bus to haul the DREAP employees to their worksite. Commissioner Wender suggested authorizing Ms. Holly to enter into a

lease agreement with North American River Runners.

Commissioner Wender made a motion to authorize Ms. Holly to enter into a Lease Agreement with North American River Runners. Commissioner Witt seconded. The Commissioners asked Ms. Holly to check with the Prosecuting Attorney Office regarding this matter.

Commissioner Wender informed the Commissioners he received a call from Steve Cruikshank, OES Director, wanting to know what to do regarding David Neal's, and Steve's vacation days for this year.

Commissioner Wender made a motion that Steve Cruikshank and David Neal carry over for a one year period any vacation days that they accrued for the year 2001. Commissioner Wender informed this is not changing the policy. Commissioner Witt seconded. All approved.

Commissioner Wender informed the Commissioners he received a fax from C-PAC asking that the Commission send a letter on behalf of C-PAC to the West Virginia Board of Veterinary Medicine requesting that Help For Animals, Inc. TRACS Spay/Neuter Mobile Unit come back to Fayette County.

Commissioner Wender informed the Commissioners that he, Dave Pollard, Keith Spangler, Lyn Hager will meet with Congressman Rahall to discuss The Kilsyth Sewer Project.

Commissioner Wender made a motion to pay Rick Eades \$2,521.00 for his independent assessment of timber vs. mine site relationships to the July 2001 floods in Fayette County. Commissioner Witt seconded. All approved.

Exonerations were approved and signed.

Ms. Holly informed the Commissioners she received specifications from J. Dan Snead and Associates, Inc. for the Fayette County Memorial Building window replacement. The preliminary estimated cost

is \$35,000. Commissioner Wender recommended to the Commission to proceed with advertising and write a letter to the Fayette County Board of Education to inform them of their decision.

Ms. Holly informed the Commissioners she received Dan Snead's architect contract for elevator. Ms. Holly informed the Commissioners that the architect's Compensation shall be 8% of estimated construction cost, and an administrative fee is 15%. Commissioner Witt offered a motion to approve Dan Snead's Contract Agreement pending Ms. Holly talk with Mr. Snead. Commissioner Wender seconded. All approved.

Ms. Holly informed the Commissioners all Lease Agreements for the telephone system have been signed. Ms. Holly informed the Commissioners that the cost has been changed from \$100,170.00 to \$98,470.00, and an addendum to our lease will be sent. Ms. Holly asked the Commissioners if they would authorize Commissioner Witt to sign the addendum to the Lease once it's been sent. Commissioner Wender offered a motion to authorize Commissioner Witt to sign the addendum to the telephone lease once it's been received. Commissioner Witt seconded. Unanimous.

Ms. Holly informed the Commissioners that there is an additional charge to install 25 pair aerial between the Sheriff's Office and the Prosecuting Attorney's Office was asked by Rich O'Brien if the Commission would pay Tate Communication up-front, Verizon will deduct from the lease. The Commissioners approved.

Ms. Holly informed the Commissioners that Senator Jay Rockefeller's Mobile Office will be at the Courthouse on Thursday, December 13, 2001 from 12:30 p.m. to 2:00 p.m.

Ms. Holly informed the Commissioners she received a message from

John David requesting a drawdown in the amount of \$25,000.00. The Commissioners asked that David Pollard, County Resource Coordinator write a letter to Mr. David to inform him of what all is required before getting a drawdown.

The Commissioners received and reviewed check in the amount of \$4,138.88 from 4-C Economic Development Authority for their local share for the Comprehensive Plan Grant.

The Commissioners received and reviewed a fax from the West Virginia Association of Counties regarding a pledge for the National Association of Counties' Expand Democracy in America Program, this program is to encourage more people to work at the polls on Election Day. The Commissioners asked to check all blocks and return.

Commissioner Wender asked the Commissioners before approving Shane Wheeler and Todd Cornett members of the Enhanced 911 Advisory Board check with Adrian Goff for a recommendation.

The Commissioners received and reviewed a letter from the Arbuckle Public Service District informing that due to the death of Virgil Burgess they would like to appoint Earl S. Woodson a member of the Arbuckle Public Service District.

Commissioner Wender informed the Commissioners he would like to know what Arbuckle Public Service District service area is and asked that this be deferred until the next meeting.

The Commissioners confirmed all polling places for the upcoming Special Excess Levy Election.

Ms. Holly asked the Commissioners if they reviewed minutes of September 26. The Commissioners asked to hold until next meeting.

Ms. Holly informed the Commissioners she received a letter from Virgil Payne regarding the response of the Commission to his

complaint on November 15, 2001. The Commissioners asked Ms. Holly to send a letter to the Public Service Commission to ask if all of the complaints were addressed in the previous investigation and hearing by the Public Service Commission in this matter or whether further action is necessary.

Ms. Holly informed the Commissioners that St. Paul Insurance has issued a two party check for Deputy James Fitzwater cruiser. Ms. Holly informed the Commissioners that Bert Wolfe Ford will not release the car until they receive their money. Ms. Holly asked if they wanted to endorse check. The Commissioners approved.

Chris Callas with Jackson and Kelly and Dan Bicker with West Virginia American Water Company appeared before the Commission to present a resolution requesting a small change in the IDU structure to correct denomination of bonds, language substitution of property to the Town of Ansted.

Ms. Holly asked if any of these documents been reviewed by the Prosecuting Attorney's Office. Mr. Callas replied no.

Commissioner Wender informed the Commissioners he would like to authorize the President to sign off on these deed contingent upon approval from the Prosecuting Attorney's Office on the deferred bond and the second substitution. The Commission suggested that the Commission orally approve execution of the bonds.

Commissioners Wender made a motion to adopt resolution to include final approval contingent upon the Prosecuting Attorney Office reviewing. Commissioner Witt seconded. All approved.

Commissioner Wender made a motion to sign bond for 2000. Commissioner Witt seconded. Unanimous.

Mr. Callas informed the Commissioners he would need a letter

saying yes the Prosecuting Attorney approve.

Ann Cavalier and Chris Jarrett appeared before the Commission to request that the Commission sponsor a grant application for the Tech Foundation in the amount of \$150,000 for the Center for Applied Technology and Business Development. Ms. Cavalier informed the Commissioners that the grant will be used to finish the renovations to the Business Incubator within the Center for Applied Technology and Business Development.

Commissioner Wender made a motion that the Commission sponsor the Governor's Community Partnership Grant Program for the renovation to the Business Incubator for the Center for Applied Technology and Business Development. Commissioner Witt seconded. All approved.

Leon Spencer, Surveyor and Kelvin Holliday, County Clerk appeared before the Commission to discuss the redistricting of the senatorial and magisterial districts.

Mr. Spencer informed the Commissioners that the descriptions of the Senatorial line are correct, however, the Senatorial line drawn was intended to coincide with the description but it doesn't, precincts 68 & 72 are overlapping, lines would have to be redrawn.

Kelvin Holliday asked the Commission if they would make a motion regarding the precinct changes and consolidations for the upcoming election.

Commissioner Wender made a motion to move Precinct 51, Beckwith from the New Haven District to the Valley District and authorized Ms. Holly to advertise. Commissioner Witt seconded. All approved.

Commissioner Witt made a motion to consolidate Precinct 53, Fayetteville Elementary School into Precinct 56, Fayette County Memorial Building and consolidate Precinct 16, Harlem Heights into

Precinct 1, Lochgelly. Commissioner Wender seconded. All approved.

Commissioner Witt made a motion to consolidate Precinct 8, Minden residents only into Precinct 9, Collins Middle School. Commissioner Wender seconded. All approved.

The Commissioners signed a letter to Bill Arthur, President, Fayette County Board of Education informing they have received specifications and a cost estimate of approximately \$35,000 for the proposed new windows from J. Dan Snead and Associates and will proceed to advertise based on these specifications.

Commissioner Wender asked that a letter of thanks be sent to Major Tom and Dorla Richmond and Captain Brenda Friddle.

The Commissioners asked that Larry Parsons be put on the agenda to discuss abandoned vehicles and assigning a deputy to oversee.

Ms. Holly informed the Commissioners that John Vernon, Fire Chief had requested a key to the Jail Museum. Commissioner Witt informed the Commissioners he has no problem with assigning a key to Mr. Vernon but let him know he would be responsible.

The meeting was adjourned at 12:04 p.m. The next scheduled meeting is December 17, 2001.



FAYETTE COUNTY COMMISSION
SPECIAL SESSION
DECEMBER 17, 2001
COURTHOUSE
FAYETTEVILLE, WV 25840
MEMBERS Present: John L. Witt, John H. Lopez

The Fayette County Commission met in a special session on this 17th day of December 2001.

Commissioner Witt called meeting to order at 9:00 a.m.

Exonerations were approved and signed.

Rich O'Brien, Sales Representative and Jerri Nibert, Engineer with Verizon appeared before the Commission with a modification to the proposed PBX telephone system. Mr. O'Brien informed the Commissioners of the savings by going with Analog Trunks instead of the Primary Rate Interface (PRI). After a brief discussion Commissioner Lopez and Commissioner Witt approved to go with the Analog Trunk System with caller ID trunk cards and authorized Commissioner Witt to sign any new documents in regards to this transaction.

The Commissioners received and reviewed a letter from Carl Harris, Assistant Prosecuting Attorney, approving the Sheriff Department to trade in Thompson sub-machine gun for 33 rifles or \$13,500.00. The Commissioners approved.

Attorney Tom Fast, Chairman of the Republican Executive Committee appeared before the Commissioners to apologize for not having his Republican Election Workers list on time. Mr. Fast presented to the Commissioners Valley Poll Workers list and informed the Commissioners that David Bennett would bring the New Haven list in today.

The Commissioners received and reviewed a letter from Charter

Communications informing that effective February 1, 2002 the price of Expanded Basic Service will be increased from \$19.45 to 25.40 in the Mount Hope area.

Steve Cruikshank, OES Director, appeared before the Commissioners to ask that invoices for the Emergency Services be approved. The Commissioners approved.

The Commissioners received and reviewed proposed 2002 Program of Work List from Dave Pollard, Community Resource Coordinator.

Commissioner Lopez made a motion to accept proposed 2002 Program of Work List and approved for Dave Pollard, Community Resource Coordinator to work on the projects. Commissioner Witt seconded. All approved.

Ms. Holly informed the Commissioner that she received a call from the West Virginia Development Office asking that the Commissioners meet with Governor Wise on Tuesday at 3:00 P. M. in the Governor's Reception area for an announcement. Ms. Holly informed the Commissioners they need to know who will be attending. The Commissioners informed John Witt, W. D. Smith and Dave Pollard will be attending.

Ms. Holly informed the Commissioner that she advertised for the purchase and installation of all windows at the Fayette County Memorial Building, and bids are to be received until 10:00 a.m., Friday, December 28, 2001.

The Commissioners approved County Commission minutes of September 26, 2001.

The Commissioners signed thank you letters to Captain Brenda Friddle and Major Tom & Dorla Richmond expressing their heartfelt

thanks and gratitude for the disaster services that was provided through the Salvation Army.

Commissioners Lopez made a motion to appoint Todd Cornett and David Goff to the Fayette County Enhanced Emergency Telephone System Advisory Board. Commissioner Witt seconded. Order signed.

Ms. Holly informed the Commissioners she received notice that the mileage reimbursement rate has been increased from 34.5 cents to 36.5 cents effective January 1, 2002.

Commissioner Lopez made a motion to increase the mileage rate from 34.5 cents to 36.5 cents effective January 1, 2002. Commissioner Witt seconded. All approved. Order signed.

Attorney James Blankenship appeared as counsel for the Christian Revival Center and presented to the Commissioners a Petition to Abandon an Unnamed and Unused Alley. After reviewing the Petition, it is the order and judgment of the Commission that the aforesaid Petition shall be considered before the Commission on Wednesday, January 9, 2002 at 11:00 a.m.

Ms. Holly presented five Legislative Digest applications and Resolutions for the Governor's Community Partnership Grant to the Commissioners: Fayette County Youth Soccer Association, Fayette County Youth Soccer, REACT, Christians Helping Others Food Pantry, and The Princess Theater. Commissioner Lopez made a motion to approve and authorized the adoption of the Resolutions. Commissioner Witt seconded. Unanimous. Applications and resolutions signed.

The Commissioners signed a letter to the West Virginia Board of Veterinary Medicine requesting on behalf for C-PAC that they expand the mileage for the Help For Animals, Inc. T.R.A.C.S. Spay/Neuter

Mobile Unit to the Fayette County area.

The Commissioners signed a letter to the Public Service Commission asking that they advise the Commission on whether all of the complaints filed by Virgil Payne against the Page-Kincaid Public Service District were addressed in the previous investigation and hearing by the Public Service Commission in this matter or whether further action is necessary.

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

Commissioner Lopez made a motion to sign order, ordering the balance of the Fayette County General School Fund in the amount of \$124,114.94 for the calendar year 2001 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. Commissioner Witt seconded. All approved.

Patti Payne, Shelter Manager, Jodi Jarrell, Office Manager and Bert Lawhorn, Dog Warden appeared before the Commission to request if the shelter could charge reclaim fees \$25.00 per dog, housing fees \$5 per dog (daily housing) and a euthanasia fee of owned animals \$15.00.

Commissioner Witt informed Ms. Payne that he would like for the dogs that are sheltered at the Fayette County Park to be moved as soon as they could.

Ms. Payne informed the Commissioners that no out of county animals are accepted at the facility due to limited capacity.

Ms. Payne informed the Commissioners that from December 15, 2001 through January 1, 2002 the Fayette County Animal Control Center will

not release pets that have been adopted until Wednesday, January 2, 2002 from 11:00 a.m. to 7:00 p.m., and that a gift certificate will be issued in place of the animal. Ms. Payne informed the Commissioners that the Raleigh County Humane Society is also participating.

Ms. Payne informed the Commissioners the Fayette County Animal Control Center will be closed Christmas Eve and Christmas Day as well as New Year's Eve and New Year's Day.

The Commissioners informed Ms. Payne they had no problem with C-PAC increasing fees.

The Commissioners received and reviewed the list of Poll Workers from the Democratic and Republic Executive Committees for the Special Excess Levy Election. Order signed.

The Commissioners approved William L. "Bill" McGraw and David Bennett as Emergency Absentee Ballot Commissioners.

Commissioners Lopez made a motion to approve Polling Places for the 2002 Special Excess Levy Election being held February 9, 2002. Commissioner Witt seconded. Unanimous.

Ms. Holly informed the Commissioners she received preliminary draft of the Job Descriptions from Michael Dougherty, Extension Specialist.

Ms. Holly asked the Commissioners if they wanted her to send the entire job descriptions to each Elected Official for them to review or only send job descriptions for their office staff. The Commissioners suggested sending job descriptions of their office staff only.

The Commissioners approved purchase of two vacuum cleaners and one buffer for the Maintenance Department.

Ms. Holly presented to the Commissioners a list of where the

notices for the Magisterial realignments have been posted.

Ms. Holly informed the Commissioners that January 14 is the first date of filing for office and asked the Commissioners if they wanted to cancel the 15th County Commission meeting and meet on the 14th. The Commissioners approved to change County Commission meeting to January 14.

Ms. Holly informed the Commissioners that they are working on the senatorial boundaries.

The Commissioners approved to pay bills from C-PAC and C-PAC Spay/Neuter Program when Debbie Berry returns from vacation.

The Commissioners received and reviewed weekly deposits and report on animals admitted to the shelter from the Fayette County Animal Control Center.

The Commissioners received and reviewed Homeland Security Policy Agenda from the National Association of Counties.

The Commissioners received and reviewed agenda of the Democratic Executive Committee meeting held on December 12, 2001 at 5:30 p.m.

The Commissioners received and reviewed 911 responses from January 2001 to November 2001.

The Commissioners received and reviewed notice from the U. S. Federal Energy Regulatory Commission informing that on December 10 through December 14, 2001, the staff of the Office of Energy Projects will conduct a pre-filing site visit of Dominion Transmission, Inc.'s Greenbrier Pipeline project in North Carolina, Virginia and West Virginia.

The Commissioners received and reviewed Workers' Compensation claims.

The Commissioners received and reviewed correspondence from Steptoe and Johnson regarding lawsuits.

The Commissioners received and reviewed a letter from Yvonne Harp informing that effective December 14 she resigns as Extension Agent of the West Virginia University Extension Office.

Ms. Holly asked the Commissioners if they had a replacement for the Arbuckle Public Service District board member. The Commissioners informed they were still checking and asked Ms. Holly to hold.

The Commissioners received and reviewed from the County Commissioners Association notice of John M. "Mickey" Protan death.

Ms. Holly informed the Commissioners she received a call from Ralph Davis asking if the Town could put a Christmas tree up this year. Ms. Holly informed the Commissioners that Mr. Davis is to work with James Perdue.

The Commissioners received and reviewed a letter from Branch Banking and Trust Company (BB&T) informing that as of November 30 securities were held by BB&T as collateral to secure the deposits of Fayette County Commission.

The Commissioners received and reviewed check from The St. Paul Insurance for \$8,127.61 for Deputy Deanna Saxton's cruiser.

The Commissioners received and reviewed a fax from the West Virginia Association of Counties regarding the PEIA Plan for 2003.

The Commissioners received and reviewed signed copy of the Wolf Creek Memorandum of Understanding.

The Commissioners received and reviewed from New Haven Public Service District a copy of a request for 2002 Legislative Digest funding for waterline extension to high-priority residential and

micro-business development site on Hawver Road area.

The Commissioners received and reviewed Audit Report from White Oak Public Service District for fiscal year ended June 30, 2001.

The Commissioner received and reviewed an accident report of Deputy Jack Micah Feltner cruiser. Copy forwarded to Earl Pauley, Park Superintendent.

Ms. Holly informed the Commissioners she had called Jim Lively Insurance to inquire about the cost of leasing a bus for the DREAP Program. Ms. Holly told the Commissioners she has not received a response.

The Commissioners received and reviewed Shelter Rental Agreements from the Fayette County Park.

The Commissioners received a survey from PEIA regarding a dental insurance program.

The Commissioners approved to pay an invoice from Leon Spencer, Surveyor for redistricting services, amount \$4,911.60.

The Commissioners approved second invoice from Michael Dougherty, Extension Service for Job Descriptions and Salary Survey.

Ms. Holly informed the Commissioners that bids for the automatic tabulating equipment for the 2002 Primary and General Election are due by January 9, 2002.

The Commissioners received and reviewed a fax from the County Commission Association asking the Commissioners to make any changes that may need to be done to the directory.

The Commissioners received and reviewed a fax from the County Commissioners Association informing that the County Commissioners' Continuing Educational Training Program is scheduled for Sunday,

February 3, 2002 at the Marriott Hotel.

The Commissioners received and reviewed a fax from Marion County Commission regarding HB3252-Civil Action 01-C-1792.

The Commissioners approved purchase of a telecommunications device for the deaf (TTD), amount \$512.50. Ms. Holly informed the Commissioners she would check to see if this is a replacement or an additional one.

The Commissioners received and reviewed E911 fees from Citizens Communications (\$61.95) for the month of November.

The Commissioners received and reviewed a pledged securities statement from the SunTrust Bank. Original given to the County Clerk's Office.

The Commissioners approved, if the park is listed, website fee for the Fayette County Park website at the New River Convention and Visitors Center, amount \$50,00.

The Commissioners received and reviewed a memorandum from the Solid Waste Management Board informing the Commissioners of the financial distributions to the Fayette County Solid Waste Authority for fiscal year 2000, 2001 and the current fiscal year-to-date.

The Commissioners received and reviewed Fire Safety Inspection Report for Fayette County Park for Bandy's delivering fuel.

The Commissioners approved second half payrolls for December and outstanding bills.

The meeting was adjourned at 11:33 a.m. The next scheduled meeting is January 9, 2002.



FAYETTE COUNTY COMMISSION
REGULAR SESSION
FEBRUARY 1, 2001
COURTHOUSE
FAYETTEVILLE, WV 25840
MEMBERS Present: John L. Witt, John H. Lopez

The Fayette County Commission met in special on this 1st day of February, 2001 as a Board of Equalization and Review.

Commissioner Witt called the meeting to order at 10:10 a.m.

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

The Commissioners reconvened for a regular County Commission meeting.

The Commissioners signed an order giving the Assessor permission to make corrections to the initial assessment roll and that any errors created by the West Virginia Department of Tax and Revenue or by the Assessor of Fayette County be corrected before the 28th day of February.

The Commissioners signed a letter to the West Virginia Supreme Court of Appeals informing the court security improvements to the Family Law Master Office are complete and requested a budget revision for the balance of the grant funds (approximately \$4,640).

The Commissioners received and reviewed the statements of expenditures of the Fayette County Park, Garage, and the Animal Shelter for the month of January, 2001.

The Commissioners received and reviewed lawsuits pending from Steptoe and Johnson.

The Commissioners received and reviewed franchise fee from Charter Communication for the 4th quarter, amount \$7,555.31.

The Commissioners received and reviewed a request from the Town of Pax requesting the sum of \$2,000 for flood assistance for Fiscal Year 2000 and Fiscal Year 2001. Ms. Holly informed the Commissioners that \$1,000 had been paid for the Fiscal Year 2000 on July 28, 1999. Commissioner Lopez made motion to pay \$1000 as approved for flood assistance for Fiscal Year 2001; Commissioner Witt seconded. All approved.

The Commissioners received and reviewed Salem-Gatewood Public Service District minutes for the month of December, 2000.

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

The Commissioners received and reviewed a letter from the Public Service Commission regarding water service on Russell Hill Road informing this has been referred to the Water and Wastewater Division for response. Copy forwarded to Dave Pollard, Community Resource Coordinator.

The Commissioners received and reviewed the public notice for the request for proposals to operate the Fayette County Animal Shelter and to oversee the responsibilities of the dog warden.

The Commissioners received and reviewed a letter from the Division of Criminal Justice Services informing they have not received the required Financial and Progress Reports for the quarter of October 1, 2000 through December 31, 2000 for the Local Law Enforcement Block, Grant #99-LL-06. Copy forwarded to Sheriff Bill Laird.

Commissioner Lopez and Commissioner Witt approved a request for a tax credit for K & K Music Company for tax year 1999 for duplicate tax tickets.

The meeting was adjourned at 10:30 a.m. The next scheduled meeting is February 7, 2001.

John F. Witt

FAYETTE COUNTY COMMISSION
REGULAR SESSION & BOARD
OF EQUALIZATION AND REVIEW
FEBRUARY 7, 2001
COURTHOUSE
FAYETTEVILLE, WV 25840
MEMBERS Present:

John L. Witt, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in regular session on this 7th day of February, 2001.

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

Exonerations were approved and signed.

Commissioner Lopez made a motion to approve the minutes subject to the review of County Commission meeting held on February 1, 2001. Commissioner Wender seconded; minutes approved and signed.

Commissioner Witt asked that a copy of minutes be placed on the table for the public to review.

The Commissioners signed a letter to Ted Gray thanking him for his 3 years of service to the citizens of Fayette County as a member of the Fayette County Planning and Zoning Commission.

The Commissioners signed letters to Senators Shirley Love, Leonard Anderson, Anita Skeens Caldwell, Mark Burnette, Earl Tomblin and Delegates David Perry, John Pino, Tom Louisos and Robert Kiss regarding the Senate Redistricting Act of 1991 splitting Fayette County into the 10th and 11th Senatorial Districts and urging them to amend West Virginia Code 1-2-1 in order to eliminate the split and to allow Fayette County to be a single senatorial district.

Commissioner Wender presented to the Commissioners a copy of Article IV, Section 5 of the State Constitution regarding the division of the State into Senatorial Districts with the annotation that counties cannot be subdivided into more than one senatorial

district.

The Commissioners signed an order confirming the special commissioner's finding of facts and recommendation in regard to the Robert E. Kelly, Jr. Estate.

Ms. Holly informed the Commissioners she received a letter from the Fayette County Board of Education informing that at their meeting held February 5, 2001 the Board approved to hold a school bond election. Ms. Holly informed the Commissioners that it has been discussed with the Circuit and County Clerks to use paper ballots.

The Commissioners signed an order in accordance with Chapter 3, Article 1, Section 29 of the Code of West Virginia as amended, designating the total number and type of election boards' for the various precincts for the Special School Bond Election to be held in Fayette County on May 5, 2001.

The Commissioners received and reviewed a letter from the Upper Kanawha Valley Economic Development Corporation requesting \$10,000 funding for Fiscal year 2002. The Commissioners asked that this request be held for the budget session.

Tom Aiello, Assessor, appeared before the Commission to discuss the personal property tax collection problem from businesses in Fayette County. Mr. Aiello informed the Commission that after three years of trying they did get a piece of legislation passed regarding personal tax collection from businesses, Senate Bill 382, but the Governor vetoed it. Mr. Aiello informed the Commission that they're hoping to introduce some new legislation the first week of the Legislative session. Mr. Aiello told the Commissioners as soon as the legislation is put in a draft form, he would make it available to the Commission.

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

The Commissioners signed a letter to Uni-Bond Roofing Company regarding the roof leaking at the Fayette County Health Department which was installed in 1995 with a 10-year 100% material and labor warranty. The Commission stated that Ms. Holly had called several times to correct this problem but had received no response from Uni-Bond; the Commission is demanding that immediate action be taken by Uni-Bond to initiate the repairs and replacement, including the insulation, of the roof at the Fayette County Health Department no later than February 15 or legal action will be initiated.

The Commissioners received and reviewed a list from the State Tax Department approving the rate for assessor's valuation fund budget (PVC) for fiscal year 2001-2002.

The Commissioners received and reviewed a letter from Specialty Risk services, Inc. informing they re transferring claim #YAJL00845 (Roger Bryant) to the SRS Great Lakes Office for further handling.

The Commissioners received and reviewed Workers' Compensation letters.

The Commissioners received and reviewed a letter from the Reverend Paul Bricker.

The Commissioners received and reviewed an invitation to Daniel Neely's 80th birthday party being held Saturday, February 17, 2001.

The Commissioners received and reviewed a letter from Multi-Cap, Inc. informing that effective February 28, 2001 they will cease funding United Community Services with Community Service Block grant (CSBG) funds.

Ms. Holly informed the Commission that she had talked with David Neal, E911 Coordinator, he had received a check in the amount of \$10,000 for the Legislative Digest grant for the purpose of purchasing a digital recording device for the 911 Center. Ms. Holly informed the Commission that the cost would be more than the Legislative Digest amount approved. The Commissioners asked Ms. Holly to get more information for the next meeting.

The Commissioners signed a letter to Central Appalachia Empowerment Zone (CAEZ) informing of the appointment of John L. Witt to serve as a member of the Board of Directors as the representative of the County Commission.

Commissioner Wender made a motion to approve and authorize the adoption of a Resolution to designate the 4-C Economic Development Authority as representing our county for the purpose of participating in the West Virginia Certified Development Community (CDC) Program; Commissioner Lopez seconded. All approved. Resolution signed.

Commissioner Wender informed the Commissioners that he had received several complaints regarding a gas rate increase; he had contacted the Public Service Commission regarding this matter and was informed that the rate increase would be for Mountaineer Gas customers not Allegheny Gas (West Virginia Power) customers. Commissioner Wender suggested to the media that they need to get the word out to the citizens regarding this matter.

Ezra Halstead appeared before the Commissioners to discuss several complaints regarding the Estate of Harold Campbell. After a brief discussion Carl Harris, Assistant Prosecuting Attorney informed the Commission that this Estate is in Circuit Court. Mr. Harris asked Mr. Halstead if Attorneys Tom Fast, Paul Clay and Michael

Anderson had been contacted about this meeting. Mr. Halstead informed no.

Mr. Harris suggested to the Commission to leave a date for the meeting open until the Judge entered an order. The Commissioners approved to delay the meeting until they received an order from the Judge.

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 \$4,381.80. Commissioner Wender moved to adopt the Resolution and approved and authorized the payment of services; Commissioner Lopez seconded. Unanimous, resolution signed.

Commissioner Lopez made a motion to appoint Bill Caudill as a member of the Fayette County Planning Commission; Commissioner Wender seconded. All approved.

Ms. Holly informed the Commissioners that a Commissioner has to be appointed to serve on the Planning Commission Board.

Discussion was held as to why a Commissioner has to be appointed to the Planning Commission. The Commissioners reviewed West Virginia Code 8-24-6. Commissioner Witt informed he felt that this would be a conflict of interest. Commissioner Wender moved to table until the end of the month.

Commissioner Wender suggested discussing the Public Defenders Board members at the next County Commission meeting.

Commissioner Witt informed the Commissioners that he had been approached by the Chief Magistrate, Magistrate Clerk and Judge about storage space and suggested notifying the Fayette County Historical Society of our need for the second floor of the jail for storage.

The Commissioners approved including the jail and road office roofs in the Legislative Digest request.

The Commissioners discussed having Sheriff Bill Laird and Chief Magistrate Dale Payne to come in and talk about picking up prisoners and after hour arraignments and scheduling of deputies for magistrate court.

Commissioner Witt requested that a letter be written to the West Virginia Human Resource Investment Council and Bill Baker to inform them that effective immediately he resigned as a member of the Region I Workforce Investment Board and that Commissioner Matthew Wender would be appointed to serve as a member of said Workforce Investment Board. Approved.

The Commissioners approved sending a letter to the Fayette County Historical Society to inform them that the Commission would have to take the second and third floors of the old jail building back for storage.

Commissioner Wender suggested that the Commission send a letter of congratulations to Lee Ann Gore for her hiring as the America's Promise Fellow for Fayette County.

Ms. Holly informed the Commissioners that Charter Communications is scheduled for a hearing on February 27, 2001 at 7:30 p.m. regarding a proposed rate increase (Boomer, Jodie, Pax, Robson areas).

Discussion was held regarding the removal of Hometown Producitons on Channel 5 by Charter Communicatoins. The Commissioners asked Ms. Holly to call Bob Workman for more information.

Ms. Holly informed the Commission she had prepared a public

notice for bids for the puppy building and office building. Commissioner Wender moved to table advertising; Commissioner Lopez seconded. Unanimous.

Ms. Holly informed the Commissioners she received one bid (Fayette Awning) for the purchase and installation of exterior doors for the Courthouse.

Commissioner Wender moved to table until the February 9, 2001 Commission meeting to give Ms. Holly a chance to review the bid; Commissioner Lopez seconded. All approved. The Commissioners asked Ms. Holly to have Charley Atha to come in to discuss his proposal.

The Commissioners received and reviewed letters from Chris Workman, Payroll Supervisor Supreme Court of Appeals, regarding Certificate of Entitlements for telephone expense reimbursements for Sharon R. McGraw and Danita Young.

The Commissioners received and reviewed a letter from Stafford Consultants, Inc. regarding a Pre-Bid Conference scheduled for February 14, 2001 at 10:00 a.m. to discuss the New Haven Public Service District Waterline Extension Program.

The Commissioners received and reviewed an application for employment from Stefan Wayne Skaggs.

The Commissioners received and reviewed guidelines for mineral and industrial hearings for the Board of Review and Equalization.

The Commissioners received Fayette County Animal Shelter fees for the month of January (\$1,237.00).

The Commissioners received and reviewed an Audit Report from the New Haven Public Service District for the fiscal year ended June 30, 2000.

The Commissioners received and reviewed paid invoices from

Christians Helping Others for their Legislative Digest Grant.

The Commissioners received and reviewed a memorandum from Carl Harris, Assistant Prosecuting Attorney, to Kelvin Holliday, County Clerk, regarding guidance in whether or not to return or keep a duplex software package for Voters Registration.

The Commissioners received and reviewed a letter from Workers' Compensation giving a list of claims that will be used to calculate the modification factor for the new Fiscal year 2002 Workers' Compensation Rate.

The Commissioners received and reviewed titles returned from Vernon Critchley for 2 trucks previously purchased from the County. Ms. Holly informed the Commissioners that a \$400.00 refund check had been issued to Mr. Critchley.

Commissioner Wender suggested to the Commissioners to include future auction advertisements that if merchandise is not picked up in the time specified the purchase money would not be refunded and the County would retain ownership.

The Commissioners received and reviewed a copy of a letter to Everette Steele, Chief Deputy, from Sheriff Bill Laird to get cost estimates for Magistrate Court Security Equipment.

The Commissioners received and reviewed a letter from the Office of Emergency Services enclosing the 2001 West Virginia Office of Emergency Service (WVOES) Calendar; this calendar will assist in keeping track of upcoming grant deadlines, EMPG deadlines, training classes, conferences and other meetings. Original forwarded to Steve Cruikshank, OES Director.

Commissioner Lopez moved to approve outstanding bills; Commissioner Wender seconded. All approved.

The Commissioners received and reviewed a copy of an Accident Report (Deputy Carey Vickers).

The Commissioners received and reviewed franchise fees from Charter Communications for the period October-December, 2000, amount \$13,683.33.

The Commissioners received and reviewed a letter from Charter Communications informing that the basic service rate would increase effective April 1, 2001.

The Commissioners received and reviewed correspondence from Steptoe and Johnson regarding Michelle O'Dell v. Jack L. Brown lawsuit.

The Commissioners received and reviewed a letter from the West Virginia Division of Culture and History giving a list of the approved National Register Nominations.

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

The Commissioners received/reviewed and signed Federal Annual Certification Report for Asset Forfeitures as presented by Sheriff Bill Larid.

The Commissioners signed minutes of the Zoning Hearing held January 30, 2001.

The Commissioners received and reviewed a letter to Delegate John Amores informing that the West Virginia Public Port Authority has scheduled a meeting for February 8, 2001 regarding additional funding from the Federal Aviation Authority for the regional airport study. Copy given to Dave Pollard. The Commissioners asked Ms. Holly to ask Mr. Pollard if he would attend the meeting to represent the Commissioners.

The Commission meeting was recessed at 12:10.

The Commission reconvened as a Board of Equalization and Review at 1:15 p.m. There being no hearings scheduled, the meeting was adjourned at 1:35 p.m. Next scheduled meeting is February 9, 2001.

John L. Witt

FAYETTE COUNTY COMMISSION
SPECIAL SESSION
BOARD OF EQUALIZATION AND REVIEW
FEBRUARY 9, 2001
COURTHOUSE
FAYETTEVILLE, WV 25840
MEMBERS Present:

John L. Witt, Matthew D. Wender

The Fayette County Commission met in special session on this 9th day of February, 2001 as Board of Equalization and Review.

Commissioner Witt called the meeting to order at 10:00 a.m.

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

The Commissioners reconvened for a regular County Commission meeting.

Charley Atha appeared before the Commissioners to discuss the replacing of the courthouse doors. The Commissioners recessed to take Mr. Atha around to discuss and check the doors; no decision made.

Commissioner Wender made a motion to pay the travel and lodging expenses for John Sorrenti, Hancock County Commissioner to come down to develop a personnel policy handbook. Commissioner Witt seconded.

Commissioner Wender asked Ms. Holly if the proposals for operating the Fayette County Animal Shelter are to be sealed. Ms. Holly informed yes.

The Commissioners signed an order appointing Bill Caudill as a member of the Fayette County Planning Commission Board.

Ms. Holly presented to the Commissioners the County Commission minutes of their meeting held January 30, 2001. The Commissioners informed they had not had a chance to review the minutes; no action taken.

The Commissioners signed a letter to the Human Resource Investment Council informing that effective immediately John Witt had resigned as a member of the Region I Workforce Investment Board and the County Commission appointed Matthew Wender to serve as a member of said Workforce Investment Board.

The Commissioners signed a letter to the Fayette County Historical Society dba/Fayette County Museum of Culture and History giving them notice that due to the increase in demand for additional storage space for use by Fayette County offices the Commission intended to utilize the 2nd and 3rd floors of the old Fayette County Jail for storage; the Commission asked that they remove any property located in these areas no later than March 8, 2001; the Commissioners also informed the Fayette County Historical Society that their lease expires at 12 PM on April 2, 2001.

The Commissioners signed an order subject to the approval of the Assessor that K & K Music Company be afforded tax relief for tax year 1999 in the total amount of \$1,246.55 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 the debt is paid.

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 a letter from Tom Aiello, Assessor, to Sheriff Bill Laird informing that at the direction of the State Tax Department he is requesting that the Tax Department issue replacement tax tickets for Dominion Appalachian Development, Inc. for the tax year 2000.

The Commissioners received and reviewed a Workers' Compensation

letter.

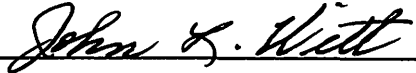
The Commissioners received and reviewed a letter from Judge John Hatcher requesting that the Commission become a subscriber to an electronic information service called "Circuit Express", cost would be approximately \$500. The Commissioners asked Ms. Holly to contact the vendor to see if any additional equipment, lines, etc. would be required.

The Commissioners approved the recommendation of David Neal, E911 Coordinator, to hire 2 (James Richardson, Charles Bennett) Probationary Part Time Communication Specialists at an hourly rate of \$6.50. The Commission also requested that David Neal tell Brian Hawver to advise the Commission within 10 days of his employment intent.

The Commissioners reviewed the quarterly contribution for the months of October-December hotel tax to the New River Convention & Visitors Bureau (\$,122.52).

The Commissioners received and reviewed a fax from the West Virginia Association of Counties informing that a Regional Jail Authority meeting is scheduled for Monday, February 12, 2001 at the Regional Jail Authority office in Charleston.

The meeting was adjourned at 11:38 a.m. The next scheduled meeting is February 15, 2001.



FAYETTE COUNTY COMMISSION
REGULAR SESSION & BOARD OF
EQUALIZATION AND REVIEW
FEBRUARY 15, 2001
COURTHOUSE
FAYETTEVILLE, WV 25840

MEMBERS Present: John L. Witt, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in regular session on this 15th day of February, 2001.

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

Exonerations were approved and signed.

The Commissioners approved and signed County Commission meeting minutes of January 30 and February 9, 2001.

David Arnold, with Class VI River Runners appeared before the Commission to inform the Commission of Plans for a Fayetteville Golf Course.

Mr. Arnold informed the Commission that the Legislature approved approximately \$300,000 to study the Plan. Mr. Arnold informed the Commission that this money only goes for the architectural analysis.

Mr. Arnold presented to the Commission a proposal from Colbert, Burns and McDonnell. Commissioner Witt asked about the time frame. Mr. Arnold informed the year 2004. Commissioner Wender asked about how many jobs would be created. Mr. Arnold informed he could not answer that question.

The Commissioners thank Mr. Arnold for his presentation.

The Commission received letters from Assessor Tom Aiello, County Clerk Kelvin Holliday, Circuit Clerk Thelma Kincaid and Extension Agent Ancil Schmidt regarding a need for storage space.

Commissioner Wender informed the Commissioners he thinks they should reconsider and rescind their decision to evict the Fayette County Historical Society dba/Fayette County Museum of Culture and

History. Commissioner Wender suggested to economize the space, micro-film files and destroy some files.

Commissioner Wender suggested appointing a committee to present alternate solutions for storing old files.

Commissioner Lopez informed the Commission they needed to get some directions as to which way to go from the judiciary.

Ms. Holly reported that a Legislative Committee had been created to study record retention and storage for counties but she did not know the status of the study.

Commissioner Wender made a motion to rescind the March 8, 2001 eviction for 30 days and the Commissioners to invite Jim Akers and Ken Eskew in to discuss the other alternatives for storage space; Commissioner Lopez seconded. All approved.

Kenneth and Mary Campbell appeared before the Commission to request release of funds in the Estate of James Foster Hylton. Tom Steele, Assistant Prosecuting Attorney was present.

Mr. Steele asked Mr. Campbell if the Executrix had been notified of this hearing. Mr. Campbell informed yes.

Mr. Steele suggested to the Commissioners that they refer this to a Fiduciary Commissioner. Commissioner Lopez made a motion that this be referred to the County Clerk's Office to appoint a Fiduciary Commissioner to review; Commissioner Wender seconded. All approved.

Payroll and outstanding bills were approved.

Attorney Ralph Young representative for C-PAC appeared before the Commissioners to present a proposal to operate the Fayette County Animal Shelter and to oversee the responsibilities of the Dog Warden. Mr. Young informed the Commissioners that this organization is willing to run the Animal Shelter if it can be done.

Commissioner Lopez informed Mr. Young that the Commission would

have to have the Prosecuting Attorney review the proposal.

Commissioner Wender informed the Commissioners that he is a member of the C-PAC organization and he prepared the budget for the proposal.

The Commissioners informed they will review the proposal and compare figures with the ones they receive from Peggy Bennett.

The Commissioners received and reviewed thank you letters from Delegate Robert Kiss and Senator Shirley Love regarding the redistricting issue and the current split of Fayette County into two Senatorial Districts.

The Commissioners signed a letter to Lee Ann Gore congratulating her on being hired as America's Promise Fellow for Fayette County.

Commissioner Wender informed the Commissioners that John Sorrenti, County Commissioner for Hancock County has agreed to come down on Tuesday, February 27, 2001 at 3:30 p.m. to discuss developing a personnel policy handbook for Fayette County. Commissioner Wender asked that a letter be sent to the Elected Officials to inform them of this meeting; approved.

The Commissioners signed a Fire Levy Protection Agreement from the Smithers Volunteer Fire Department for the period July 1, 2000 to June 30, 2001.

The Commissioners signed a letter to the West Virginia Development Office requesting installment payment number two in the amount of \$5,000 for Caring Hands, Inc. Grant #01-315.

Ms. Holly informed the Commissioners that the 911 Center had received \$10,000 from the Legislative Digest to purchase a digital recorder. Ms. Holly informed the Commissioners they received 2 bids (Staples & D&D Computers) for a personal computer needed to run the recorder. Ms. Holly informed the Commissioners that D & D did not

include a pentium processor in their bid. Commissioner Wender suggested asking D & D Computers to submit another bid.

The Commissioners recessed until 1:00 p.m.

The Commissioners reconvened as a Board of Equalization and Review at 1:00 p.m.

Melvin England appeared before the Commission with an application for Review of Property Assessment. Mr. England was sworn in. Eddie Young, Buren Renick and Donald Hogan from the Assessor's Office were present. Mr. England presented pictures and asked why there was such an increase in his taxes.

Eddie Young presented to the Commissioners a comparison of the assessment from another property owner in the surrounding area. A discussion was held; the Commissioners informed Mr. England they would review and take his application under advisement and a decision would be made prior to the end of the month.

Commissioner Lopez moved that no relief be given to Melvin England; Commissioner Wender seconded. All approved.

Since there were no other hearings scheduled, Commissioner Witt asked that the Board of Equalization and Review be adjourned. The meeting was adjourned at 1:24 p.m.

The Commissioners reconvened for a regular County Commission meeting.

The Commissioners approved purchasing the digital recorder from Dictaphone in the amount of \$10,889.00 with the Legislative Digest Grant. The Commissioners approved to pay the additional cost out of the 911 Fund.

The Commissioners approved buying refined sand for the Boomer Ballfield, cost approximately \$350.00, to be paid out of the Boomer Ballfield Legislative Grant.

Ms. Holly presented to the Commissioners a copy of the holiday list and a copy of the Code of WV 2-2-1 designating the third Monday of February as George Washington's birthday.

Ms. Holly informed the Commissioners she talked with Bob Workman and asked for more information regarding the broadcasting by Hometown Production with Charter Communications. Mr. Workman informed her he would send a sample letter for the Commission to review and send.

The Commissioners received and reviewed faxes from the West Virginia Association of Counties.

The Commissioners received and reviewed from Earl Pauley, Park Superintendent, a report of expenditures for the Sheriff's Department cruisers for the period of January thru December, 2000.

The Commissioners received and reviewed a letter from the State Tax Department approving the Budget Revision for the Assessor's PVC Budget for Fiscal Year 2000-2001.

Ms. Holly informed the Commissioners she called Butch Evans regarding the "Circuit Express" service to see if the County would be required to provide any additional equipment, lines, etc.; he has not returned her call.

Ms. Holly informed the Commissioners she had received certification from the State Auditor that the apportion value of public utility property for Fiscal Year 2001-2002 is \$132,322,182. Ms. Holly informed the Commissioners that this is a \$1,100,708 decrease from Fiscal Year 2000-2001. The Commissioners asked Ms. Holly to table until next meeting and ask Tom Aiello to explain the decrease.

The Commissioners received and reviewed an invitation from Southern Appalachian Labor School to the housewarming and special dedication of the President's Day House in the New River Safe Housing

Project.

The Commissioners received and reviewed an invitation to attend the 16th Annual Governor's Conference on Environmental Education and Litter Control conference being held March 18-20, 2001 at the Embassy Suites Hotel in Charleston.

The Commissioners received and reviewed a letter from Keith Richardson, Zoning Officer, informing that due to a mishap in the publishing department of the Fayette Tribune, the public notices for the February meeting were not published in time to comply with State Law. They would have to be rescheduled for the end of March.

The Commissioners received and reviewed a letter from Kenneth Deitrick inquiring about the zoning changes by Pressley Ridge. Commissioner Witt asked that this be given to Dave Pollard for response.

The Commissioners received and reviewed a letter of thanks from Fred Long for their donation and support to the Tri-County Champion Community.

The Commissioners received and reviewed a letter from the Historic Fayette Theatre requesting that \$1,000 be included in the Fiscal Year 2001-2002 Budget for support of the Historic Fayette Theatre.

The Commissioners received and reviewed minutes from the Gauley River Public Service District for the year January - December, 2000.

The Commissioners received and reviewed a letter from the State Emergency Response Commission informing of a Public Officials Workshop for Emergency Management being held April 1, 2001. The Commissioners suggested that Steve Cruikshank, OES Director and/or David Neal, E911 Coordinator attend.

The Commissioners received and reviewed a letter from Branch

Banking & Trust Company (BB&T) informing of the securities that are being held as collateral to secure the County's deposits.

The Commissioners received and reviewed minutes from Page-Kincaid Public Service District for the month of February, 2001.

The Commissioners received and reviewed a letter from Specialty Risk Services informing that Claim #YAJAL01468 has been transferred to their office and reassigned for continued handling.

The Commissioners received and reviewed from the New River Engineering Company a copy of the Community Impact Statement application for CC Coal Company, Inc. Permit #53027-94. Application forwarded to Tim Richardson, Zoning Officer.

Ms. Holly informed the Commissioners that she had talked with Mary Hunt, Program Officer with the Benedum Foundation, and was told that Gauneka-Ruritan Community Center had applied for a \$25,000 grant to perform heating and insulation improvements, but in order for them to receive the grant since they were not a 501C3 corporation, they needed the Commission to agree to serve as the grantee. Ms. Holly informed the Commissioners that all the reports are to be handled through the Gauneka-Ruritan Community Center. The Commissioners agreed to serve as the grantee on a one-time basis.

Ms. Holly informed the Commissioners of the balance of the Court Security Grant. Ms. Holly informed the Commissioners that since the carpet in the entrance, waiting area, and hallway of the Prosecuting Attorney's Office had to be replaced because of the Court Security improvements she felt that the remaining \$748.00 in the Court Security Grant fund could be used for a portion of the cost of the carpet; approved.

Commissioner Witt asked to proceed with purchasing of the courthouse doors.

Ms. Holly informed the Commissioners she had talked with J. B. Rees regarding the appointment of the members of the Public Defenders Board of Directors; Ms. Holly informed the Commissioners that Mr. Rees informed her he would check into the appointments and get back with her. The Commissioners asked that this be tabled until the next meeting.

Ms. Holly informed the Commissioners that Kelvin Holliday, County Clerk called to let her know that the meeting to discuss the Special School Bond Election with Larry Coleman, School Superintendent and Thelma Kincaid had been rescheduled for February 20th at 2:00 p.m.

Ms. Holly informed the Commission that Ray Carson had called to inquire about whether the payment of the expenses for the election will be paid directly by the Board or paid by the County and reimbursed by the Board. Commissioner Wender suggested calling the Secretary of State's Office. The Commission agreed that the Board should pay the expenses directly with the possible exception of payroll if necessary.

The Commissioners received and reviewed a letter from the Nicholas County Commission regarding information on a gas chamber unit to put animals down.

Ms. Holly reported that she had been contacted by the roof manufacturer HPG and that a contractor had been assigned to the Health Department roof.

As requested by the Commission, Ms. Holly reported that David Neal had talked to Brian Hawver regarding his employment intent at the E-9-1-1 Center, and that Mr. Hawver plans to stay at the Center.

The meeting was adjourned at 2:10 p.m. The next scheduled meeting is February 21, 2001.

John L. Witt

FAYETTE COUNTY COMMISSION
SPECIAL SESSION & BOARD OF
EQUALIZATION AND REVIEW
FEBRUARY 21, 2001
COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: John L. Witt, John H. Lopez, Matthew D. Wender (1:00 p.m)

The Fayette County Commission met in special session on this 21st day of February, 2001 as Board of Equalization and Review.

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

Howard and Alma Earhart appeared before the Commission with an application for Review of Property Assessment. Eddie Young from the Assessor's Office, Thomas Steele, Assistant Prosecuting Attorney, and Chad Board, Geologist, a representative of the State Tax Department were present. Everyone was sworn in.

Mr. Earhart questioned the Commissioners about the increase in his property assessed value. Mr. Earhart informed that no coal is on the property. Chad Board informed Mr. Earhart that a clerical error was made and that this would be corrected.

The Commissioners informed they would take the application under advisement and a decision would be made prior to the end of the month.

The Commissioners adjourned as the Board of Equalization and Review of Property Assessment.

The Commissioners reconvened as a Special Commission meeting.

The Commissioners approved the minutes of the County Commission meeting held on February 7, 2001.

The Commissioners signed an order that having been advised of the need to substitute certain securities pledged on behalf of the Fayette County National Bank did hereby order the release of said

securities provided that securities will be substituted simultaneously and that Fayette County funds deposited with said banking institution will not be unsecured.

The Commissioners signed invoices for the confinement of inmates at the Southern Regional Jail to the City of Oak Hill, the City of Mount Hope, and the Town of Ansted for the month of January, 2001.

The Commissioners received and reviewed a letter from the Town of Gauley Bridge thanking the Commissioners for their continuing financial support and requesting the budgeted monies for fiscal year 2000-01. Ms. Holly informed the Commissioners that they had been paid their contribution (\$2,500) on July 26, 2000.

Ms. Holly informed the Commissioners she, Thelma Kincaid, Circuit Clerk, Kelvin Holliday, County Clerk, and Linda Johnson had met with Larry Coleman, Superintendent and Ray Carson with the Fayette County Board of Education to discuss special election responsibilities and how the Special School Bond Election being held May 5, 2001 would be handled. Ms. Holly informed the Commissioners that the Board would pay the costs directly with the possible exception of payroll which they would reimburse the County; Ms. Holly informed the Commissioners that she informed the Board that a quorum of the Commission and the Board is required to have the canvass five days after the date of the election (excluding Sundays). Ms. Holly informed the Commissioners that the canvass would be May 11, 2001 at 9:00 a.m.; the certification would tentatively be May 15, 2001 at 1:00 p.m. Ms. Holly informed the Commissioners that she told Mr. Coleman that a quorum of the Board would have to be present for the canvass and the certification.

The Commissioners received and reviewed notice of cancellation

from PENCO effective July 1, 2001; Ms. Holly informed the Commissioners that St. Paul Insurance Company has purchased PENCO and is taking over all the existing business with no lapse in coverage.

The Commissioners received and reviewed a letter from Sheriff Bill Laird informing that the Fayette County Sheriff's Department did recently join as an active member of the Trilateral Drug Enforcement Network Team (TRIDENT); the designated full-time member of this task force is Garland Burke. Sheriff Laird informed the Commissioners that at the time they joined the task force, he requested that a total of \$4,000.00 in grant funds be made available to pay Mr. Burke's overtime and was approved.

Ms. Holly said she would call Sheriff Laird to see if the \$4,000 included benefits or if it was just for salary and whether Fayette County was to pay the overtime and be reimbursed.

The Commissioners received from the Division of Criminal Justice Services a notice of Budget Adjustment for the Court Security Grant to pay part-time carpenters for work done at the Family Law Master Office.

The Commissioners received and reviewed from the Fayette County Solid Waste Authority a draft of the Mandatory Garbage Enforcement plan, financial statements and minutes for the month of February, 2001.

The Commissioners received and reviewed from the West Virginia Development Office an extension of the contract completion date for the Comprehensive Planning Update Grant to June 30, 2001.

The Commissioners received and reviewed from Metro-Teleconnect Companies a check in the amount of \$143.08 for the collection of 911 fees for the months of November and December, 2000.

The Commissioners received and reviewed reimbursements from the Federal Emergency Management Agency on Grants for partial salaries and other expenses for the Fayette County Office of Emergency Services, amount \$3,971.64.

The Commissioners received and reviewed a thank you letter from Judge John Hatcher for the very prompt and efficient action in regard to the placement of windows in the office doors for the probation officers.

Ms. Holly informed the Commissioners that at their last meeting they approved the purchase of a recording equipment from Dictaphone which did not include the personal computer. Commissioner Lopez and Commissioner Witt approved to purchase a personal computer from D & D Computers, Inc. (\$1,699.00) for the 911 Center.

The Commissioners received the local share for the Comprehensive Plan update from 4-C Economic Development Authority (\$425.75). The Commissioners approved the invoice from Whitney, Bailey, Cox and Magnani, LLP consultants.

Ms. Holly informed the Commissioners she forwarded a letter to the Benedum Foundation informing that the Commissioners have agreed to serve as the grantee on a one-time basis for Gauneka-Ruritan Community Center since they were not a 501C3 corporation.

The Commissioners received and reviewed the franchise fee check in the amount of \$669.82 (Dixie area) from Charter Communications for the period January 1, 2000 to December 31, 2000.

The Commissioners received and reviewed the 911 fee check from Citizens Telecommunicaitons Company for \$60.41 for the month of January, 2001.

The Commissioners received and reviewed Workers' Compensation

letters.

The Commissioners' meeting was recessed.

The Commissioners reconvened as a Board of Equalization and Review.

Bill Keeney, Imperial Colliery Company and Midvale Colliery Company, T. A. Deitz Estate, Eagle Land Company, and Christian Bozorth, W. R. Johnson Company, LLC, Johnson Land, LLC and Kanawha-Gauley Coal and Coke were sworn in.

Mr. Keeney and Mr. Bozorth presented to the Commissioners a list of the accounts in question.

Mr. Bozorth asked the Commissioners if they would consider exonerating or give a tax credit on Lot 21.460 acres. Eddie Young informed the Commissioners that a error had been made and they would consider exonerating.

The Commissioners allowed time for Chad Board representative from the State Tax Department and Bill Keeney to discuss accounts.

The Board of Equalization and Review was recessed.

The Commissioners reconvened as a County Commission meeting while Mr. Board reviewed and discussed accounts with Mr. Keeney.

The Commissioners signed a letter to Melvin England informing that the Commissioners has considered his application for review of property assessment and found that the valuation of the property in question will not be changed.

The Commissioners received and reviewed faxes from the West Virginia Association of Counties.

The Commissioners received and reviewed an Audit Report from the Nuttall Volunteer Fire Department for the years ended June 30, 1999 and 1998.

The Commissioners received and reviewed a check in the amount of \$41,536.15 from Verizon for the Emergency Telephone System Fee for the month of January, 2001.

Ms. Holly informed the Commissioners that a Tri-State Rehabilitation representative visited her office to discuss managing rehabilitation for workers compensation claims. The Commissioners asked Ms. Holly to get more information and if they needed to come in to explain the program to schedule an appointment.

The Commissioners received and reviewed a letter from Bobby Workman regarding the broadcasting by Hometown Production with Charter Communications.

The Commissioners asked Ms. Holly to contact Charlie Atha and have him come in to discuss the courthouse doors.

The Commission reconvened as Board of Equalization and Review.

Chad Board and Bill Keeney presented their recommendations to the Commissioners (See attached).

Commissioner Lopez informed Mr. Keeney they would review and take his applications under advisement and a decision would be made prior to the end of the month.

Mr. Gango called to reschedule his hearing for another time. Since the State Tax Department only scheduled today for their mineral hearings in Fayette County, the State Tax Department informed the Commissioners that Mr. Gango would have to schedule an appointment in Charleston to review his accounts.

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

The Commissioners reconvened for a regular County Commission meeting at 1:15 p.m.

Paul Blake, Prosecuting Attorney and members of C-PAC appeared before the Commission to discuss C-PAC's proposal to operate the Fayette County Animal Shelter and to oversee the responsibilities of the Dog Warden.

Mr. Blake informed the Commissioners he had reviewed the WV Code 19-20-6 and Chapter 7, Article 10 and county obligations.

Mr. Blake informed the Commissioners that the County is responsible for the appointment of a Dog Warden. Since C-PAC doesn't have a facility they cannot employ the Dog Warden.

Mr. Blake informed the Commissioners that the Humane Officer is under a different Chapter; Mr. Blake questioned the Public Notice regarding overseeing the responsibilities of the dog warden which the Commission cannot delegate to another group; Mr. Blake informed the Commissioners there's nothing in the proposal as to how long C-PAC would do this.

Commissioner Lopez informed that the Commission cannot make a commitment until after the budget session and the County is facing PEIA premium and regional jail fee increases.

Mr. Blake suggested getting something concrete for the County to review.

Again Commissioner Lopez suggested waiting until they look at figures in the budget.

Commissioner Wender suggested making a decision now.

Commissioner Lopez stated the Commission needs to talk with Peggy Bennett and look at her figures.

Commissioner Lopez suggested having Ms. Bennett come to the County Commission meeting on March 7 and the Commission could possibly make a decision on March 15, 2001.

Mr. Blake suggested getting written proposals that are

consistent and set out the responsibilities of both parties, cost to the County, what facilities need to be completed, and how long they plan to run the shelter.

Ken Eskew and Jim Akers appeared before the Commission to give suggestions on storage space in the Fayette County Jail Museum. It was suggested by Jim Akers to use the right hand side of the 2nd floor of the jail for storage.

Suggestion was made regarding using vacant schools for storage.

Commissioner Lopez suggested renewing the Fayette County Jail Museum lease for 2 years.

The Commissioners received and reviewed a letter from Kelvin Holliday, County Clerk requesting that the votomatic room be opened the weekend of March 17th

The meeting was adjourned at 2:55 p.m. The next scheduled meeting is February 27, 2001.

John F. Witt

2001 Assessment Values per Fayette County Commission Hearing – February 21, 2001

Eagle Land Company

Valley District, Fayette County, West Virginia

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Property I. D. Information			Assessed Values				Mineral Summary		
Map/Parcel	Acct No.	Legal Description	2001Land	2001Impr	2001Min	2001Total	2001Coal	2001OilGas	2001Other
67-0002-0000-0000	06279154	SURF 93.68/ PAINT CK	\$9,060	\$0	\$0	\$9,060	\$0	\$0	\$0
72-0001-0000-0000	06279145	1486.576/ PAINT CK MILBURN; 378/56	\$133,800	\$9,600	\$107,250	\$250,650	\$8,910	\$97,450	\$890
9999 627916-3 0000	06279163	MIN 114/ PAINT CK MILBURN L	\$0	\$0	\$150	\$150	\$150	\$0	\$0
9999 627917-2 0000	06279172	MIN 1 84/ PAINT CK MILBURN L	\$0	\$0	\$150	\$150	\$150	\$0	\$0
9999 627918-1 0000	06279181	MIN 23/ PAINT CK MILBURN L	\$0	\$0	\$150	\$150	\$150	\$0	\$0
9999 627919-0 0000	06279190	MIN 13/ PAINT CK MILBURN L	\$0	\$0	\$150	\$150	\$150	\$0	\$0
9999 803739-5 0000	08037395	MIN 100 AC PAINT CK 323/334	\$0	\$0	\$720	\$720	\$60	\$600	\$60

2001 Assessment Values per Fayette County Commission Hearing – February 21, 2001

Midvale Colliery Company & T. A. Deitz Estate (Imperial Colliery Co. Lease)

Valley District, Fayette County, West Virginia

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Property I. D. Information			Assessed Values				Mineral Summary		
Map/Parcel	Acct No.	Legal Description	2001Land	2001Impr	2001Min	2001Total	2001Coal	2001OilGas	2001Other
Owner: Midvale Colliery Company									
10-0005-0000-0000	06323588	1044.64/GAULEY RIV BY SURVEY 2/64	\$1,140	\$0	\$165,000	\$166,140	\$45,840	\$6,260	\$112,900
16-0011-0000-0000	06323686	0.171AC SURF GAULEY RIVER	\$150	\$0	\$0	\$150	\$0	\$0	\$0
23-0001-0000-0000	06323579	1566.5 AC FEE RT 60/NEW RIVER NR GAULEY BR	\$0	\$0	\$289,130	\$289,130	\$4,690	\$114,800	\$169,640

Property I. D. Information			Assessed Values				Mineral Summary		
Map/Parcel	Acct No.	Legal Description	2001Land	2001Impr	2001Min	2001Total	2001Coal	2001OilGas	2001Other
Owner: T. A. Deitz Estate									
16-0002-0000-0000	06314785	FEE 1999.69 GAULEY RIVER BY SURVEY 02/64	\$9,660	\$2,460	\$270,310	\$282,430	\$6,000	\$48,850	\$215,460

2001 Assessed Values per Fayette County Commission Hearing – February 21, 2001

Johnson Lands LLC
 Kanawha Gauley Coal & Coke Company LLC
 W. R. Johnson Coal Company LLC
 Fayette County, West Virginia

District #: 11=Smithers Corp.
 07 = Montgomery Corp.
 03 = Valley District

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Dist	Map/Parcel	Acct No.	Property I.D. Information	Assessed Values				Mineral Summary		
			Legal Description	2001Land	2001Impr	2001Min	2001Total	2001Coal	2001OilGas	2001Other
			<i>Johnson Lands LLC</i>							
03	04-0063-0000-0000	06320331	1244.85/ GAULEY RIV BELL CK & SM CK ROY ENSOURCE 519/727	\$139,200	\$0	\$1,646,590	\$1,785,790	\$1,638,370	\$7,470	\$750
03	9999 632036-8 0000	06320368	MIN 69/BELL CK	\$0	\$0	\$150	\$150	\$150	\$0	\$0
03	9999 632037-7 0000	06320377	MIN 230 BELL & SM CKS INT O&G VALLEY DIST;	\$0	\$0	\$1,380	\$1,380	\$0	\$1,380	\$0
03	632037-7 0000	06320377	ROYALTY CABOT-W R JOHNSON GAS UN #1&2	\$0	\$0	\$2,050	\$2,050	\$0	\$2,050	\$0
			<i>Kanawha Gauley Coal & Coke Co. LLC</i>							
11	08-0046-0000-0000	06350469	27 60/ SM CK & KANA RIV.	\$186,660	\$117,600	\$0	\$304,260	\$0	\$0	\$0
03	21-0001-0000-0000	06320689	7937.532 SM CK & KANA. RIV. 461/680	\$714,360	\$0	\$2,147,280	\$2,861,640	\$1,961,990	\$108,530	\$4,760
03	9999 609926-9 0000	06099269	MIN .35/ SM CK & KANA RIV	\$0	\$0	\$150	\$150	\$150	\$0	\$0
03	9999 813126-5 0000	08131265	.05/ WATER TANK SITE	\$0	\$0	\$150	\$150	\$150	\$0	\$0
03	9999 814862-1 0000	08148621	MIN .376 SMITHERS CK	\$0	\$0	\$150	\$150	\$150	\$0	\$0
03	817801-8 0000	00000000	ROYALTY -- CABOT 90000882 KANAWHA-GAULEY "B"	\$0	\$0	\$2,050	\$2,050	\$0	\$2,050	\$0
03	9999 815503-3 0000	08155033	MIN 19.985 SMITHERS CK	\$0	\$0	\$600	\$600	\$480	\$120	\$0
			<i>W. R. Johnson Coal Co. LLC</i>							
03	9999 628606-6 0000	06286066	MIN 056/ KANA RIV	\$0	\$0	\$150	\$150	\$150	\$0	\$0
03	20-0003-0000-0000	06320386	FEE 175.888/ N SIDE KANA RIV	\$10,560	\$0	\$53,560	\$64,120	\$1,250	\$52,210	\$100
03	9999 628608-4 0000	06286084	MIN 15/ KANA RIV	\$0	\$0	\$150	\$150	\$150	\$0	\$0
03	37-0031-0000-0000	06286075	FEE 1.66/ KANA RIV	\$480	\$0	\$30	\$510	\$20	\$10	\$0
03	9999 815022-5 0000	08150225	MIN .193/ CARVERTOWN	\$0	\$0	\$150	\$150	\$150	\$0	\$0
07	05-0002-0000-0000	06286057	470.390/ KANA RIV 492/712 RT 61	\$2,820	\$900	\$1,296	\$5,016	\$736	\$280	\$280
11	07-0119-0000-0000	08099826	LOT 36 SEC B OAKLAND SD	\$3,720	\$180	\$0	\$3,900	\$0	\$0	\$0
11	07-0121-0000-0000	08099844	LOT 34 SEC B OAKLAND SD	\$3,480	\$360	\$0	\$3,840	\$0	\$0	\$0
11	06-0288-0000-0000	06169399	FEE 7 331/ NS KANA RIVER 447/579	\$900	\$0	\$0	\$900	\$0	\$0	\$0
11	04-0182-0000-0000	06169558	LOT 1/8 NS JUNCTION OAKLAND SCHOOL LOT	\$600	\$0	\$0	\$600	\$0	\$0	\$0
11	07-0120-0000-0000	08099835	LOT 35 SEC B OAKLAND SD	\$2,940	\$360	\$0	\$3,300	\$0	\$0	\$0
11	9999 616960-1 0000	06169601	MIN 07/ UNDER LOT 28 SEC H OAKLAND	\$0	\$0	\$150	\$150	\$150	\$0	\$0
11	9999 616961-0 0000	06169610	MIN 01/ UNDER LOT 1 SEC H OAKLAND	\$0	\$0	\$150	\$150	\$150	\$0	\$0
11	9999 616962-9 0000	06169629	MIN 055/ UNDER LOT 11 SEC H OAKLAND	\$0	\$0	\$150	\$150	\$150	\$0	\$0
11	07-0122-0000-0000	08099853	LOT 33 SEC B OAKLAND	\$3,120	\$360	\$0	\$3,480	\$0	\$0	\$0
11	04-0181-0000-0000	06169380	315/ SMITHERS CREEK	\$180	\$0	\$0	\$180	\$0	\$0	\$0
11	07-0229-0000-0000	06169594	LOT 21.460 AC SEC J OAKLAND SD 534/26	\$3,863	\$0	\$0	\$3,863	\$0	\$0	\$0
11	07-0189-0000-0000	09000687	LOT 78 SEC G OLD OAKLAND SD (SOLD)	\$0	\$0	\$0	\$0	\$0	\$0	\$0
11	07-0191-0000-0000	08149040	PT LOT 7 SEC G OLD OAKLAND SD	\$3,000	\$0	\$0	\$3,000	\$0	\$0	\$0
11	07-0219-0000-0000	08142093	LOT 12 SEC I OLD OAKLAND SD (SOLD)	\$3,300	\$0	\$0	\$3,300	\$0	\$0	\$0
11	07-0224-0000-0000	08142011	LOT 1 SEC J OLD OAKLAND SD	\$1,380	\$0	\$0	\$1,380	\$0	\$0	\$0
11	07-0225-0000-0000	08142020	LOT 2 SEC J OLD OAKLAND SD	\$960	\$0	\$0	\$960	\$0	\$0	\$0
11	07-0226-0000-0000	08142039	LOT 3 SEC J OLD OAKLAND SD	\$1,020	\$0	\$0	\$1,020	\$0	\$0	\$0
11	07-0227-0000-0000	08142057	LOT 4 SEC J OLD OAKLAND SD	\$1,080	\$0	\$0	\$1,080	\$0	\$0	\$0
11	07-0228-0000-0000	08142048	LOT 5 SEC J OLD OAKLAND SD	\$1,080	\$0	\$0	\$1,080	\$0	\$0	\$0
11	06-0190-0000-0000	09000686	LOT PT 47 SEC D OAKLAND SD	\$300	\$0	\$0	\$300	\$0	\$0	\$0
11	9999 815023-4 0000	08150234	MIN .226 SMITHERS	\$0	\$0	\$150	\$150	\$150	\$0	\$0
11	9999 815024-3 0000	08150243	MIN .123/ SMITHERS	\$0	\$0	\$150	\$150	\$150	\$0	\$0
11	9999 816073-1 0000	08160731	MIN .10/ SEC J OAKLAND SD	\$0	\$0	\$150	\$150	\$150	\$0	\$0
11	9999 804024-7 0000	08040247	MIN .005/ RT 60 E SMITHERS	\$0	\$0	\$150	\$150	\$150	\$0	\$0

Adjusted Value per Fayette County Commission Hearing 2/21/2001

2001 Assessment Values per Fayette County Commission Hearing – February 21, 2001
 Imperial Colliery Company – Gauley Mt. Property
 Fayette County, West Virginia

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Property I. D. Information			Assessed Values				Mineral Summary		
Map/Parcel	Acct No.	Legal Description	2001Land	2001Impr	2001Min	2001Total	2001Coal	2001OilGas	2001Other
17-0004-0000-0000	06319646	FEE 193 93/ CAUTLEY NO 2 TR 39	\$17,700	\$0	\$75,680	\$93,380	\$580	\$74,990	\$110
17-0005-0000-0000	06319511	FEE 106 56/ BANKS NO 1 TR 30	\$9,780	\$0	\$1,000	\$10,780	\$310	\$630	\$60
17-0008-0000-0000	06319254	SURF 1.92/ LOT 40 BRIDGE FORK WATERS	\$2,940	\$0	\$0	\$2,940	\$0	\$0	\$0
17-0009-0000-0000	06319441	FEE 69 CAUTLEY TR 26	\$6,240	\$0	\$17,890	\$24,130	\$210	\$17,640	\$40
18-0001-0000-0000	06319496	FEE 126 44/ BANKS NO 2 TR 29	\$7,560	\$0	\$1,190	\$8,750	\$370	\$750	\$70
18-0002-0000-0000	06316266	FEE LESS OIL & GAS 242.42/GAULEY RIV 464/120 60/3	\$21,780	\$0	\$1,013	\$22,793	\$873	\$0	\$140
18-0004-0000-0000	06319717	FEE 136 27/ BANKS NO 3 TR 43	\$11,520	\$0	\$1,290	\$12,810	\$400	\$810	\$80
24-0001-0000-0000	06319879	FEE 630 DEITZ TR 62	\$56,700	\$0	\$19,790	\$76,490	\$1,890	\$17,530	\$370
24-0002-0000-0000	06319753	FEE 785.69/ TOMPKINS TR 46	\$71,160	\$0	\$3,970	\$75,130	\$2,350	\$1,150	\$470
24-0003-0000-0000	08159066	FEE 22 62/ HINMAN 25 ACRES TR 49	\$2,040	\$0	\$200	\$2,240	\$60	\$130	\$10
24-0004-0000-0000	06319423	FEE 23 75/ HUMPHRIES TR 25	\$2,160	\$0	\$220	\$2,380	\$70	\$140	\$10
24-0005-0000-0000	06319575	FEE 131 271/ HINMAN TR 34	\$12,060	\$0	\$1,250	\$13,310	\$390	\$790	\$70
25-0003-0000-0000	06324587	FEE 2.94/ RICH CREEK MORRISON TRACT #50	\$180	\$0	\$10	\$190	\$10	\$0	\$0
25-0004-0000-0000	06318022	SURF 2 23/RICH CK (TR 50)	\$1,740	\$0	\$0	\$1,740	\$0	\$0	\$0
25-0005-0000-0000	06319806	FEE 19.57/ MORRISON TR 50	\$1,800	\$0	\$190	\$1,990	\$60	\$120	\$10
25-0009-0000-0000	08094439	SURF 7.89 AC MTH RICH CK TRACT #80	\$660	\$0	\$0	\$660	\$0	\$0	\$0
25-0011-0000-0000	06328663	SURF 1 RICH CK TRACT #81 381/508 389/282	\$1,140	\$0	\$0	\$1,140	\$0	\$0	\$0
25-0012-0000-0000	06322767	SURF 3.53 AC MCCLUNG TR 80 RICH CK	\$240	\$0	\$0	\$240	\$0	\$0	\$0
25-0013-0000-0000	06322696	SURF 1.75/ RICH CK 491/308 TRACT #81	\$150	\$0	\$0	\$150	\$0	\$0	\$0
25-0017-0000-0000	06328672	SURF 2.56/ RICH CK 60/3 TR. 88	\$1,440	\$0	\$0	\$1,440	\$0	\$0	\$0
25-0018-0000-0000	06328690	SURF 2.06/ RICH CK TR. 88	\$3,120	\$0	\$0	\$3,120	\$0	\$0	\$0
25-0023-0000-0000	06319539	FEE 113.459/ BANKS NO 5 TR 31	\$10,020	\$0	\$1,080	\$11,100	\$340	\$680	\$60
25-0024-0000-0000	06319600	FEE 739 HOTCHKISS TR 36	\$67,560	\$5,940	\$7,100	\$80,600	\$2,220	\$4,440	\$440
25-0030-0000-0000	06319628	SURF 32 15/ STEELE TR 37	\$3,960	\$900	\$0	\$4,860	\$0	\$0	\$0
25-0039-0000-0000	06324426	0.34 AC SURFACE KELLYS CK 557/252 TR 90	\$960	\$6,360	\$0	\$7,320	\$0	\$0	\$0
25-0039-0001-6002	09001868	SURF .26 AC KELLYS CK TR. 86	\$780	\$0	\$0	\$780	\$0	\$0	\$0
25-0040-0000-0000	06316033	SURF 1 RICH CK KELLY FK TR. 85 **check backtax 2001**	\$1,140	\$0	\$0	\$1,140	\$0	\$0	\$0
31-0001-0000-0000	06319744	FEE 310 HOLT & GRAY TR 45	\$27,900	\$0	\$3,730	\$31,630	\$930	\$2,620	\$180
31-0052-0000-0000	06319824	FEE 53.07/ EMCO NO 1 TR 51	\$4,800	\$0	\$510	\$5,310	\$160	\$320	\$30
32-0002-0000-0000	06319888	FEE 19 M M SKAGGS TR 65	\$1,740	\$0	\$190	\$1,930	\$60	\$120	\$10
32-0003-0000-0000	06319833	FEE 141 23/ SUMMERS TR 54	\$12,720	\$0	\$2,820	\$15,540	\$420	\$2,320	\$80
9999 631926-3 0000	06319263	MIN 23/ TYLER TR 28	\$0	\$0	\$150	\$150	\$150	\$0	\$0
9999 631927-2 0000	06319272	MIN 24/ GUTHRIE TR 24	\$0	\$0	\$150	\$150	\$150	\$0	\$0
9999 631928-1 0000	06319281	MIN 1 TYLER TR 28	\$0	\$0	\$150	\$150	\$150	\$0	\$0
9999 631930-7 0000	06319307	MIN 86 HAWKS NEST COAL CO TR 3	\$0	\$0	\$810	\$810	\$250	\$510	\$50
9999 631931-6 0000	06319316	MIN 140 CYRUS SKAGGS TR 6	\$0	\$0	\$1,340	\$1,340	\$420	\$840	\$80
9999 631932-5 0000	06319325	MIN 150 MATTHEWS & MORTON TR 8	\$0	\$0	\$1,440	\$1,440	\$450	\$900	\$90
9999 631934-3 0000	06319343	MIN 100 JAS SKAGGS TR 16	\$0	\$0	\$960	\$960	\$300	\$600	\$60
9999 631935-2 0000	06319352	COAL 4 62/HAWKINS TR 19	\$0	\$0	\$150	\$150	\$150	\$0	\$0
9999 631937-0 0000	06319370	MIN 8 95/ SIMMS TR 22	\$0	\$0	\$150	\$150	\$150	\$0	\$0
9999 631939-8 0000	06319398	MIN 12 54/ IMBODEN TR 23	\$0	\$0	\$150	\$150	\$150	\$0	\$0

2001 Assessment Values per Fayette County Commission Hearing – February 21, 2001
 Imperial Colliery Company – Gauley Mt. Property
 Fayette County, West Virginia

D:\Tax_Property\2001_2000_ICC_GauleyMt.wb3

Property I. D. Information			Assessed Values				Mineral Summary		
Map/Parcel	Acct No.	Legal Description	2001Land	2001Impr	2001Mln	2001Total	2001Coal	2001OilGas	2001Other
<i>Ansted Corp. (04)</i>									
05-0110-0000-0000	06022751	SURF 873/ ANSTED TRACT #58	\$1,620	\$0	\$0	\$1,620	\$0	\$0	\$0
05-0115-0000-0000	06022760	SURF 1 022/ ANSTED W LAKE TR	\$720	\$0	\$0	\$720	\$0	\$0	\$0
08-0002-0000-0000	06098885	FEE 1 50/ LAWS & HORROCKS TR 7	\$540	\$0	\$0	\$540	\$0	\$0	\$0
08-0133-0000-0000	06098956	SURF 1.63/ LAWS & HORROCKS 2 TRACT 63	\$180	\$0	\$0	\$180	\$0	\$0	\$0
09-0064-0000-0000	06098812	FEE 6.132/ GRAVEYARD TR	\$1,080	\$0	\$10	\$1,090	\$10	\$0	\$0
09-0065-0000-0000	06098910	FEE 69.745/ WESTLAKE TR 58 418/265	\$29,040	\$11,640	\$280	\$40,960	\$210	\$30	\$40
12-0100-0000-0000	08117245	LOT 395 396 ANSTED LOTS TR 64 FEE 1.10 AC	\$1,320	\$0	\$0	\$1,320	\$0	\$0	\$0
13-0300-0000-0000	08117334	SURF 4.18/ MASTERS MILL TR 61	\$240	\$0	\$0	\$240	\$0	\$0	\$0
22-0007-0000-0000	08017674	SURF 20 94/ AC HAWKS NEST ABANDONED R/W	\$1,200	\$0	\$0	\$1,200	\$0	\$0	\$0
9999 609882-1 0000	06098821	MIN 868/ GRAVEYARD TR 1	\$0	\$0	\$150	\$150	\$150	\$0	\$0
9999 609884-9 0000	06098849	MIN 31 839/ A G TAYLOR TR 2	\$0	\$0	\$150	\$150	\$150	\$0	\$0
9999 609886-7 0000	06098867	MIN 14 183/ HAWKS NEST COAL SKAGGS TR	\$0	\$0	\$150	\$150	\$150	\$0	\$0
9999 609890-1 0000	06098901	MIN 2.50/TAYLOR TR 57	\$0	\$0	\$150	\$150	\$150	\$0	\$0
9999 609892-9 0000	06098929	MIN 192 292/ WESTLAKE TR 58	\$0	\$0	\$340	\$340	\$110	\$120	\$110
9999 609893-8 0000	06098938	MIN 5 TWENTY FT TR 60	\$0	\$0	\$150	\$150	\$150	\$0	\$0
9999 609897-4 0000	06098974	MIN 40/ ANSTED LOTS TR 64	\$0	\$0	\$150	\$150	\$150	\$0	\$0
9999 610947-2 0000	06109472	MIN .02/ ANSTED HPL ADDN UNDER LOT 362	\$0	\$0	\$150	\$150	\$150	\$0	\$0
9999 635045-0-0000	06350450	MIN UNDER LOT 389 ANSTED H PL EX	\$0	\$0	\$150	\$150	\$150	\$0	\$0
9999 816013-4 0000	08160134	MIN .352 WESTLAKE TR	\$0	\$0	\$150	\$150	\$150	\$0	\$0
		TOTALS:	\$35,940	\$11,640	\$1,980	\$49,560	\$1,680	\$150	\$150
<i>Valley District (03)</i>									
05-0010-0000-0000	06319389	FEE 88 12/ IMBODEN TR 23	\$7,920	\$0	\$830	\$8,750	\$520	\$260	\$50
05-0018-0000-0000	09000740	117.17AC SURF OR 8.52 MILES PROPERTY & R/W TR. 84	\$13,020	\$0	\$0	\$13,020	\$0	\$0	\$0
06-0007-0001-0000	06328315	5.42 AC SURF GAULEY RIVER SD 7.25 AC MIN TR. 87	\$3,120	\$0	\$0	\$3,120	\$0	\$0	\$0
06-0008-0000-0000	06328324	20.375/ GAULEY RIVER TR. 87	\$10,740	\$720	\$380	\$11,840	\$90	\$280	\$10
10-0004-0000-0000	06319361	FEE 154 35/ SIMMS TR 22	\$13,860	\$0	\$2,350	\$16,210	\$460	\$1,800	\$90
10-0006-0000-0000	06319593	FEE 1023 218/ MARK ANTHONY TR 35	\$92,820	\$0	\$234,160	\$326,980	\$85,030	\$148,520	\$610
10-0007-0000-0000	06319762	FEE 36 54/ BUCK RUN TR 47	\$3,300	\$0	\$330	\$3,630	\$210	\$100	\$20
11-0002-0000-0000	06319405	FEE 395 456/ GUTHRIE TR 24	\$35,760	\$0	\$9,700	\$45,460	\$1,180	\$8,280	\$250
11-0003-0000-0000	06319566	FEE 124 50/ NEIL TR 33	\$11,280	\$0	\$2,140	\$13,420	\$370	\$1,700	\$70
11-0004-0000-0000	06319851	FEE 30 70/ LIVENGOOD NO 2 TR 56	\$2,820	\$0	\$280	\$3,100	\$90	\$180	\$10
11-0005-0000-0000	06319842	FEE 224 28/ LIVENGOOD NO 1 TR 55	\$20,940	\$0	\$2,790	\$23,730	\$670	\$1,990	\$130
11-0006-0000-0000	06319557	FEE 256 50/ RICH CK TR 32	\$23,340	\$0	\$2,440	\$25,780	\$1,530	\$760	\$150
11-0007-0000-0000	06319664	FEE 253 481/ CAUTLEY 3 TR 40	\$22,560	\$0	\$18,060	\$40,620	\$760	\$17,150	\$150
11-0008-0000-0000	06319478	FEE 106 440/ TYLER TR 28 451/548	\$9,720	\$0	\$19,230	\$28,950	\$310	\$18,860	\$60
11-0011-0000-0000	06324649	FEE 90 GAULEY RIV MOWER TRACT #75	\$8,100	\$0	\$860	\$8,960	\$270	\$540	\$50
11P-0018-0000-0000	06325023	LOT 10 JODIE SD 3 285/372	\$1,200	\$8,520	\$0	\$9,720	\$0	\$0	\$0
17-0001-0000-0000	06319682	FEE 49 42/ CAUTLEY NO 4 TR 41	\$4,440	\$0	\$4,870	\$9,310	\$780	\$4,060	\$30
17-0002-0000-0000	06319708	FEE 1477 35/ DONALDSON TR 42	\$135,300	\$0	\$52,580	\$187,880	\$4,430	\$47,270	\$880
17-0003-0000-0000	06319637	FEE 1045 95/ CAUTLEY 1 TRACT #38	\$94,200	\$0	\$10,030	\$104,230	\$3,130	\$6,270	\$630

2001 Assessment Values per Fayette County Commission Hearing – February 21, 2001
 Imperial Colliery Company – Gauley Mt. Property
 Fayette County, West Virginia

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Property I. D. Information			Assessed Values				Mineral Summary		
Map/Parcel	Acct No.	Legal Description	2001Land	2001Impr	2001Min	2001Total	2001Coal	2001OilGas	2001Other
9999 631941-4 0000	06319414	MIN 27 262/ GUTHRIE TR 24	\$0	\$0	\$180	\$180	\$10	\$160	\$10
9999 631943-2 0000	06319432	MIN 1 25/ HUMPHRIES TR 25	\$0	\$0	\$150	\$150	\$150	\$0	\$0
9999 631946-9 0000	06319469	MIN 4 165/ GILMORE TR 27	\$0	\$0	\$150	\$150	\$150	\$0	\$0
9999 631948-7 0000	06319487	MIN 19 088/ TYLER TR 28	\$0	\$0	\$150	\$150	\$150	\$0	\$0
9999 631950-2 0000	06319502	MIN 10 56/ BANKS NO 2 TR 29	\$0	\$0	\$150	\$150	\$150	\$0	\$0
9999 631952-0 0000	06319520	MIN 8 44/ BANKS NO 1 TR 30	\$0	\$0	\$150	\$150	\$150	\$0	\$0
9999 631954-8 0000	06319548	MIN 6 541/ BANKS NO 5 TR 31	\$0	\$0	\$150	\$150	\$150	\$0	\$0
9999 631958-4 0000	06319584	MIN 17 229/ HINMAN TR 34	\$0	\$0	\$150	\$150	\$150	\$0	\$0
9999 631961-9 0000	06319619	MIN 36 STEELE TR 37	\$0	\$0	\$330	\$330	\$100	\$210	\$20
9999 631965-5 0000	06319655	MIN 9 07/ CAUTLEY NO 2 TR 39	\$0	\$0	\$150	\$150	\$150	\$0	\$0
9999 631967-3 0000	06319673	MIN 28 038/ CAUTLEY NO 3 TR 40	\$0	\$0	\$250	\$250	\$80	\$160	\$10
9999 631969-1 0000	06319691	MIN 3 48/ CAUTLEY NO 4 TR 41	\$0	\$0	\$150	\$150	\$150	\$0	\$0
9999 631972-6 0000	06319726	MIN 8 12/ BANKS NO 3 TR 43	\$0	\$0	\$150	\$150	\$150	\$0	\$0
9999 631973-5 0000	06319735	MIN 67 50/ HOLT & GRAY NO 1 TR 44	\$0	\$0	\$4,010	\$4,010	\$40	\$3,930	\$40
9999 631977-1 0000	06319771	MIN 26 50/ SKAGGS TR 48	\$0	\$0	\$230	\$230	\$70	\$150	\$10
9999 631979-9 0000	06319799	MIN 2 38/ HINMAN 25 ACRES TR 49	\$0	\$0	\$150	\$150	\$150	\$0	\$0
9999 631981-5 0000	06319815	MIN 3 49/ MORRISON TR 50	\$0	\$0	\$150	\$150	\$150	\$0	\$0
9999 631986-0 0000	09001968	MIN 9 30/ LIVENGOOD NO 2 TR 56	\$0	\$0	\$150	\$150	\$50	\$0	\$0
9999 631989-7 0000	06319897	MIN 8 30/ C & O RR TR 66	\$0	\$0	\$150	\$150	\$150	\$0	\$0
9999 632807-5 0000	06328075	1/2 INT O & G 242/42 GAULEY TRACT #79 (1/2 INT242/42)	\$0	\$0	\$9,130	\$9,130	\$0	\$9,130	\$0
		TOTALS:	\$878,130	\$22,440	\$521,833	\$1,422,403	\$116,153	\$399,790	\$5,800
		New Haven (01)							
17-0001-0000-0000	06010425	SUR 17 56/ HARRAH TR 20	\$2,100	\$0	\$0	\$2,100	\$0	\$0	\$0
17-0002-0000-0000	06010443	FEE 12 TEUBERT TR 21	\$1,080	\$0	\$184	\$1,264	\$114	\$70	\$0
17-0003-0000-0000	08104179	22.33/ BIG CK 314/134	\$2,040	\$0	\$353	\$2,393	\$213	\$130	\$10
17-0004-0000-0000	06010684	10.67 BIG CK FEE 314/134	\$1,380	\$0	\$159	\$1,539	\$99	\$60	\$0
17-0041-0000-0000	06010452	FEE 849.91/ GILMORE TR 27 435/682	\$65,940	\$0	\$8,160	\$74,100	\$2,550	\$5,100	\$510
17-0050-0000-6001	06010336	FEE 16.70/ HISER TR 11	\$1,570	\$0	\$140	\$1,710	\$40	\$90	\$10
17-0050-0000-6002	06010354	FEE LESS COAL 5.30/ HISER TR 13	\$470	\$0	\$30	\$500	\$0	\$30	\$0
18-0005-0000-0000	06010265	FEE 46.202/ AG TAYLOR TR 2	\$4,320	\$0	\$430	\$4,750	\$130	\$270	\$30
18-0006-0000-0000	06010274	FEE 847.832/ HAWKS NEST COAL SKAGGS TR 3	\$76,200	\$0	\$8,130	\$84,330	\$2,540	\$5,080	\$510
18-0008-0000-0000	06010372	FEE 123 314/ HOLT & SNYDER TR 15	\$11,160	\$0	\$1,180	\$12,340	\$370	\$740	\$70
18-0009-0000-0000	06010390	FEE 41 ELLIS TR 17	\$3,720	\$0	\$390	\$4,110	\$120	\$250	\$20
18-0010-0000-0000	06010407	FEE 150 COATS TR 18	\$13,800	\$0	\$1,440	\$15,240	\$450	\$900	\$90
18-0011-0000-0000	06017712	FEE 54 SHADE CK DB 34/57 TRACT #78	\$5,400	\$120	\$510	\$6,030	\$160	\$320	\$30
18-0021-0000-0000	06010309	FEE 4 10/ C & O RW TR 5	\$240	\$0	\$150	\$390	\$130	\$20	\$0
18-0022-0000-0000	06010531	FEE 6 C & O RWY TR 59	\$360	\$0	\$210	\$570	\$180	\$30	\$0
19-0002-0000-0000	06010327	FEE 677 89/ MATHEWS & MORTON TR 9	\$63,360	\$0	\$6,490	\$69,850	\$2,030	\$4,060	\$400
25-0008-0000-0000	06010292	FEE 51 WOODS MILL TR 4	\$4,620	\$0	\$370	\$4,990	\$30	\$310	\$30
9999 601028-3 0000	06010283	MIN 8 985/HAWKS NEST COAL SKAGGS TR 3	\$0	\$0	\$150	\$150	\$150	\$0	\$0
9999 601031-8 0000	06010318	O & G 3 C & O RW TR 5	\$0	\$0	\$150	\$150	\$0	\$150	\$0

2001 Assessment Values per Fayette County Commission Hearing – February 21, 2001
 Imperial Colliery Company – Gauley Mt. Property
 Fayette County, West Virginia

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Property I. D. Information			Assessed Values				Mineral Summary		
Map/Parcel	Acct No.	Legal Description	2001Land	2001Impr	2001Min	2001Total	2001Coal	2001OilGas	2001Other
9999 601034-5 0000	06010345	COAL 6 10/ CROFT & EVANS TR 12	\$0	\$0	\$150	\$150	\$150	\$0	\$0
9999 601036-3 0000	06010363	MIN 83 MCVEY TR 14	\$0	\$0	\$1,142	\$1,142	\$602	\$500	\$40
9999 601038-1 0000	06010381	MIN 6 686/ HOLT & SNYDER TR 15	\$0	\$0	\$150	\$150	\$150	\$0	\$0
9999 601041-6-0000	06010416	COAL 10 78/ HAWKINS TR 19	\$0	\$0	\$150	\$150	\$150	\$0	\$0
9999 601043-4 0000	06010434	COAL 11 90/ HARRAH TR 20A	\$0	\$0	\$550	\$550	\$550	\$0	\$0
9999 601046-1 0000	06010461	MIN 4 701/ GILMORE TR 27	\$0	\$0	\$150	\$150	\$150	\$0	\$0
9999 601049-8 0000	06010498	COAL 6.90/ EMCO NO 2 TR 52	\$0	\$0	\$150	\$150	\$150	\$0	\$0
9999 601050-4 0000	06010504	COAL 3 EMCO NO 3 TR 53	\$0	\$0	\$150	\$150	\$150	\$0	\$0
9999 601052-2 0000	06010522	MIN 14 057/ WESTLAKE TR 58	\$0	\$0	\$150	\$150	\$150	\$0	\$0
9999 601055-9 0000	06010559	MIN 92/ GILMORE TR 27	\$0	\$0	\$150	\$150	\$150	\$0	\$0
TOTALS:			\$257,760	\$120	\$31,518	\$289,398	\$11,658	\$18,110	\$1,750

Adjusted Coal Values per Fayette Co. Commission Hearing 2/21/2001 →

Oil & Gas Values Requested to be \$0 on 2/21/2001 as agreed in 2000 →

FAYETTE COUNTY COMMISSION
REGULAR SESSION & BOARD OF
EQUALIZATION AND REVIEW
FEBRUARY 27, 2001
COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: John L. Witt, John H. Lopez (7:00 p.m.) Matthew D. Wender

The Fayette County Commission met in regular session on this 27th day of February, 2001.

Commissioner Witt called the meeting to order at 3:32 p.m.

The Commissioners met with John Sorrenti, Hancock County Commission and the Elected Officials to discuss developing a personnel policy handbook for Fayette County.

John Sorrenti informed the Commissioners and the elected Officials that Hancock County had been working on this policy for two years.

Mr. Sorrenti informed the Commissioners that Hancock County had started a series of training in contracting with West Virginia University graduate students. Mr. Sorrenti informed the Commissioners that Hancock paid West Virginia University a stipend to do survey for \$8,000.00; first they did a Job Analysis Worksheet, once this was completed a Hancock County Position and Job Description manual was done. Mr. Sorrenti reviewed and discussed how the salary adjustments were made.

Tom Aiello, Assessor, asked Mr. Sorrenti what was the reaction among the employees at Hancock County. Mr. Sorrenti informed they were elated.

Commissioner Wender asked if there were any other counties interested. Mr. Sorrenti informed one that he knew of but there may be some others.

Mr. Sorrenti asked for comments.

Mr. Aiello informed he liked the concept, conformity with regards to his pay scale and he would welcome something to fall back on; Mr. Aiello informed he would be in favor of moving ahead with it.

Kelvin Holliday, County Clerk, thinks it's a good thing.

Paul Blake, Prosecuting Attorney had no comment.

William Laird, Sheriff, informed he likes structured uniformity and consistence in the approach.

No decision made. The meeting was adjourned at 4:46 p.m.

The Commissioners reconvened as a Board of Equalization and Review at 5:30 p.m.

Commissioner Witt called hearing to order.

Alfred Skaggs appeared before the Commission with an application for Review of Property Assessment. Mr. Skaggs, Eddie Young with the Assessor's Office were sworn in. Carl Harris, Assistant Prosecuting Attorney was present.

Mr. Skaggs informed the Commissioners he had applied for managed timberland on 90 acres several years ago. Mr. Skaggs informed the Commissioners that approximately 50 acres is under managed timberland, told the Commissioners he had ran out of area to do any more.

Mr. Skaggs informed the Commissioners that he had talked with Don Hebb with the State Tax Department regarding this matter. Mr. Hebb informed him that this year they can not change, but next year it may be reduced.

After a brief discussion, the Commissioners informed Mr. Skaggs they would review and take his application under advisement and a decision would be made prior to the end of the month.

Since there were no other hearings scheduled, Commissioner Witt asked that the Board of Equalization and Review be adjourned. The meeting was adjourned at 5:59 p.m.

The Commissioners reconvened for a regular County Commission meeting at 7:00 p.m.

Commissioner Lopez made a motion that the minutes of the County Commission meeting held on February 15th be approved. Commissioner Wender seconded. All approved.

The Commission reconvened as a Board of Equalization and Review. Commissioner Witt informed Commissioner Lopez of the Board of Equalization and Review hearing for Alfred Skaggs. Commissioner Witt told Commissioner Lopez that the State Tax Department recommended leaving Mr. Skaggs property as is.

Commissioner Wender moved to accept recommendation of the State Department that no relief be given to Alfred Skaggs; Commissioner Witt seconded. All approved.

The Commissioners signed letter to Howard and Alma Earhart informing of their decision as a Board of Equalization and Review for 2001 that the valuation of the following property in question will be changed in accordance with the recommendation of the State of West Virginia of Tax and Review will be as follows: Map/Parcel 10-01-72-0006-000; Revised Assessed Value \$35,280 land; \$3,456 coal.

The Commissioners signed letters to Eagle Land Company & Midvale Colliery Company/T.A. Deitz Estate informing of their decision as a Board of Equalization and Review for 2001 that the valuation of the property in question will not be changed.

The Commissioners signed letters to Imperial Colliery Company and W. R. Johnson Coal Company LLC et als informing of their decision

as a Board of Equalization and Review for 2001 (See attached letters).

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 2001. Order signed.

Commissioner Lopez moved to adjourn as Board of Equalization and Review. Commissioner Wender seconded. All approved.

The Commission reconvened for regular County Commission meeting.

Ms. Holly informed the Commissioners that at their last meeting with Jim Akers and Ken Eskew they had agreed to sign a 2 year lease with the Fayette County Jail Museum. Ms. Holly asked the Commissioners to review and make any changes to the current contract and she would let Paul Blake, Prosecuting Attorney review. Commissioner Lopez asked that this be deferred to the next meeting.

The Commissioners signed Customer Support Agreement and License Agreement with SCT for the purchase of PSAS200: BA Change Account Number Subsystem software.

The Commissioners called public hearing to order, the purpose of the public hearing is to review public comment on the cable television rate increase to be effective May 1, 2001 proposed by Charter Communications.

Arthur Riley, Regional Manager and Jerry Strasser, Director of Operations for Charter Communications were present to answer any comments.

Al Gannon appeared before the Commissioners to question if this public notice included the Scarbro area, and if so, the public notice

was incorrect.

Mr. Strasser informed Mr. Gannon that this rate increase was to include all unincorporated areas of Fayette County. Ms. Holly stated that the application was for Community unit Identifier wV1033 which includes the areas served with headends at Boomer, Jodie, Pax and Robson.

After a lengthy discussion regarding the public notice. Commissioner Wender made motion to rerun legal notice; Ms. Holly to consult with Carl Harris, Assistant Prosecuting Attorney to clarify and include what the starting rate is and what its going to be. Commissioner Lopez seconded. All approved.

Commissioner Witt asked the representatives if he could have a map of the area.

Ms. Holly informed the Commissioners she received from Earl Pauley, Park Superintendent, a quote from Rick Myles to replace floor in cabinet #6 at the Fayette County Park. The Commissioners asked Ms. Holly to hold until the next County Commission meeting.

Commissioner Wender asked Ms. Holly to get a percentage from Earl Pauley of what's been completed at the Fayette County Animal Shelter.

The Commissioners received and reviewed a letter of introduction from the Nicholas County Volunteer Rescue Team. Copy forwarded to Steve Cruikshank, OES Director and David Neal, E911 Director.

The Commissioners received and reviewed a letter from Earl Tomblin, Senate President response to the redistricting issue.

The Commissioners received and reviewed a Audit Report of the Fayette County Magistrate Court for the period ended December 31, 1999.

The Commissioners received and reviewed from the Division of Criminal Justice Services an extension of the Local Law Enforcement Block Grant Program from 07/01/2000-12/31/2000 to 07/01/2000-03/31/2001.

The Commissioners received and reviewed a letter from the United States Department of Commerce informing that in the next few weeks Census 2000 redistricting data (public Law 94-171) will be released.

The Commissioners received and reviewed a check in the amount of \$86.24 from Metro-Teleconnect Companies for 911 fees for the month of January, 2001.

The Commissioners received and reviewed faxes from the West Virginia Associations of Counties regarding the 2001 Legislative Session.

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

The Commissioners received and reviewed Workers' Compensation letters.

Commissioner Witt asked the Commission for permission that one of the Fayette County trucks be used to pick up grocery on Monday for the Fayette County Emergency Food Assistance Program. This was approved. Commissioner Witt informed he would check with Earl Pauley, Park Superintendent.

The Commissioners received and reviewed recall notices from Ford Motor Company. Original forwarded to Earl Pauley.

The Commissioners received and reviewed an application from New Land Leasing Company, Inc. regarding Community Impact Statement (CIS) for surface mining Permit No. S-3002-95. Original forwarded to Tim Richardson, Zoning Officer.

Ms. Holly presented to the Commissioners a copy of an article she reviewed regarding Development Grants for Preservation that are available. Ms. Holly informed the Commissioners that the County may not be eligible to apply but that she would check into.

The Commissioners received and reviewed from the Assessor's Office a list of paid Dog Taxes updated as of February 27, 2001.

Ms. Holly informed the Commissioners she received a call from Kathy Murray regarding her injury she received while performing community service at the Fayette County Animal Shelter. Ms. Holly informed the Commissioners that she told Ms. Murray that the County was not responsible.

The Commissioners received and reviewed a letter from Judge John Hatcher informing that a copy of the Fayette County Magistrate County Audit Report would be available to the public at the Magistrate Clerk's Office.

The Commissioners received/reviewed and signed Local Government Account Signature Authority Form for transacting funds with the West Virginia Investment Management Board through the West Virginia State Treasurer's Office.

Commissioner Witt will be attending the 2001 West Virginia Association of Counties Annul meeting being held March 4-6, 2001.

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

Ms. Holly presented to the Commissioners the total decreases in the cash balance comparative for the General County Fund and the Coal Severance Fund for January, 1999 to January, 2001.

Outstanding bills and payroll were approved.

The meeting was adjourned at 9:01 p.m. The next scheduled

meeting is March 7, 2001.

John G. Watt

FAYETTE COUNTY COMMISSION

REGULAR SESSION

JANUARY 3, 2001

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: John L. Witt, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in a regular session on this 3rd day of January, 2001.

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

Commissioner John Lopez made motion to elect Commissioner John Witt as President for the year 2001; Commissioner Matthew Wender seconded. Motion carried. Commissioner Matthew Wender moved to appoint Commissioner John Lopez as Purchasing Agent and Deborah Berry designated Assistant Purchasing Agent for the year 2001.

Commissioner Lopez seconded. Motion carried. The Commissioners approved and authorized for Charlotte Holly, County Administrator and Earl Pauley, Park Superintendent to make purchases up to \$600.00 without prior County Commission approval for the year 2001.

Commissioner Wender made motion to continue holding regular sessions of the Commission meeting on the first Wednesday after the first Monday of each month at 9:30 a.m.; the 15th of each month at 9:30 unless such date should be on a Saturday, Sunday or legal holiday, then said Commission meeting will be held on the next preceding work day; and the last Tuesday of each month at 7:00 p.m. during the calendar year 2001. Commissioner Witt seconded. Motion carried.

Ms. Holly informed the Commissioners that since January 15th is a holiday that meeting would be scheduled for January 12th; Ms. Holly also informed the Commissioners that since the last Commission

meeting was not to be held until after the payroll for January 30 was to be released, the payrolls for the 1st half of January and the 2nd half of January would have to be approved on January 12th.

Commissioner Witt informed the Commissioners that he and Commissioner Wender would not be able to attend the morning meeting. Commissioner Lopez suggested meeting on the 11th. Commissioner Wender asked that the meeting be scheduled for 1:00 p.m. on January 12th.

Approved.

Exonerations were approved and signed.

Commissioner Lopez made motion to approve minutes of the Commission meeting held on December 15, 2000. Commissioner Witt seconded. Approved.

Commissioner Witt reviewed the County's holiday list for our new Commissioner. Ms. Holly informed the Commission that this was approved in November.

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

February 1, 2001	Thursday	10:00 A.M.
February 7, 2001	Wednesday	1:15 P.M.
February 9, 2001	Friday	10:00 A.M.
February 15, 2001	Thursday	11:00 A.M.
February 21, 2001	Wednesday	10:00 A.M.
February 27, 2001	Tuesday	5:30 P.M.

Ms. Holly informed the Commissioners she received a renewal application from the Department of Health for a permit to operate the Fayette County Park pool. Application signed, cost \$50.00.

The Commissioners received and reviewed letter from Oak Leaf Festival informing they would be hosting their third annual Oak Leaf Festival over Labor Day 2001 and requesting that the Commission donate \$1,000. The Commissioners asked Ms. Holly to send a letter to

Oak Leaf Festival and inform them they would consider their request during their budget session in March for funding in Fiscal Year 2001-02 which begins July 1, 2001.

The Commissioner received and reviewed updates from Steptoe and Johnson regarding pending lawsuits (Roger & Peggy Bryant & Michelle Lynn O'Dell).

The Commissioners received and reviewed survey from the Secretary of State Office asking the Commission, County Clerks, and Circuit Clerks for their opinions of the issues they plan to address to the 2001 Legislation. The Commissioners asked Ms. Holly to respond on behalf of the Commission.

The Commissioners received and reviewed fax from the West Virginia Association of Counties regarding the PEIA proposed fiscal year 2002 Financial Plan.

Ms. Holly informed the Commissioners she received the local match for the Comprehensive Update Plan from 4-C Economic and Development Council. Ms. Berry to write check today to Consultants. Approved.

The Commissioners approved overtime for Jackie Hickman and travel expenses for Steve Fox to be paid.

The Commissioners approved reimbursement of funds to C-Pac for Spay and Neutering Program, amount \$872.00.

The Commissioners received and reviewed fax from the County Commissioners Association of West Virginia giving a list of the January Legislative Interim Schedule for January 7, 8, 9, 2001.

The Commissioners received and reviewed a letter from the Division of Public Transit informing they are soliciting requests for proposals seeking pilot projects that demonstrates the coordination

of local transportation services; no funds are available for this project. The Commissioners informed they have no interest nor funding for the project.

The Commissioners signed letter to Kelvin Holiday, County Clerk informing that effective January 1, 2001 the annual salary to be paid Linda Casey, WVU Extension secretary, shall be \$15,000 plus benefits to be paid from the General Fund, WVU Extension line item.

The Commissioners received and reviewed a copy of a letter from Paul Blake, Prosecuting Attorney to Kelvin Holliday, County Clerk informing of salary adjustments for Assistant Prosecutors Carl Harris, Tom Steele, Drew Skeen effective January 1, 2001.

Ms. Holly informed the Commissioners she received from Pat Hamilton on December 27, 2000 a request to increase the amount of bond on Orland L. Nichols from \$56,000 to \$61,000. The Commissioners signed rider to change bond amount.

Ms. Holly informed the Commissioners that Joetta Huddleston who was granted family medical leave in November, 1999, had submitted a letter informing she will not be returning to work for the County.

The Commissioners received and reviewed several Workers' Compensation correspondence.

The Commissioners received and reviewed check in the amount of \$41,709.42 for the Emergency Telephone System Fee for the month of November, 2000 from Verizon.

The Commissioners received and reviewed notice from The Hartford Insurance Company regarding claim #474AC12087.

Attorney Tom Fast, Attorney Christopher Smith appeared before the Commission to discuss the decision of Carl Harris, Special Fiduciary Commissioner regarding the claims filed against the Estate

of Robert E. Kelly. Attorney Fred Jesser and Paul Blake, Prosecuting Attorney were present.

After a lengthy discussion regarding the Special Fiduciary Commissioner's decision, Paul Blake, Prosecuting Attorney, on behalf of the Commission asked the attorneys to submit to the Commission within seven days from today a memo to the Commission to address the issues to overturn the Special Fiduciary Commissioner's decision. The hearing was adjourned.

Commissioner Witt moved to go into Executive Session to discuss personnel matter and PETA letter with Earl Pauley, Dog Warden. Commissioner Lopez seconded.

Upon reconvening from Executive Session the Commissioners asked Earl Pauley, Dog Warden, to respond to the complaints received from People For the Ethical Treatment of Animals (PETA). (See attached).

Commissioner Witt read a portion of West Virginia Code 19-20-7 which states in part that the county court of each county shall provide the dog warden with a suitable place for impounding dogs with proper provision for their feeding and care, and humane equipment, devices and methods for destroying dogs; he stated that the County had pretty much done that and complied with the West Virginia Code and that is why the Commission had Mr. Pauley here to answer the complaints that had been registered with them by PETA.

Commissioner Wender made a motion for Earl Pauley to prepare and present to the Commission on Tuesday, January 30 at 7 P.M. a status report on where we are with the completion of the facility (what is complete or partially complete), and further to prepare a specific listing of what projects yet need to be undertaken, at what cost coupled with a time line of how long to complete each of those

Earl Pauley's oral response to PETA complaints:

No ventilation system - We have an air exchange ventilation system. Air in dog room is changed about 3 times an hour; air in cat room is changed about every 15 minutes; due to the cold outside air, changed less frequently in winter than summer. Timer on wall is set when needed.

Heat - Dog room is heated with electric and the cat room is heated with propane. Facility is fully heated.

Air - No air now; will be in place when summer comes [by air, means air conditioning].

Isolation area - Do have an isolation area; in the cat room, entire wall of cages is separate from entire housing of cats. All healthy cats kept on one side; wild domestic cats that come in from outside go in an area. As they come down or can be adopted or they can react, they are put in a communal cage and put in main cat room and kept away from any sick animal. If we see an animal starting to get sick, it is pulled out and put in the isolation room. Dog room for isolation will be in puppy room which is under construction right now (weather hindering at this time).

Upper respiratory infection - When a cat is taken from outside to inside where it has never been there is a temperature change, he is depressed because he is used to running loose, he sits there and will not breathe, react and climb and do all the running and things that he does outside, and there is a good chance of him developing a respiratory infection. When that happens, most cats have been there 3, 4, 6, or 8 weeks; at that time, depending on severity of it if we can't cure by ourselves, that animal is put down by injection.

Reportedly overcrowded - Right now we have 12 cats and 9 dogs in the shelter, can house 41 dogs (41 runs in dog room) and 100 cat runs. Overcrowdedness is not a problem in our buildings.

Drainage system - That was the case when we opened the old pound; all drains went to 1 corner leaving the building. When new buildings built, while under construction we got concrete saws, sawed the floor out of old building, picked that floor up, reconstructed it, put drains in every run, rebuilt runs out of concrete, painted them with epoxy paint and every dog in the shelter has his own drain going to the septic system.

Cages reportedly cleaned with animals still in - Never happened down there, never will happen down there, no reason for it to happen down there. We have control poles and have people trained to use those poles, have pet taxis to put dogs in to get dogs out of runs. Also, the shelter is designed with doors so dogs can go out 1 door and opens to another door without coming in contact with a person, so why would they clean with a dog in there to bite them. Would never allow an employee of the County to do that.

Reports that County was using a makeshift carbon monoxide chamber to kill animals - Have never used a makeshift carbon monoxide chamber, don't intend to; carbon monoxide will kill all of us, we know that; carbon monoxide is deadly. We have a carbon monoxide chamber, a small chamber; we do not use exhaust pipes, we do not use anything but compressed gas from Mabscott Supply in Beckley, we have every receipt of every tank that has been bought, keep on record on file. We are complying with all the rules and regulations; do not put puppies, kittens, or sick dogs to sleep in the carbon monoxide box, use sodium phenobarbital. Dr. Swank does it, we have a vet bill from him and can prove that there has never been a broken animal, a sick animal, or a young pup or kitten put in that box. That is not what the box is for. Box is for small animals, 4-6 weeks old, animals that are healthy. No respiratory infection.

projects (not an overall "this is when the whole project will be finished" but "the incremental parts of this project will be finished at what point in time") and the overriding goal to be that the physical facility be completed and that the facility be completed with the intent that it be compliant with the Humane Society of the United States published guidelines for the operation of an animal shelter. What do we need to do to our facility to make it be compliant with these published guidelines. Commissioner Lopez seconded the motion; the vote was 3 aye and 0 nay.

Commissioner Wender asked the Commission if they would write a letter to the Boards of Directors of Plateau Medical Center and Charleston Area Medical Center to offer the Commissioner's support in their efforts to continue to maintain Plateau Medical Center as a full service hospital in Fayette County.

The Commissioners signed Fayette County Commission Organization Order for Calendar Year 2001.

The Commissioners received and reviewed Administrative Order from Judge John Hatcher asking that any requests and communications from the Family Law Master to the Fayette County Commission should be directed first to him.

Ms. Holly informed the Commissioners that Tom Woodrum, Chief Tax Deputy told her that BB&T needed the President of Fayette County Commission, the Sheriff, and County Clerk to go to the bank and sign new signature cards. Commissioner Witt refused to go over to the bank to sign the cards but said he would sign if the cards were brought to the courthouse.

Ms. Holly informed the Commissioners they needed to appoint a representative to the Central Appalachian Empowerment Zone Board

(CAEZ) to replace Gene Carte.

The Commissioners signed County Commission minutes of December 15, 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 Commissioners she received a call from Jim Lively informing that PENCO has been purchased by St. Paul Insurance Company and they will be taking over all the existing business with no lapse in coverage.

The Commissioners received and reviewed balance sheet for the period ending November 30, 2000 from 4-C Economic Development Authority.

The Commissioners signed letters to Tom Aiello, Assessor, and Paul M. Blake, Prosecuting Attorney, informing them of the dates and times for reviewing and equalizing the assessments for 2001.

The Commissioners signed legal notice that the County Commission will be in session on Thursday, February 1, 2001 for the purpose of reviewing and equalizing the assessments of said county, as returned by the Assessor and pursuant to said statute, will continue in session until and including February 28, 2001, except for days declared to be legal holidays.

The Commissioners approved to release check to Randy Prince for purchase of small euthanizing box for the Fayette County Animal Control Center in the amount of \$625.00.

The Commissioners signed letter to BB&T certifying that the elected terms of Gene Carte, Jr. and Larry G. Dotson expired as of midnight December 31, 2000; and John L. Witt, President of the

Fayette County Commission, William R. Laird, IV, Sheriff, and Kelvin E. Holliday, County Clerk, are the persons authorized and required to sign checks effective January 1, 2001 on behalf of Fayette County.

The Commissioners received and reviewed Audit Reports from White Oak Public Service District and Arbuckle Public Service District for the fiscal year ended June 30, 2000.

President John Witt signed the Federal Excise Tax Exemption Certificate from Marathon Ashland Petroleum LLC.

The Commissioners received and reviewed from the West Virginia Development Office copies of the executed grant awards, state/local contract, and program forms for Caring Hands, Inc, Midland Trail Museum, Computer Equipment and Sheriff Office Renovations, Upper Kanawha Valley and Minden Community Center.

The Commissioners signed a letter to the Charleston Marriott Town Center authorizing William R. Laird, IV to have his sleeping room, meals, room guarantee and parking fees charged while he is attending the West Virginia Sheriff's Association being held January 24-26, 2001.

The Commissioners approved the request of County Clerk Kelvin Holliday for Linda Johnson to serve as a Notary Public with the cost of \$52.00 to be paid by the County.

The Commissioners approved request of Kelvin Holliday, County Clerk to attend an Election Center meeting being held February 7-9, 2001 in Savannah, Georgia, cost \$229.00 registration fee.

Invoices and overtime were approved.

Mrs. Holly submitted a telephone request to the Commission on behalf of the Gauley Bridge Senior Center for assistance in finding funding to replace the heater at the Center; the Center has been

closed since December 23. Commissioner Wender suggested that Mrs. Holly contact Barbara Painter with the Weatherization Program to see if that organization could assist the Senior Center.

The meeting was adjourned at 1:30 p.m. Next scheduled meeting is January 12, 2001 at 1:00 p.m.

John G. Witt

FAYETTE COUNTY COMMISSION
REGULAR SESSION
JANUARY 12, 2001
COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: John L. Witt, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in regular session on this 12th day of January, 2001.

Commissioner Witt called meeting to order at 1:04 p.m.

Ms. Holly presented to the Commissioners the County Commission minutes of the meeting held on January 3, 2001.

Commissioner Wender asked that a correction be made in the minutes. Commissioner Wender asked to change viable to full service in the letters written to the Charleston Area Medical Center and Plateau Medical Center.

After requesting the correction to the minutes, Commissioner Wender made motion to approve minutes of the County Commission meeting held January 3, 2001; Commissioner Lopez seconded. All approved.

Commissioner Witt informed the Commissioners that he had been asked about having minutes read at each County Commission meeting.

Discussion was held, it was decided that the Commission would dispense with the reading of minutes today.

Discussion was held regarding the heating system at the Gauley Bridge Senior Center. Ms. Holly informed the Commissioners that she had talked with Barbara Painter, Coordinator for the Weatherization Program and she was told that only individual, private dwellings qualified for the program. Ms. Holly informed the Commissioners that Ms. Painter said the Program could possibly help the Senior Center by performing the installation at little or no cost.

Commissioner Witt informed he would check to see what type of heating system they had. The Commissioners asked Ms. Holly to check to see if Earl Pauley, Park Superintendent had anything that the Center could use.

Exonerations were approved and signed.

The Commissioners signed letters to the Charleston Area Medical Center and Plateau Medical Center offering their support in the hospital boards' efforts to continue to maintain Plateau Medical Center as a full service hospital in Fayette County.

The Commissioners signed Sales Tax Report for the Fayette County Park for the month of December, 2000.

Ms. Holly presented a letter to the Commissioners addressed to Paul Blake, Prosecuting Attorney, regarding Vernon Critchley's purchase of 2-1979 GMC Tandem Trucks and asking Paul to prepare the proper legal documents for the trucks to be considered abandoned property as per the Commission's previous letter dated December 6, 2000.

Discussion was held; Commissioner Witt suggested to hold off sending the letter until after he talked with Mr. Critchely. The Commission agreed to wait.

Commissioner Lopez made a motion that Budget Revision 3 for the General County Fund for Fiscal Year 2000-2001 be made; Commissioner Wender seconded. All approved; revision signed.

The Commissioners signed a letter to the Elected Officials and Department Heads requesting that each office, prior to March 2, 2001 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. Ms. Holly informed the Commissioners she called the State Auditor's Office to get copies of the budget worksheet.

Commissioner Wender suggested including in the letter that if an elected official or department head is requesting an increase in any line item account, they are to provide a detailed justification for the request and Commissioner Wender suggested including in the letter the Commission reserves the right to require additional information from them after their initial budget presentation. Agreed.

Commissioner Wender requested Ms. Holly to include Fiscal Year 1999 actual budget amounts for the Commission to review in addition to the FY 2000 and FY2001 amounts on the budget worksheet during the upcoming budget sessions.

The Commissioners signed invoices for the confinement of inmates at the Southern Regional Jail to the City of Mount Hope, the Town of Fayetteville, and the City of Oak Hill for the month of December, 2000.

Ms. Holly presented a letter to the Commissioners addressed to the People for the Ethical Treatment of Animals (PETA) with Dog Warden Earl Pauley's responses to the complaints received from PETA. Letter signed.

Ms. Holly informed the Commissioners she had received a written complaint on Earl Pauley, Dog Warden regarding the dog that was hit by a car at Hilltop. Tabled until next meeting.

Commissioner Lopez made motion to go into Executive Session to discuss real estate; Commissioner Wender seconded. Unanimous.

Upon reconvening the Commissioners informed that the real estate matter that could effect the County's property taxes was discussed but has not been resolved and no decision will be made today.

The Commissioners signed a letter to the Oak Leaf Festival informing that they received their request for a donation of \$1,000.00 and will consider their request during their budget sessions in March for funding in Fiscal Year 2001-02 which begins July 1, 2001.

The Commissioners discussed deferring any action on the Robert Kelly Estate until January 30th at 7:00 p.m. since they had not reviewed the information received from Attorney Christopher Smith and they did not receive anything from Attorney Tom Fast.

The Commissioners approved to release the first half payroll; second half payroll was approved, to be released on January 30th.

The Commissioners approved the request of Chief Magistrate Dale Payne for a lock box for Magistrate Court for officers to drop papers into near the front entrance.

The Commissioners discussed adding metal shelves in the storage area at the jail. Commissioner Wender requested Ms. Holly to ask Earl Pauley to check into obtaining warehouse shelving from the Ames store in Charleston or Montgomery Wards stores that are closing.

Ms. Holly informed the Commissioners that Sheriff Bill Laird met with Chief Magistrate Dale Payne and Chief Judge John Hatcher to discuss having 2-way communications and a camera installed at Magistrate Court.

Ms. Holly informed the Commissioners that she received a Court Security Fund-General Grant Information and Requirements Booklet and that the new grant application is due no later than 4:30 p.m. on Friday, March 30, 2001. Copy forwarded to Sheriff Bill Laird. Ms. Holly informed the Commissioners that Sheriff Laird has volunteered to take over the Court Security Grant and to prepare the application.

Approved.

Ms. Holly informed the Commissioners that the balance of the Court Security Grant will probably be approximately \$5,000 after completion of the work at the Family Law Master Office and asked the Commission if they wanted to use some of the balance to have windows installed in the Probation Office as requested by Judge Hatcher, to purchase the security equipment requested by Magistrate Payne, or to replace some of the doors at the Courthouse; the Commission agreed to request to use the balance of the grant for security improvements at the Magistrate Court and the Probation Office. Ms. Holly informed she would have to write to the Division of Criminal Justice for a budget revision. Commissioner Witt suggested going ahead and advertising for all the doors of the Courthouse to be paid from the Building Improvement Fund; agreed.

Ms. Holly informed the Commissioners she received a message from Tim Richardson, Zoning Officer informing that the Commission needed to replace Gene Carte on the Planning & Zoning Commission; Ms. Holly informed the Commission that they also needed to replace Gene Carte on the CAEZ Board.

The Commissioners received and reviewed message from John David, Director, Southern Appalachian Labor School (SALS) requesting the payment of the \$15,000 allotment for the group Workcamp to be held in June, 2001. The Commissioners asked Ms. Holly to hold the payment until the 1st of April.

The Commissioners received and reviewed 2 bid requests from Kelvin Holliday, County Clerk, for books for his office from Dayton Legal Blank and Casto & Harris; Mr. Holliday recommended Casto & Harris. The Commissioners approved Casto & Harris in the amount of

\$3,591.60 as recommended.

The Commissioners received and reviewed from the State Tax Department a copy of the projected budget of the Assessor's Property Valuation Training & Procedures Commission (PVC) for Fiscal Year 2002. No comments or objections were raised.

Ms. Holly informed the Commissioners that when doing the court security remodeling at the Prosecuting Attorney Office there was a small area in front of the entrance door at the Prosecuting Attorney Office that needed to be covered, and it had been suggested not to put carpet there because of the entrance traffic; Ms. Holly asked the Commission for suggestions as to what to put down in front of door. Commissioner Lopez suggested tongue and groove planks. The Commissioners asked Ms. Holly to check with Billy Horrocks regarding the wooden planks. The Commissioners approved the quote from Lee's carpet to replace the carpet in the Prosecuting Attorney's Office as previously requested by Paul Blake.

Ms. Holly informed the Commissioners she received from Kelvin Holliday, County Clerk, a letter from the West Virginia Public Employees Retirement System Association, Inc. requesting that the Commission distribute membership forms to county employees to review. The Commissioners asked Ms. Holly to send copies to the department heads to distribute.

The Commissioners approved for Ms. Holly to attend the Return To Work Issues in West Virginia seminar being held on January 25, 2001.

The Commissioners approved for Ms. Holly to attend a Workers' Compensation seminar being held on February 6, 2001.

The Commissioners received and reviewed thank you card from the American Red Cross for the Commission's contribution of \$2,000.

The Commissioners received and reviewed letter from the State Emergency Response Commission (SERC) informing that grants to assist with the operation and administration of LEPC's are being made available by the SERC.

The Commissioners received and reviewed a summary of employees' vacation and sick days from Kelvin Holliday, County Clerk and Thelma M. Kincaid, Circuit Clerk for the period January 1, 2000 to December 31, 2000 for their respective offices.

The Commissioners received and reviewed six notices from Charter Communications informing of rate increases effective February 1, 2001.

The Commissioners received and reviewed a letter from the Division of Highways giving their response to the letter they received from the Commission regarding the road names and sign installations in Fayette County. Commissioner Witt informed he still thinks the Commission needs to be included in the loop.

The Commissioners received and reviewed a letter from the Division of Highways informing that when they researched the request for the to abandonment of a portion of Route 18 adjacent to the Gethsemane Cemetery, they found that not all property owners abutting the road in question had signed the petition. The Division of Highways informed that once they receive a petition signed by all property owners of record supporting the abandonment, they will again review their request.

The Commissioners received and reviewed an Application for Employment from Brian Keith Bledsoe.

The Commissioners received and reviewed the statement of expenditures for the Dog Pound, Fayette County Park and central

garage as of December 31, 2000. Expenditures for the Building and Improvement Fund as of June 30, 2000 and December 31, 2000 were also received.

The Commissioners received and reviewed the Quarterly Report for the period of October 1, 2000 to December 31, 2000 from Boomer Volunteer Fire Department.

The Commissioners received and reviewed a check in the amount of \$21.74 from Southern Appalachian Labor School (SALS) for reimbursement to the Commission of the settlement statement from the HUD closing on November 29, 2000.

The Commissioners received and reviewed a check from the Public Service Commission in the amount of \$18,843.95 representing a disbursement of Wireless E-911 subscriber fees for the month of August through October, 2000.

The Commissioners received and reviewed a notice from the Public Service Commission informing that new Board members of public service districts are required to attend the Mandatory Board Members Seminars within six months of taking office. The Board Members Seminar is scheduled for February 16-17, 2001.

The Commissioners received and reviewed a letter from the National Association of Counties (NACo) informing they are launching a four pronged effort to look at elections activity across the nation.

The Commissioners received and reviewed letters from Steptoe and Johnson regarding two lawsuits (Roger Bryant & Jack L. Brown).

The Commissioners received and reviewed an order from the Division of Highways, ordering the addition of an extension to County Route 17/17 (Dickerson Road, Minden area) to the State Local Service District.

The Commissioners received and reviewed a Workers' Compensation letter.

The Commissioners received and reviewed a letter from Branch Banking & Trust (BB&T) informing of the pledge of securities held as collateral to secure the deposits of Fayette County Commission.

The Commissioners received and reviewed an Audit Report from Mount Hope Volunteer Fire Department for the fiscal year ended June 30, 2000.

The Commissioners received and reviewed a letter from the West Virginia Division of Culture and History informing that the Dr. John Hughart House, State Route 41, Landisburg, Fayette County will be considered by the Archives and History Commission for nomination to the National Register of Historic Places; the Commissioners are invited to attend the Archives and History Commission meeting at which the nomination will be considered being held January 26, 2001 at 10:00 a.m.

The Commissioners received and reviewed a memorandum from the legislative committees of the County Clerks and Circuit Clerks informing that an Election Advisory Committee met on January 8, 2001 to discuss ideas and concerns regarding elections.

The Commissioners approved changing Michael Myers from a part-time Communication Specialist to Probationary full-time Communication Specialist effective January 1, 2001 at an hourly rate of \$7.33 to replace Brian Hawver who is resigning.

The Commissioners approved the Emergency Telephone Advisory Board request to charge a monthly monitoring rate of \$25.00 per alarm location, to be invoiced annually.

Outstanding bills were not approved until Commissioner Witt reviewed the bills on Monday, January 15, 2001.

Commissioner Lopez moved to adjourned.

The meeting was adjourned at 3:10 p.m. The next scheduled meeting is January 30, 2001.

John R. Witt

FAYETTE COUNTY COMMISSION
REGULAR SESSION
JANUARY 30, 2001
COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: John L. Witt, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in regular session on this 30th day of January, 2001.

Commissioner Witt called the meeting to order at 7:06 p.m.

Commissioner Wender moved to approve the minutes of of County Commission meeting held on January 15, 2001; Commissioner Lopez seconded and moved to dispense with the reading of the minutes. All approved.

Commissioner Witt moved that the minutes be placed on the table for the public to review after approved.

Commissioner Lopez offered a motion that this Commission meeting be moved to the Circuit Courtroom in order to better accomodate the public; Commissioner Wender seconded. All approved.

Commissioner Wender moved to go into Executive Session with Earl Pauley to discuss a personnel matter; Commissioner Lopez seconded. All approved.

Upon reconvening from the Executive Session, the Commissioners asked Earl Pauley to give a status of the Fayette County Animal Shelter. Mr. Pauley presented to the Commissioners a break-down of the cost of what needed to be done and completed. Commissioner Witt asked Mr. Pauley for a time frame for the completion of the Dog and Cat Rooms.

Mr. Pauley informed that the two rooms would be completed in approximately five weeks.

Commissioner Wender made a motion to put out bids to complete the puppy and office buildings. Commissioner Lopez seconded. All approved.

Commissioner Witt suggested cutting back on picking up of all animals. Commissioner Wender suggested continuing to run the shelter as is and no need to cut back on picking up of animals.

Mr. Pauley informed the Commissioners that from the Executive Session that he would no longer be in the Animal Shelter except for construction and that he was stepping down as dog warden to his duties in the Park only. The Dog Warden job would be given to someone else.

Commissioner Lopez asked Mr. Pauley if he would continue to act in an advisory capacity to Peggy Bennett. Mr. Pauley agreed.

The Commissioners commended Mr. Pauley on his dedication and hard work at the Animal Shelter.

Commissioner Wender made a motion to solicit proposals from any non-profit private incorporated society or association that has an interest in and can prove their capabilities to operate the Fayette County Animal Shelter and to oversee the responsibilities of the Dog Warden. Commissioner Lopez stated that he cannot support this motion and he was satisfied with what we have. Commissioner Witt seconded. Motion passed 2 aye - 1 nay (John Lopez voting nay).

Sharon Hawkins presented a petition to the Fayette County Commission for the removal of all shelter employees; no action taken.

Tim Richardson, Zoning Officer and Dave Pollard, Resource Coordinator appeared before the Commissioners to present for disposition: Z:485-01: request of Larry A. Kessler, executor, estate of Bertha L. Kessler owner, for a change in land classification from

RR (Rural Resident District) to B-2 (General Business District) on 28.18 acres, surf W/S US Rt. 60, Hico, New Haven District.

Mr. Pollard told the Commissioners that the Planning Commission recommended approval of the request on an 8-2 vote. Commissioner Wender asked why the two who voted against the measure had done so. Mr. Pollard said they favored Planned Development over a B-2 designation. Mr. Kessler told the Commissioner that he and his five siblings wanted to sell the property and that most property in the area, including two pieces that abut it, were zoned for commercial use and that the property in question had been operated as a campground for 22 years under a Special Use Permit.

On a motion made by Commissioner Wender and seconded by Commissioner Lopez, the Commission approved the change in land classification on a 3-0 vote.

The next order of business was an amendment to the language of the current zoning ordinance.

Proposed amendment of Article XIV, Section 1409 "Signs and Billboards" subsection 5, Industrial Districts, Language change.

Mr. Pollard told the Commissioners that the Planning Commission felt that the language in this section was ambiguous and that it allowed for signage exceeding size limitations in other portions of the ordinance. Leon Cooper, member of the Planning Commission who suggested the new language, was approved by the Fayette County Prosecuting Attorney. Mr. Pollard said the recommended change was on a 10-0 vote of the Planning Commission.

On a motion made by Commissioner Lopez and seconded by Commissioner Wender, the Commission approved the language change on a 3-0 vote.

Mr. Pollard presented the next order of business.

Article XIV, Section 1409 "Signs and Billboards", subsection 7, "Other Provisions", adding subsection (e) "billboards on the West Virginia Turnpike".

Mr. Pollard told the Commissioners that the Planning Commission voted 10-0 to table the matter until the new comprehensive plan and ordinance were in place, or by June 30, whichever came first. Mr. Pollard also stated that the petitioner who asked for a 1,200-square foot sign on the Turnpike had agreed to wait until that date.

On a motion made by Commissioner Lopez and seconded by Commissioner Wender, the Commission voted 3-0 to agree to table the matter until the new comprehensive plan and zoning ordinance were adopted, or until June 3, 2001, whichever came first.

Mr. Pollard told the Commissioners that no action was need on a language change suggested for Article XI, section 1100 "Uses Prohibited", to "Uses", because the motion had been withdrawn by the Planning Commission.

Tim Richardson, Zoning Officer then told the Commission that the Planning Commission had accepted the resignation of member Ted Gray and that they requested the Commission send a letter to Mr. Gray thanking him for his services.

Dave Pollard presented a Small Cities Block Grant drawdown request for the Comprehensive Plan Update; approved.

There being no further zoning matters, that portion of the meeting was adjourned.

Michael Martin, Chairman of the Central Appalachia Empowerment Zone (CAEZ) appeared before the Commission to give an update on the Mount Hope Industrial Park.

Mr. Martin reported that the CAEZ Board of Directors voted unanimously to put a shell building on property; the CAEZ will proceed with project.

Mr. Martin reported that the City of Mount Hope had written to the Regional Jail Authority to be considered as a location for a juvenile detention center and stated that anything the Fayette County Commission and Sheriff could do to support the City in the project would be appreciated.

Mr. Martin stated that Earl Pauley had been responsive to his calls regarding dog problems in the City of Mount Hope.

Commissioner Wender commended Mr. Martin for his work.

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 to serve; Commissioner Witt nominated Commissioner Wender to the 4-C Economic Development Authority Board of Directors. Approved

Commissioner Wender made a motion to nominate James E. Lively, Jr. as a private citizen representative to serve on the 4-C Economic Development Authority Board of Directors; Commissioner Lopez seconded. All approved.

Commissioner Wender made motion that based on the briefs he reviewed from Attorney Tom Fast and Attorney Chris Smith he found no reason to reverse the decision of the Special Fiduciary Commissioner in the matter of the Estate of Robert Kelly; Commissioner Lopez seconded. All approved.

Commissioner Witt recommended sending letters to our Senators and Senate President, Delegates and the House Speaker regarding the Senate Redistricting Act of 1991 splitting Fayette County into the

10th and 11th Senatorial Districts and asking that they amend West Virginia Code 1-2-1 in order to eliminate the split and to allow Fayette County to be a single senatorial district. Commissioner Witt made a motion that letters be written to our Senators and Delegates urging them to amend West Virginia Code 1-2-1; Commissioner Wender seconded. All approved.

Commissioner Wender informed that there was an article in the Charleston Gazette regarding personal property tax collection problems from businesses. Commissioner Wender suggested to the Commission to schedule Tom Aiello, Assessor for the next Commission meeting to discuss the personal property tax collection problems from businesses in Fayette County.

Bill Caudill appeared before the Commission to ask if they would assist in getting help from the Division of Highways in removing abandoned automobiles. Tim Richardson informed the Commission that Mr. Blankenship, with the Division of Highways refuses to work Fayette County. Commissioner Witt suggested that Mr. Caudil and Mr. Richardson prepare a letter to the Division of Highways with the details and facts and give the letter to the County Administrator.

Commissioner Witt informed the Commissioners he received a petition from local residents in Scarbro requesting that the name of the road off State Route 612 and Foster Circle be changed to Pawlus Road. Commissioner Witt made a motion to recommend to the Division of Highways and Fayette County 911 Coordinator to change the road off State Route 612 and Foster Circle to Pawlus Road; Commissioner Wender seconded. All approved. Letter signed to Bob Baker, Traffic Engineer.

The Commissioners signed affidavits of county, municipal, or

other Public official establishing facsimile signatures for Kelvin Holliday, County Clerk, John L. Witt, Commissioner, John H. Lopez, Commissioner, Matthew D. Wender, Commissioner and William R. Laird, Sheriff.

The Commissioners signed letters to Gauneka Ruritans Midland Trail Museum, Fayette County Sheriff's Department, Minden Community Meeting Center, Inc., Upper Kanawha Valley Community Center, and Caring Hands, Inc. attaching a copy of the agreement for each of the Legislative Digest grants and instructions to submit requests for reimbursement to the Fayette County Commission.

Ms. Holly informed the Commissioners she received the first drawdown of \$5,000 for Caring Hands, Inc.; a check to Caring Hands is enclosed in today's vouchers.

The Commissioners received and reviewed a letter from the Historic Fayette Theater requesting assistance in sending Grace & Glorie's cast and crew to the regional conference and competition being held March 12-18, 2001. Commissioner Lopez made a motion that this request be tabled; Commissioner Wender seconded. All approved.

Commissioner Wender made a motion that if Commissioner Witt paid his share \$19,577.80 to purchase his 13 years and 2 months retroactive service credit to the West Virginia Public Retirement Board that the county would pay its share (\$30,789.70). Commissioner Lopez seconded. Commissioner Witt abstained. Vote passed 2 aye - 1 abstained.

Ms. Holly informed the Commission that as of Friday, January 26, 2001 Vernon Critchley had not removed the two trucks from the Fayette County Park. The Commissioners signed a letter asking Paul Blake, Prosecuting Attorney to prepare the proper legal documents for said

trucks to be considered abandoned property and for the Fayette County Commission to retain possession as County-owned property.

Kelvin Holliday, County Clerk appeared before the Commission to inform them that the duplexer purchased for the Voter's Registration Office did not ~~do~~ perform as expected (did not printer voters' cards) and asked the Commission if they would make a decision on whether or not he should keep the machine at a 20 percent cost difference to the county or return the duplexer to Data Design.

Commissioner Wender told Mr. Holliday that this was his decision to make. The Commissioners suggested to Mr. Holliday to write a letter to Data Design of what he wanted to do and the Commission would back his decision.

The Commissioners signed an order informing that effective January 1, 2001 the rate of reimbursement set by the Secretary of the Department of Administration for mileage allowance will be increased to thirty four and a half cents (.345¢) per mile.

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 February, 2001.

Ms. Holly informed the Commissioners that the Court Security Grant work at the Family Law Master's Office has been completed.

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

The Commissioners signed orders appointing Keith Spangler, and

William R. Laird, IV, as members to the Fayette County New River Bridge Day Commission.

The Commissioners signed an order reappointing Imogene Pennington to the New Haven Public Service District.

The Commissioners signed order appointing William Laird, IV to the Fayette County Enhanced Emergency Telephone System Advisory Board.

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 a letter from the Fayette County Board of Education informing of their plans for a Bond Election to be held on May 5, 2001. Ms. Holly informed the Commissioners that she had contacted Mr. Coleman and advised him that no later than 84 days prior to an election, the Commission had to notify the Executive Committee to submit their lists of poll workers. Since the 84th day is February 10, 2001, Mr. Coleman said he would present this to the Board at its meeting on February 5.

The Commissioners approved payment of \$100.00 to the Tri-County Champion Community in Summers County.

Ms. Holly presented bids to carpet the second floor of the Prosecuting Attorney's building as requested by Paul Blake.

Commissioner Wender made a motion to approve the additional carpeting at a cost \$2,486.00; Commissioner Lopez seconded. Unanimous.

Ms. Holly explained that due to GASB 34, the State Auditor's Office was changing the Chart of Accounts effective July 1, 2001 and she asked the Commission to purchase software necessary to facilitate

these changes.

Commissioner Lopez made a motion to approve the purchase of SCT Budget and Accounting Change Account Number Subsystem software and annual software support, total cost \$1,659.00; Commissioner Wender seconded. Unanimous.

The Commissioners received and reviewed from the Fayette County Health Department, a Permit to Operate Swimming Pool at the Fayette County Park.

The Commissioners received and reviewed a reimbursement check from Farm Family Casualty Insurance Company on Deputy Carey Vickers' cruiser.

The Commissioners received and reviewed an order from the Division of Highways, amending the Commission order dated May 13, 1998 of Boomer Hill Road to the State Local Service System.

The Commissioners received and reviewed a letter from the New River Engineering, Inc. with corrections regarding CC Coal Company, Inc. surface mine applications.

The Commissioners received and reviewed a letter from Paul Blake, Prosecuting Attorney regarding a West Virginia Supreme Court decision on the open meetings law.

The Commissioners received and reviewed a letter from Christians Helping Others informing that the remainder of the contingency fund grant has been spent and that they are waiting for bank statements which they will send to the Commission once they are received.

Ms. Holly informed the Commissioners that Pocahontas Land Company has been scheduled for a Board of Equalization and Review hearing for February 21, 2001. Ms. Holly informed the Commissioners they wanted to discuss all 234 parcels.

The Commissioners received and reviewed a letter from the West Virginia Division of Culture and History informing that Historic Preservation Development grants are available. A copy was forwarded to David Pollard, Community Resource Coordinator, Fayette County Historic Landmark Commission, and Commissioner Matthew Wender as requested.

Ms. Holly informed the Commissioners that she received a petition to appoint William Laird, Sheriff, committee for Steven Dunlap and had forwarded a copy to Paul Blake to review. Mr. Blake had advised her that West Virginia Code 28-5-33&34 deals with prisoners in the penitentiary and do not reference anything dealing with those who are in county/regional jails, therefore the Commission would not be involved; Rule 17 of the Civil Rules of Procedure does not appear to be relevant because there is nothing pending in circuit court for the appointment of a committee/guardian or anything else.

The Commissioners received and reviewed a letter from the West Virginia Association of Counties informing their Annual meeting will be March 4-6, 2001 at the Charleston Marriott.

The Commissioners received and reviewed a check in the amount of \$41,655.97 for the Emergency Telephone System Fee for the month of December, 2000 from Verizon.

The Commissioners received and reviewed a check in the amount of \$52.12 from Citizens Telecommunications for 911 fees for the month of December, 2000.

The Commissioners received and reviewed a jail fee reimbursement (\$316.00) from the Town of Fayetteville for the month of December, 2000.

The Commissioners received and reviewed a letter from the West

Virginia Development Office informing of pending applications for funding through the Governor's Community Partnership Grant that have expired and are no longer being considered for funding.

The Commissioners received and reviewed letters from Steptoe and Johnson regarding pending lawsuits.

Ms. Holly informed the Commissioners she had called Dotty Davilia and was advised that the heat is back on at the Gauley Bridge Senior Center at a cost \$700 to repair. Ms. Holly informed the Commissioners that Ms. Davilia said they were not requesting the Commission to pay this cost, but would still like to be considered in the Fiscal Year 2002 budget.

The Commissioners received and reviewed from the Workers' Compensation Division an Employee Loss Activity Statement for the period July 1, 1997 to December 31, 2000.

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

The Commissioners received and reviewed a letter from the West Virginia County Commission Association reminding the Commission of the Legislative Association Meeting being held February 11, 2001.

The Commissioners received and reviewed a letter from the West Virginia Association of Counties informing of a possible per diem increase for regional jails.

The Commissioners received and reviewed a letter from the West Virginia Association regarding a seminar on retirement issues.

The Commissioners received and reviewed a letter from the Affiliated Construction Trades Foundation (ACT) requesting New Haven Public Service District Waterline Extension Contract 9/Edmond Area Water Line Extension Federal Wage Rates under the Freedom of

Information Act. Ms. Holly advised the Commission that Rod Lang, Regional IV, had responded to the request.


The Commissioners received and reviewed a letter from the State Tax Department informing that Dominion Appalachian informed them that a number of their Tax Year 2000 WV Oil and Gas Producer/Operator Returns was incorrect. Copy forwarded to Tom Aiello, Assessor.

The Commissioners received and reviewed a letter from CAEZ informing of a Board of Directors meeting on January 23, 2001.

The Commissioners approved the purchase of a new Polaroid 600 camera for the Fayette County Beautification Committee for Larry Parsons as requested.

Outstanding bills were approved.

The meeting was adjourned at 9:50 p.m. The next scheduled meeting is February 1, 2001.



FAYETTE COUNTY COMMISSION
EMERGENCY SESSION
JULY 9, 2001
COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: John L. Witt, John H. Lopez, Matthew D. Wender

The Fayette County Commission called an emergency meeting with the state and local government officials and certain private non-profit agencies on July 9, 2001 to discuss the July 8 weekend flood.

Commissioner Witt called the meeting to order and informed the citizens they were here to assess the situation of the weekend flood. Commissioner Witt asked Steve Cruikshank, OES Director to give an update of the situation.

Mr. Cruikshank thanked everyone for coming out, informed the state and local government officials and private non-profit agencies that the OES needs preliminary damage assessment from each entity.

Mr. Cruikshank informed everyone that the Federal and State damage team would be here to follow-up on the assessment of damages through the Federal Emergency Management Assistance (FEMA).

Mr. Cruikshank informed that other meetings will be scheduled and asked that all damages be reported to the OES office first and he would inform the State Emergency Service of the damages.

Colonel Michael Todorvich with the National Guard informed everyone that all requests must go through the OES office first and not to call the Governors Office because it slowed the processing of the paperwork.

Clarence Christian with the State Health Department informed they would be helping with the independent clean-up of homes, restaurants and businesses who sell food, and would see that the Fayette County Health Department distributes Tetanus shots to those

who need one.

Mr. Cruikshank informed everyone that the County has suffered major bridge and road damage. This assessment would be done by the Division of Highways; this is a different program.

The Red Cross informed the Commissioners they have set up shelters at the Memorial Building and Valley High School.

Sheriff William Laird informed the people that Law Enforcement will be patrolling all the areas in the county; the Sheriff informed there have been reports of looting.

Sheriff Laird warned the people about contractors' scams and asked everyone to get multiple bids.

Mr. Cruikshank acknowledged the help he received from the National Park Service and the rafting companies.

Eddie Long, Mayor, the City of Smithers and John Taylor reported that 150-175 homes were damaged. The sewer treatment plant and five business were destroyed.

Michael Martin, Mayor, the City of Mount Hope reported that the water in Mount Hope is in good shape, the Mount Hope Volunteer Fire Department and the National Guard were out in force, had to vacate Kilsyth and lost City Hall in the flood.

Jim Murdock, Mayor, the Town of Fayetteville and Ralph Davis reported they are doing a complete assessment of the area today. Mr. Davis informed they switched to the well at the water plant.

Geoffrey Skaggs, Mayor, Town of Ansted informed they have a 3-phase generator ready to offer to anyone that needed it; the wastewater treatment plant is in god shape.

Tom Neal, Mayor, Town of Gauley Bridge reported that the town's sewer lines and water lines were all wiped out. Mr. Neal thanked the

Red Cross and the Health Department for their assistance.

Barbara Hickman, Mayor, the City of Oak Hill introduced Richard Martin, Tim Richardson, and Mike Giannini. Mr. Martin informed he is still assessing the streets and drainages in the area. Mr. Richardson reported on the flooding in Minden, Route 61 and Glen Jean areas. Mr. Richardson thanked the individual rafting companies and the Park Service for their assistance. Mr. Giannini reported that the plant in Minden was damaged.

Patty Adkins reported the damage of the Fayette County Animal Shelter.

Delegate John Pino reported that seventeen homes were lost in the Pax area.

Mr. Cruikshank asked that anyone who needed equipment give their list to the Office of Emergency Services.

Delegate Dave Perry informed he made calls to the State Response Committee; they insured him that the County would get more equipment and assistance if needed.

Tim Richardson informed everyone that shelters have been set up at the Memorial Building, Gauley Bridge Baptist Church, Valley High School, Collins Middle School and Oak Hill High School.

Dave Neal, 911 Director informed everyone they have set up three temporary telephone lines, 574-3285, 574-3287 and 574-4817.

Commissioner Witt and Commissioner Wender thanked the Office of Emergency Services for the professional matter in which the emergency job was done.

The meeting was adjourned at 10:52 a.m. The next scheduled meeting is July 13, 2001.



FAYETTE COUNTY COMMISSION

REGULAR SESSION

JULY 13, 2001

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: John L. Witt, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in regular session on this 13th day of July, 2001.

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

Exonerations were approved and signed.

Robert Orndorff, Manager, Dominion Resources Services, Inc. appeared before the Commission to discuss the Greenbrier gas line project. Mr. Orndorff informed the Commissioners that the preliminary for the facilities included about 200 miles of 30 inch pipe from Dominion's existing Cornwell Station in Kanawha County.

Mr. Orndorff informed the Commissioners that the Greenbrier Pipeline Project is sponsored by Dominion Transmission, which is strategically located in the heart of the Northeast market, a subsidiary of Richmond based Dominion. There was no opposition.

Commissioner Witt asked if this project will benefit Fayette County. Mr. Orndorff stated with the cost involved he would need to meet with Judy Radford, 4-C Economic and Development to discuss.

Commissioner Wender asked if current provider could not supply gas would Fayette County have the option to get gas supply at its maximum. Mr. Orndorff informed that counties have the opportunity to tap on line. Mr. Orndorff presented to the Commissioners a map of the project.

Commissioner Wender asked if they are going to have additional hearings on the project.

Mr. Orndorff informed plans for mapping and environmental survey are scheduled for July 23, 2001; the construction is 75 to 100 feet wide they will notify the affected landowners and began negotiating easements with each property owner.

Commissioner Wender again asked about having another round of meetings regarding the pipeline.

Mr. Orndorff replied yes, if requested, all landowners would have to be notified. Mr. Orndorff informed he was disappointed at meeting response.

Mr. Orndorff informed that if the project was to go forward they would hold public hearings at a tentative time period; Mr. Orndorff informed that if they go forward he would request that the project be built in 2004 to make application by the end of the year.

Commissioner Wender strongly requested another public meeting soon this fall and to make the County aware of more information as soon as possible.

Mr. Orndorff informed he would take this into consideration and would be happy to meet with groups, etc. Mr. Orndorff informed the Commissioners that they have already had meetings.

Al Gannon, member of the Planning Commission asked Mr. Orndorff to be clear as to what company this is.

Mr. Orndorff informed the Greenbrier Pipeline is sponsored by Dominion Transmission, which is strategically located in the heart of the Northeast market servicing the Richmond-Greenbrier-Clarksburg areas.

Randy Boyd, with the Federal Inspection Regulatory Commission has processed for a hearing. The Commissioners informed they should allow for a public hearing and should initiate. The Commissioners

asked Mr. Orndorff if the Environment Assessment statement has been processed Mr. Orndorff informed it is in the process. No decision made.

Ron Pugh, with Dayton Legal Blank, Attorney Jamie Blankenship and Judy Hess appeared before the Commissioners to inform the Commissioners that the original quote for the protector sheets index pages was incorrect. Mr. Pugh informed the Commission he gave a quote for 10 pages per section, should have been 10 per letter of the alphabet doubled sided. Mr. Pugh informed the Commissioner this would be 575 sheets at \$1,581.25. Commissioner Lopez made a motion to approve and accept corrected amount. Commissioner Wender seconded. All approved.

Tom Aiello, Assessor, appeared before the Commission to inform them that he is working with Virgil Berry with the American Red Cross in setting up an Emergency Help Line coordinating with volunteers, priorities are the elderly and the sick.

Mr. Aiello informed the Commission he had talked with Jerry Knight, Property Tax Division, regarding what steps can be taken to get relief on Real and Personal Properties for property owners who lost their homes or vehicles in the flood. Mr. Aiello informed the Commissioners he was directed to have the Commission have the Assessor petition the Governor for an Executive Order requesting exonerations. Mr. Aiello informed the relief will show on the 2002 Tax Tickets. Mr. Aiello asked the Commissioners to send a request to Governor Wise; Mr. Aiello to draft letter.

Commissioner Witt moved to go into Executive Session with Bill Caudill.

Upon reconvening from Executive Session, Commissioner Witt

informed this was a personnel problem with some of our committee personnel. No decision made.

Sheriff Bill Laird and Tim Richardson appeared before the Commissioners to discuss recommendations for permits for massive gatherings.

Sheriff Laird informed the Commissioners he had received several petitions against massive gatherings which have been circulated .

Sheriff Laird informed the Commissioners he's working on formulating a disclosure application for such gatherings and has been in contact with the State Tax Department.

Sheriff Laird informed the Commissioners he is working on a preliminary draft to present to the Planning and Zoning Board, and he will continue to work with Mr. Richardson on the first draft. The Sheriff informed the Commissioners that security and parking issues will be dealt with.

Sheriff Laird informed the Commissioners he would have something in two weeks.

Discussion was held regarding the time frame for giving the preliminary draft to the Planning and Zoning Commission.

Commissioner Witt suggested giving the Sheriff and the Zoning Officer time to work on the draft.

Commissioner Wender suggested that a letter be written to our Delegates regarding senatorial redistricting in Fayette County.

Tom Aiello, Assessor, informed the Commissioners that the Senatorial redistricting has been completed, but is still up in the air as related to the districts.

Mr. Aiello informed the Commissioners that there's talk about relinquishing the lower part of Montgomery to Kanawha County. Mr.

Aiello told the Commissioners that Delegate John Pino said that's not going to happen.

Keith Spangler, Executive Director, Oak Hill Chamber of Commerce, informed the Commissioners the Chamber will be receiving a Planning Grant for \$30,000. Mr. Spangler questioned the Commissioners regarding after the grant has been established and the Chamber has handled all expenses where does the revenue go. The Commissioners informed Mr. Spangler they would give thought to the question.

Commissioner Lopez made a motion that Budget Revision #1 for the Coal Severance Fund for Fiscal Year 2001-2002 be made; Commissioner Wender seconded. All approved; budget revision and order signed.

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

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 July.

The Commissioners received a letter from the Fayette County Zoning Office recommending reappointing Guy Dooley, Lee Massey, Sherman Bobbitt, and Adona Pugh as members of the Fayette County Planning Commission.

Commissioner Lopez made a motion to reappoint Guy Dooley, Lee Massey, and Sherman Bobbitt members of the Fayette County Planning Commission. Commissioner Wender seconded. Orders signed.

The Commissioners received a letter from the Fayette County Public Libraries requesting that Phil Tissue be reappointed a member

of the Library Board. The Commissioner signed a order reappointing Phil Tissue to the Fayette County Library Board.

The Commissioners signed a request for payment to the Governor's Community Partnership Grant Program for the Upper Kanawha Valley Community Center.

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

The Commissioners signed minutes of the Fayette County Zoning hearing held June 26, 2001.

Tim Richardson, Zoning Officer appeared before the Commission to present disposition: Amendment and reenactment of Article IV, section 1423, Subsection V, Towers General, (I-10) changing the surety bond or irrevocable letter of credit from \$25,000 to \$100,000.

Commissioner Wender suggested putting back to the Planning Commission for further study and a more defined recommendation.

Joyce Ofsa representing Crown Communication was present to oppose the amendment recommendation.

Commissioner Wender made a motion to send back to the Planning Commission for further study another recommendation. Commissioner Lopez seconded. Unanimous.

The second case submitted was: Amendment to the Fayette County Comprehensive Plan. Mr. Richardson informed the Commissioners that the Planning Commission recommended by a vote of 6-5 to adopt as presented with the omission of Chapter 9 wording and Chapter 16.

Al Gannon, member of the Planning Commission informed the Commissioners that Jesse Bibb had revised his decision, the vote passed 7-4.

The Commissioners discussed the Planning Commission recommendation, Katheryn Hoffman informed the Commission that before they voted she informed the Commission she did not object to the adoption of the amendment but would like for the Commissioners to correct the wording in Chapter 9 line 1.

Commissioner Wender asked where does this go after the Commission adopts.

Pat Ford, representing Whitney, Bailey, Cox and Magnani, consultants informed the Commissioners that this lays the ground work for rewriting the county ordinance.

Mr. Ford informed they would have to update development codes and would have to address environmental changes.

Mr. Ford informed the Commission that the first draft should be completed by October, 2001; the foundation should be completed in eighteen months.

Commissioner Wender made a motion to adopt amendment for the Fayette County Comprehensive Plan as recommended by the Planning Commission excluding Chapter 16 which would be reviewed later and Chapter 9, Section 4 line 1. Commissioner Lopez seconded. All approved.

Gene Kistler, member of the Planning Commission informed the Commissioners they need to revise as soon as possible.

Pat Ford informed the Commissioners that if the County chooses, Chapter 16 could be added in the future.

Commissioner Wender and Commissioner Witt thanked the many people who participated in the Comprehensive Plan was very open and inviting.

Bill Caudill recognized Dave Pollard, County Resource

Coordinator, for his work on the Comprehensive Plan.

Carol Jones, Minden Community Center appeared before the Commission to make a complaint about trash, trees and old houses that needed attention prior to the flooding.

Commissioner Witt informed he would get with Larry Parson to expedite matter.

Commissioner Witt and Commissioner Wender both suggested to Ms. Jones to check with the National Guard to see if they would assist.

Commissioner Lopez informed the Commission he would like to discuss changing the evening meetings from the last Tuesday at 7 P.M. back to the last Wednesday at 9:30 a.m. Commissioner Lopez informed there wasn't enough response to the meetings to continue having them in the evening.

Commissioner Lopez made a motion to go back to having our regular County Commission meeting on the last Wednesday of the month at 9:30 a.m. Commissioner Wender informed he was disappointed, more counties have evening meetings.

Commissioner Lopez informed it was just an inconvenience for the Prosecuting Attorney's Office and the County Clerk's workers. Commissioner Lopez informed the Commissioners have tried the evening meetings for 6 months with no response.

Commissioner Witt agreed with Commissioner Lopez that there wasn't enough of a response to the evening meetings and that he was disappointed. Commissioner Witt seconded the motion.

Commissioner Wender disagreed and informed the Commissioners he didn't think it is asking too much and thinks the Commission should continue to hold evening meetings. Commissioner Wender informed the Commissioners they haven't given it a fair chance.

Keith Spangler informed the Commissioners he agreed with Commissioner Wender's comments; it's the opportunity for the people to attend.

Commissioner Witt informed the Commission if they get an overwhelming response regarding their decision to change the meeting, they would reconsider.

Commissioner Wender voted nay on the motion.

The next Commission meeting is July 25th, 2001 at 9:30 a.m.

Keith Spangler, Executive Director, Fayette County Chamber of Commerce presented to the Commissioners a letter on behalf of the Chamber urging the Commission to take steps to encourage Dave Pollard, County Resource Coordinator, to reconsider his resignation of October 31, 2001. (See attached letter)

The Commission recessed for lunch until 1:00 p.m.

The Commissioners meeting reconvened at 1:10 p.m.

Commissioner Wender made a motion that the Commission put aside \$2,000 to be used for the purchase of gloves, rakes and other materials in coordinating efforts to help with the clean-up of the flood. Commissioner Lopez seconded. All approved.

Commissioner Wender asked Dave Pollard, County Resource Coordinator, to coordinate with the Public Service Districts efforts to claim all monies due from FEMA and request cooperation of all Public Service Districts so that they can get the full benefit. Commissioner Wender suggested writing a letter immediately informing the Public Service Districts that FEMA will make a presentation regarding all public facilities on Wednesday, July 18, 2001 at 11:00 a.m.

The Commissioners asked that the Fayette County Senior Program's

request for red and white county license plates be deferred until July 25, 2001.

The Commissioners informed that the purpose of this meeting is to give an update of what's going on in the County.

Colonel Mike Tordorvich reported that Route 61, Armstrong Creek, and Mulberry are still a mess, but the people are okay; in Beards Fork most houses are okay; Colonel Tordorvich reported that a crane and a grater would be used to pick up debris and will pick up trash in the Page, Kincaid, Smithers, Glen Ferris areas tomorrow.

Colonel Tordorvich reported they would continue picking up trash until all trash is gone.

Steve Cruikshank, OES Director, reported on the sewage system and water in Gauley Bridge, and has some people checking the sewage plant; Arbuckle Public Service District okay but has sewage problem; Deepwater might lose its plant; 50-80 without electricity.

The Commissioners suggested writing a letter to the non-profit agencies and the Fire Departments to inform them that a public meeting has been set for Wednesday, July 18th at 11:00 a.m for everyone desiring public funding.

Virgil Berry, American Red Cross, gave his report and thanked everyone for donations and assistance.

Jim Lively Insurance reported homeowners insurance does not cover flood damage.

Bill White, Kanawha County OES Director, informed he was here to offer his hand for assistance.

Patty Adkins, C-PAC reported that a temporary shelter has been set in Kanawha County; total of 54 dead animals.

Colonel Tordorvich suggested to the Commissioners and Ms. Adkins

to ask the Governor to get behind FEMA to process the application as soon as possible for the Animal Shelter.

Patty Payne reported that Jackson County is taking donations for the Animal Shelter.

Commissioner Wender made a motion to employ 8 individuals to work at \$6.00 an hour to do clean up work around the county and to allocate \$20,000 for the clean-up effort for supplies, equipment, etc.; Commissioner Lopez seconded. All approved.

The Commissioners received and reviewed correspondence from Steptoe and Johnson.

Patty Adkins presented to the Commissioners a list of what was lost at the Animal Shelter.

The Commissioners received and reviewed from C-PAC the dog collections report.

The Commissioners approved \$9,399.30 total of C-PAC June expenditures for July allotment.

The Commissioners received and reviewed reimbursement in the amount of \$1,250.28 for TRIDENT Project #98-OC-27 from the Sheriff of Raleigh County for overtime for Deputy Garland Burke for the month of April.

The Commissioners received and reviewed a letter from the Regional Jail and Correctional Facility Authority reminding that the Board voted to raise the per diem from \$39.50 to \$43.25 effective July 1, 2001.

The Commissioners received and reviewed from the Public Service District a check in the amount of \$7,349.80 for 911 fees for the months of February, 2001 through April, 2001.

The Commissioners received and reviewed request from Judge John W. Hatcher requesting that the Commissioners approve the purchase of

a chair for his Court Report. The Commissioners approved.

The Commissioners received and reviewed from Branch Banking & Trust Company (BB&T) a letter informing as of June 30, 2001 securities were held by BB&T as collateral to secure the deposits of the Fayette County Commission.

The Commissioners received and reviewed a letter from BB&T informing that on June 21, 2001 the Commission signed a pledge release form for the two securities that BB&T was holding for the Fayette County National Bank pledged to the Fayette County Commission; upon receiving a copy of the signed release forms BB&T delivered the securities to Sun Trust Bank for the account of Fayette County National Bank. BB&T is no longer holding any securities for Fayette County National Bank pledged by the Commission.

The Commissioners received and reviewed a letter from Sun Trust Bank informing of the securities that have been pledged.

Ms. Hickman asked the Commissioners if they wanted to make any decision regarding the Deputy Dog Warden. The Commissioners asked to table.

The Commissioners received and reviewed a letter from the Special Olympics of West Virginia asking for financial support. The Commissioners asked that this be tabled until the next meeting.

The Commissioners received and reviewed a letter from the West Virginia Department of Environmental Protection informing that Tim Hannah has been reappointed to serve as a member of the Fayette County Solid Waste Authority Board beginning July 1, 2001 and expiring on June 30, 2005.

The Commissioners received and reviewed a letter from Attorney Phil Tissue, Fiduciary Commissioner informing that he is closing the

file of the Estate of Timothy P. Scarbrough, cannot contact fiduciary.

The Commissioners received and reviewed from Thelma Kincaid, Circuit Clerk, interest earned from checking account from July 1, 2000 through June, 2001.

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

The Commissioners received and reviewed correspondence from the Worker's Compensation Division and the Unemployment Division.

Commissioner Lopez informed the Commission he will be on vacation the week of the next County Commission meeting (August 8, 2001).

The Commissioners received and reviewed Accident Reports and Shelter Reports from the Fayette County Park.

Commissioner Wender presented to the Commission the final contract proposal with West Virginia University for the Creation of Job Descriptions and the Study of Pay Scales for Fayette County.

Commissioner Wender suggested to the Commissioners that a third of the contract be paid with final payment upon completion of project; County elected officials should interview persons as early as August 1; Assessor Tom Aiello has agreed to pay half of the expenses from the PVC Fund.

Commissioner Lopez made a motion to pay a third of the Wage Labor Study/Job Description contract. Commissioner Wender seconded. All approved.

Outstanding bills and payroll were approved.

The Commissioners received and reviewed a letter from Leslie D. Silverman, Attorney regarding the Estate of Robert Frank Wheeler.

Copies forwarded to Kelvin Holliday, County Clerk.

The Commissioners signed a letter to Senator Robert C. Byrd voicing their full support for a proposed National Park Service visitors center at Sandstone.

The Commissioners received and reviewed a letter from the Town of Fayetteville, asking permission to use the electronic mapping data that the County has already developed for the area. Copy forwarded to David Neal, E911 Director.

The Commissioners approved check in the amount of \$40,586.00 for two county vehicles for Law Enforcement.

The Commissioners approved check in the amount of \$4,378.00 for the purchase of a K-9 dog.

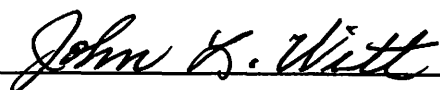
The Commissioners signed State Sales Tax Report for the Fayette County Park for quarter of April- June, 2001.

The Commissioners received and reviewed July Legislative Interim Schedule from the County Commissioners Association.

The Commissioners received and reviewed a letter from the Association of West Virginia Solid Waste Authority inviting the Commission to their 13th Annual Association of West Virginia Solid Waste Authority's Educational Conference being held October 25-27, 2001.

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

The meeting was adjourned at 3:30 p.m. The next scheduled meeting is July 25, 2001.



FCC

7/13/01

Dill family
AL GANNON
Bob Orndorff

Kathi Bundenore

Darrell O'Dell

Kathryn Hoffman

John R Hoffman , Kathryn Hoffusen

Ann Berrey

Harold Bragg

Assessor Tom A.ello

Randy Boyd

Tim Richardson

Bud Hill

Gene Kistler

Dave Pollard

Joyce O'fa

Tami Samoriga - Cellular One

Keith Spangler

FAYETTE COUNTY COMMISSION
EMERGENCY MEETING
JULY 20, 2001
COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: John L. Witt, John H. Lopez, Matthew D. Wender

The Fayette County Commission called an emergency meeting with FEMA to get an update on the animal shelter and to meet with Whipple Community to discuss flooding in the surrounding areas.

AL Hahn with FEMA, Steve Cruikshank, OES Director, Patty Adkins, C-PAC, Ann Culver and Katie Pullen, members of the U. S. Humane Society, were present.

Mr. Hahn informed the Commissioners he had gone out with Ms. Adkins on Wednesday to check the animal shelter facility. Mr. Hahn informed the Commissioners that the facility is destroyed.

Mr. Hahn told the Commissioners that FEMA is authorized to pay for a temporary facility.

Commissioners asked who is responsible for tearing up the slab and if the county is responsible can they use the relocation money to have this done. Mr. Hahn informed the Commissioners that he wasn't sure but would get back with them on Monday with an answer.

Patty Adkins presented to the Commissioners plans for a new shelter. The Commissioners reviewed.

Commissioner Wender asked Mr. Hahn if C-PAC would be the applicant. Mr. Hahn informed no, it would have to be the County Commission, and they would be responsible.

Discussion was held regarding building a new shelter. Commissioner Wender asked about if the county didn't get enough money to rebuild a new facility. Mr. Hahn informed the Commissioners that

the County would have to put some additional money in the shelter.

Commissioner Wender asked Ms. Pullen the cost for the new shelter they presented. Ms. Pullen informed \$134,000.

Commissioner Wender asked Mr. Hahn how much FEMA would pay for a replacement facility or a new one. Mr. Hahn informed he would have to get back with them next week regarding cost.

Commissioner Wender asked that the Commissioners put off making a decision on a new shelter but make a decision on the temporary facility tonight.

Ms. Adkins informed the Commissioners that Immogene Pennington had agreed to let them use the building on her property for a temporary shelter at a cost of \$1,000 a month. The location is the Sanger Building off Milroy Grose Road. Ms. Adkins informed the Commissioners they will be accepting new animals only on an emergency basis.

Ms. Pullen informed the Commissioners that the start up cost for a temporary shelter would run around \$4,000 to \$5,000. Ms. Pullen informed the Commissioners that before they did any thing they would have to have a lease in place and that the building would need two big fans.

Commissioner Wender made a motion that the County would lease the Pennington Building for \$1,000 a month contingent that a 60 day notice be included to commit to keeping the facility available for the County until a permanent facility is completed and being this is the weekend moved that Commissioner Witt act on behalf of the Commission that the lease would be acceptable for the county and signed. Commissioner Lopez seconded. Unanimous.

Ms. Pullen asked the Commissioners if Patty Adkins would have

the authority to charge materials that she would need. Commissioner Witt informed he would contact Wal-Mart, Means Lumber and Lowe's to set up accounts so that Ms. Adkins would have the authority to charge.

Several citizens from the Whipple and surroundings Communities appeared before the Commissioners to voice their concerns regarding the White Oak and Dunloup Creeks in the area.

Tom Aiello, Assessor, informed the Commissioners that this has been a problem for years and years. It floods every time a hard rain hits.

Steve Cruikshank, OES Director, informed the citizens that two crews from the National Resource Conservation Service started surveying the creeks today. Mr. Cruikshank informed the Commission and the citizens that the National Guard is in the process of cleaning up debris today. Mr. Cruikshank informed the Commissioners that the National Resource Conservation Service has to identify the stream first. Commissioner Wender asked Mr. Cruikshank if this area was on the contractors list. Mr. Cruikshank informed yes, but he could not tell the citizens whether the creeks were on the top of the list or the bottom.

Commissioner Wender asked Mr. Cruikshank if FEMA was going to set priorities on which stream and creeks would be cleaned. Commissioner Witt informed the citizens that he would get with Dave Pollard, County Resource Coordinator, to make a trip down Monday to investigate.

After a lengthy discussion the Commissioners asked the citizens if they could come back within 30 days. By August 15, 2001 hopefully they would have an update and more information on what is going on

with the creeks.

Commissioner Witt informed he would ask Mr. Pollard to make a presentation of what the solution would be.

The meeting was adjourned at 8:30 p.m. The next scheduled meeting is July 25, 2001.

John G. Witt

Apple Community
Hearing

07-20-01

Charles SHUMAKER
Bobby J Piggy
La Belle Melesky
Ireda Sharp
Juene Price
Harold Terry
Adele A. Terry
Delphia Shumaker
Melissa Hinte 469-2303
Duckie Poff
Thomas Wimmer
Tom Diello
Jay Parsons
C. Van

FAYETTE COUNTY COMMISSION
REGULAR SESSION
JULY 25, 2001
COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: John L. Witt, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in regular session on this 25th day of July, 2001.

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

Exonerations were approved and signed.

Commissioner Wender informed the Commission that he met with Al Hahn, FEMA representative, last night and he informed funding for the temporary shelter would be approved. Commissioner Wender informed the Commission that Mr. Hahn indicated that there would be no problem recovering expenditures for the temporary shelter.

Commissioner Lopez asked about the time frame. Commissioner Wender informed you have 30 days from the time of the disaster to apply to FEMA (Federal Emergency Management Assistance).

Tom Woodrum gave a report of the damages of the county owned properties; Mr. Woodrum informed he met with Earl Pauley, Park Superintendent, at the animal shelter last week; landscape and damage to a building by 35 to 60 feet of water that covered the building, plywood damaged but the 3 block buildings can be saved; Mr. Woodrum informed that there was a question about the mobile home; damage in the courthouse annex building due to a clogged drain, still has a musty smell and needs to replace carpet, cost would be approximately \$4,500 for labor and installation; shooting range, cost to repair \$4,970 to put back bridge and railings; pool has been cleaned, WV American Water Company provided the water.

Commissioner Lopez questioned if the animal shelter would be demolished. Commissioner Witt informed it was recommended not to tear it down but would know more about the animal shelter tomorrow.

The Commissioners asked Mr. Woodrum to check the Deepwater Park and Boomer Ballfield properties. Commissioner Lopez informed he thought Larry Parsons had taken some inmates down to clean Boomer Ballfield; Commissioner Lopez asked that Mr. Woodrum get with Bill Arthur and Larry Parsons to check damage.

Commissioner Wender informed that the County Commission has hired temporary employees to assist with the clean-up from the flood.

Mr. Woodrum reminded the Commissioners that there is a time frame on final estimates and a final report is due.

Commissioner Witt informed there was a lot of wear and tear to the Memorial Building and asked Tom Woodrum to get with Steve Cruikshank, OES Director, to discuss.

Commissioner Wender made a motion to approve purchases of equipment and supplies for the Fayette County animal Shelter. Commissioner Lopez seconded. All approved.

Commissioner Lopez informed the Commissioners that some bridges in the Kimberly area needed to be replaced and some families are blocking the replacing of the bridges and inquired what can be done about this situation. Commissioner Witt suggested checking with the Prosecuting Attorney regarding this matter.

Commissioner Witt informed the Commissioners that in 1975 a lease agreement was signed with the School Board regarding the use of the Memorial Building. Commissioner Witt informed the County Commission has fulfilled all their responsibilities regarding the lease. Commissioner Witt informed the School Board has not yet

honored their lease. Commissioner Witt informed they have not received any action from the Board. Commissioner Witt recommended that if we don't hear back from the Board we should close the Memorial Building.

Commissioner Wender responded that since the Board is responsible for the building, the Commission should give them two weeks to perform the maintenance work and ask the Board what their intentions are.

Commissioner Lopez suggested sending a letter requesting they be here on August 15th to discuss this matter, if not we will change the locks.

The Commissioners received and reviewed a letter from the Supreme Court of Appeals informing that the Court Security Board has approved a Court Security Fund Grant to the Commission for \$52,588 for the purpose of enhancing the county's court security.

Commissioner Lopez made a motion to approve a Resolution authorizing Commissioner Witt to act on its behalf to enter into a contractual agreement with the Division of Criminal Justice Service to receive and administer grant funds pursuant to provisions of the Court Security Fund grant program. Commissioner Wender seconded. Unanimous.

Commissioner Wender made a motion to appoint Deborah Sizemore as a member of the Fayette County Planning and Zoning Commission. Commissioner Witt seconded. Discussion was held regarding the Planning and Zoning Commission's recommendations. Commissioner Lopez abstained from voting.

Commissioner Lopez made a motion to approve outstanding bills and payroll. Commissioner Wender seconded. All approved; payroll to

be released on Friday.

Commissioner Wender suggested getting three members from the Planning and Zoning Commission to come up with a set of By-Laws for the Planning and Zoning Commission. Commissioner Wender requested that the By-Laws include some provisions regarding attendance and a method to train new members on what their responsibilities are.

Commissioner Wender suggested that Sherman Bobbitt, Gene Kistler and Guy Dooley be appointed to the committee and Al Gannon be appointed to oversee the committee to draw up the By-Laws.

Commissioner Lopez seconded. All approved.

The Commissioners received and reviewed a letter from Senator Robert Byrd informing that he added to the Senate passed version of the Emergency Supplemental Appropriations bill \$8 million for the Natural Resources Conservation Services (NRCS) and \$8 million for the U. S. Army Corps of Engineer to remove debris and obstructions from waterways affected by the flooding. This matter is waiting for final passage by both the Senate and the House of Representatives.

Commissioner Witt informed maybe we will get some attention to our streams.

Commissioner Witt made a motion to go into Executive Session with Earl Pauley, Park Superintendent, to discuss a personnel matter. Commissioner Lopez seconded. All approved.

Upon reconvening from Executive Session, Commissioner Lopez made a motion to approve purchase of 1-Impeller (seal & o-ring \$637.20) and 1-15 hp motor (1-sling & nuts, bolts, screws, \$1,707.92) total \$2,345.12 for the Fayette County Park and pool. Commissioner Wender seconded.

Mr. Pauley informed the Commissioners the cost of a service

exchange of the Komatsu engine would be \$31,635.00 and for 100% good core the customer will receive a \$13,000.00 core credit with net cost to be \$18,635.00.

Commissioner Witt asked Mr. Pauley if he checked with any other businesses; Commissioner Wender asked if there is anyone else who worked on Komatsu's. Commissioner Lopez suggested checking with Charlotte Holly, County Administrator. No decision made.

Mr. Pauley informed the Commissioners that American Electric Power is getting ready to put in a gas line and has applied for tap and service at the Park. American Electric Power wants to know if the Commissioners want one meter or separate meters with higher pressure coming in. Mr. Pauley informed he would recommend one meter and a bigger line.

Kelvin Holliday, County Clerk and Attorney Jamie Blankenship appeared before the Commission to discuss the changes in the County Clerk's Office. The Commissioners asked that this be postponed until August 15th at 10:45 a.m.

The Commissioners received and reviewed letters from the Page-Kincaid Public Service District and the Kanawha Falls Public Service District requesting board members be reappointed. The Commissioners asked that these be put on hold.

The Commissioners received and reviewed a letter from Bedford Nichols requesting that the Commission be his sponsor to help get Governor's Community Grant for the purpose of installing fire hydrants in the Hilltop area. The Commissioners asked that this be forwarded to Dave Pollard, County Resource Coordinator.

The Commissioners signed and approved an Application for Certificate from the West Virginia Bureau of Environment Division of

Environment Protection for the Courthouse Incinerator, amount \$200.00.

Commissioner Lopez made a motion that Budget Revision #1 for the General Fund for Fiscal Year 2001-02 be approved; Commissioner Wender seconded. All approved; budget revision and order signed.

The Commissioners approved invoice from the West Virginia Association of Counties for annual dues for July 1, 2001 to June 30, 2002, amount \$4,000.00.

The Commissioners approved invoice from Region 4 Planning and Development Council for Fiscal Year assessments for 2001-2002, amount \$6,000.00.

The Commissioners approved request from FMRS, Inc. for 1st Quarter Fiscal Year 2001-02 allotment, amount \$1,250.00.

The Commissioners received an invoice from 4-C Economic and Development Authority for 1st quarter contribution, amount \$12,587.40.

The Commissioners received an invoice from Southern Appalachian Labor School for their allocation for Fiscal Year July, 2001-June, 2002.

The Commissioners signed request for reimbursement for rent in the amount of \$1,500.00 for the Office of the Family Law Master for the month of August, 2001.

The Commissioners signed letters to Delegate Nick J. Rahall, II and Senator Robert C. Byrd regarding the New River Gorge National River.

The Commissioners approved and signed Fire Levy Pumper Replacement Agreements for Fayetteville Volunteer Fire Department, Armstrong Creek Volunteer Fire Department, Gauley River Volunteer Fire Department, Meadow Bridge Volunteer Fire Department and Gauley

Bridge Volunteer Fire Department for the period July 1, 2001 to June 30, 2002.

The Commissioners approved and signed Fire Levy Protection Agreements for the Town of Fayetteville, Armstrong Creek Volunteer Fire Department, Gauley River Volunteer Fire Department, Meadow Bridge Volunteer Fire Department, Nuttall Volunteer Fire Department, Gauley Bridge Volunteer Fire Department for the period July 1, 2001 to June 30, 2002.

The Commissioners received and reviewed from the County Commissioners Association of West Virginia information regarding a NACO's Rural Auction Caucus farm bill survey.

The Commissioners received and reviewed a letter from Ford Motor Company regarding a no charge coverage program (Extended Coverage Program O1M05), 1993-F150 Ford Truck, Vehicle ID #1FTDF15Y7PLA23983.

The Commissioners received and reviewed a letter from Ben Newhouse informing that the Upper Kanawha Valley Enterprise Community was nominated for an award at the 5th Annual Rural Development Conference.

The Commissioners received and reviewed updates from the Federal Emergency Management Agency (FEMA) regarding the floods.

The Commissioners received and reviewed correspondence from the Hartford Corporation.

The Commissioners received and reviewed Workers' Compensation Division claims.

The Commissioners received and reviewed correspondence from Steptoe and Johnson regarding lawsuits.

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

The Commissioners received and reviewed information from the Association of West Virginia Solid Waste Authority informing of their 13th Annual Association of West Virginia Solid Waste Authority Educational Conference.

Commissioner Witt asked that a compliance letter be sent Ken Frye with the West Virginia State Agency for Surplus Property regarding the damaged trailer at the Animal Shelter.

The meeting was adjourned at 11:31 a.m. The next scheduled meeting is scheduled for August 8, 2001.

John B. Witt

FAYETTE COUNTY COMMISSION

REGULAR SESSION

JUNE 6, 2001

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: John L. Witt, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in regular session on this 6th day of June, 2001.

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

Exonerations were approved and signed.

The Commissioners received and signed oaths and certificates for Personal and Real property Land Books from the Assessor's Office.

Larry Kelly appeared before the Commission to inquire about the Paint Creek Flood Protection Project.

Ms. Holly informed the Commissioners that she thought the brush and tree removal had been done.

Commissioner Wender suggested this be tabled until June 26, 2001 at 7:00 p.m. and to ask Steve Cruikshank, OES Director, and Larry Parsons to attend.

Attorney James Blankenship appeared before the Commissioners to discuss the condition of the index books in the County Clerk's office.

The Commissioners approved the request received from the New River Gorge Heritage Festival giving permission to use the County parking lot from 6 p.m. until 10 p.m. on June 30th for the Car Show, permission to use the Courthouse steps, lawn, sidewalk and electricity for a sound system for a presentation to the American Legion Post 149, and to place port-a-pots on the small parking lot between Blueridge Outdoors and James Blankenship's office building from June 30th to July 5th. The Commissioners requested that the

parking lot be protected from leakage from any automobiles on display.

Commissioner Witt presented a letter from Region 4 Planning and Development Council informing that units of apartments for low income families will be built in Oak Hill on 213 High Street; any comments are welcomed.

Paul Blake, Prosecuting Attorney, appeared before the Commissioners to discuss the second draft agreement from C-PAC. Mr. Blake presented to the Commissioners opinions received from the Attorney General's office and the West Virginia Ethics Commission. Mr. Blake informed the Commissioners he received the draft yesterday evening and found a few minor changes but saw no legal impediment for the Commissioners to sign contract.

The Commissioners received and reviewed information received from Jim Lively Insurance and Tom Aiello, Assessor, regarding coverage of drivers and the collecting of dog taxes.

Mr. Blake asked that under the termination section the Commission add an addendum to list all equipment and add that upon termination all equipment be returned and all accounts accounted for.

Commissioner Witt asked if there were any other comments pertaining to the agreement, if not the agreement would be signed on June 15th.

Commissioner Witt asked Mr. Blake to give his opinion on the proposal from Norfolk Southern Railroad. Mr. Blake informed the Commissioners he recommended they respond by indicating they are interested in the proposal.

Commissioner Witt asked Mr. Blake to contact Norfolk Southern Railroad to discuss.

Mr. Blake suggested to the Commissioners to let the people running the dog pound know what their authority is or is not.

Dennis Johnson and Harriet Southhall appeared before the Commission to present a formal complaint on C-PAC for picking up his ponies. Ms. Southhall told the Commissioners that Patty Adkins took the ponies and did not try to notify them.

Ms. Adkins informed the Commissioners that she did not know who owned the ponies. Ms. Adkins informed the Commissioners that Deputy Dancy assisted in getting the ponies.

Commissioner Witt suggested getting statements from the deputy.

Mr. Johnson questioned if Patty Adkins had be sworn in and certified to catch animals.

Commissioner Witt asked the Commission to go into Executive Session to discuss personnel matter. Commissioner Wender made motion to go into Executive Session. Commissioner Lopez seconded. Unanimous.

Upon reconvening, Commissioner Wender made a motion to reconvene as regular County Commission meeting. The Commissioners informed they would request on behalf of C-PAC that the Sheriff appoint a Deputy Humane Officer.

Commissioner Wender made a motion to adopt a policy with Commissioners instructions to C-PAC that any response to incidents including the abuse of animals or of the taking of any animals, creating a risk to animals or to the public shall be with assistance of a designated humane officer. Commissioner Wender asked that a letter be sent to C-PAC to make them aware of the policy.

Commissioner Lopez seconded. All approved.

Commissioner Wender moved to go into Executive Session to

discuss personnel difference regarding the Fayette County Beautification Committee. Commissioner Lopez seconded. All approved.

Upon reconvening from the Executive Session to regular County Commission meeting, Commissioner Witt informed discussion was held to review ordinance of the Fayette County Beautification Committee and By-Law of the Fayette County Solid Waste Authority, and will discuss at the next County Commission meeting.

Commissioner Lopez moved to recess for lunch, back at 1:00 p.m.; Commissioner Wender seconded.

Upon reconvening from lunch the Commissioners signed letter to the New River Heritage Festival.

The Commissioners signed Budget Statement for the ensuing Fiscal Year beginning July 1, 2001 through June 30, 2002 for the County Commission employees.

The Commissioners received/approved and signed request from the Fayette County Health Department for allotment of \$5,000 for Fiscal Year 2001-2002.

Commissioner Lopez suggested writing Biddle Williams with Pax Regional Community Center to inform him that at this time the Commissioners are unable to assist with their roofing problem.

Commissioner Witt read fax from the West Virginia Association of Counties regarding the extreme financial difficulties Wirt County will experience with the opening of the Regional Jail in Doddridge County.

The Commissioners signed order reappointing Shirley Love as a member of the Fayette County Board of Health.

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, 2001 to June 30, 2002.

The Commissioners signed a letter of support to the West Virginia Trails Coalition endorsing their efforts to decrease physical inactivity through a county-wide initiative to promote physical activity and healthier lifestyles for county residents.

The Commissioners signed a letter of support to New River Health endorsing their goals to establish an outdoor recreational club to provide mountain biking, hiking, whitewater, and climbing outings and environmental education for our local youth.

The Commissioners received/reviewed and approved request from Kelvin Holliday, County Clerk to make adjustments to his Fiscal Year 2001-2001 budget.

The Commissioners received and reviewed a letter from Judge John Hatcher regarding his request for the Commission to subscribe to "Circuit Express".

Ms. Holly informed the Commissioners she had talked with Butch Evans in February, 2001 he was to contact Thelma Kincaid, Circuit Clerk to explain that the existing computer cable from the AS400 processor to the designated area in her office does not have space to assign additional equipment. Ms. Holly informed the Commissioners that Mr. Evans has not advised this office of the outcome of his discussion with Ms. Kincaid.

Ms. Holly informed the Commissioners that since February, the AS400 computer processor that serves the various county offices (including the Circuit Clerk) has extended to over a critical limit of 90% for operating capacity.

Commissioner Wender suggested writing a letter to Judge Hatcher

to explain the situation regarding the AS400 computer processor.
Letter signed.

The Commissioners received and reviewed Workers' Compensation and Unemployment correspondence.

The Commissioners received and reviewed letters from Steptoe and Johnson regarding lawsuits.

The Commissioner received and reviewed copies of the Annual Reports for the period June 1, 2000 through May 31, 2001 from Sheriff William Laird, Paul Blake, Prosecuting Attorney, and Kelvin Holliday, County Clerk.

Ms. Holly informed the Commissioners she talked with John David; he informed her he understood the stipulation of the Small Cities Community Development Block Grant application. Ms. Holly informed the Commissioners that a public hearing has been scheduled for 10:00 a.m. on Monday, June 25, 2001 prior to June 26th to get the application signed.

Commissioner Wender informed the Commissioners that the 4-C Economic Development Authority has completed their transition to their new location in Oak Hill and on behalf of the County Commission thank WVUIT-Karen LaRoe for renting the space at no charge.

The Commissioners received and reviewed from the Fayette County Health Department a Permit to Operate Park/Playground at the Fayette County Park.

The Commissioners received and reviewed resume from Vicki L. Eades.

The Commissioners received and reviewed park and central garage expenditures for the month of May.

The Commissioners received and reviewed accident report on

Deputy Bernard L. Forren's cruiser.

The Commissioners received and reviewed letters from Charter Communications informing that effective June 30, 2001 they will be required to discontinue carriage of the ESPNNews channel in the Ansted, Beckley, and Mount Hope/Oak Hill areas.

Outstanding bills were approved.

The Commissioners received and reviewed correspondence from Vivian Parsons regarding the June Legislative Interim Schedule.

The Commissioners signed Budget Certification to the West Virginia Department of Health and Human Resources informing the Commission had budgeted \$5,000 for the fiscal year July 1, 2001-June 30, 2002 for local mental health services through the Fayette-Monroe-Raleigh-Summers Mental Health Council, Inc.

The Commissioners received and reviewed Fiscal Year 2002 Rate Detail Report from the Workers' Compensation Division.

The Commissioners signed a letter to the Planning Commission members, Board of Zoning of Appeals members, Transition Team members informing that a Comprehensive Plan and Zoning Ordinance Workshop has been schedule for Thursday at 3:00 p.m., June 14, 2001 at the American Legion Hall.

The Commissioners signed a letter to C-PAC informing them of the policy adopted by the County Commission regarding animals other than dogs and cats.

The Commissioners received and reviewed C-PAC financial report for the month of May.

The Commissioners received and reviewed from Carlton Crowder a civil case filed against the Board of Zoning Appeals; original forwarded to the Circuit Clerk's Office.

The meeting was adjourned at 1:55 p.m. The next scheduled

meeting is June 15, 2001.

John L. Witt

FAYETTE COUNTY COMMISSION
REGULAR SESSION
JUNE 15, 2001
COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: John L. Witt, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in regular session on this 15th day of June, 2001.

The meeting was called to order at 9:40 a.m.

Exonerations were approved and signed.

The Commissioners received and reviewed delinquent tax books from the Sheriff's Office.

Bruce Novak and Lee Beauchesne with Hilltop Family Productions from Groveport, Ohio appeared before the Commission to give an explanation of the problems related to a concert/festival event that was held in Willistown Road.

Mr. Novak informed the Commissioners that they did provide private security, but they did not anticipate some of the elements that happened in this event.

Mr. Beauchesne informed the Commissioners that two weeks before the event he did talk with a Deputy regarding the event.

Jeff Heeter was present and asked the Commissioners what they were going to do about events like this.

Sheriff Laird informed the Commissioners that he was not contacted or notified by the organizers or sponsors of this three-day concert to review and discuss any plans or logistical concerns. Sheriff Laird informed the Commissioners that this past weekend the Sheriff's Department was overwhelmed with certain problems related to this concert/festival event. Sheriff Laird informed the

Commissioners that the citizen complaints associated with this event were noise complaints, parking complaints, site security concerns, and a number of alcohol and/or drug related problems.

Sheriff Laird informed the Commissioners he was surprised to learn that our County has no regulations or ordinances established for the permitting or regulation of such events. Sheriff Laird suggested to the Commissioners that the Fayette County Planning Commission consider the adoption of a regulatory ordinance designed to require the issuance of a permit for any concert, festival or other paid event that may be sponsored and held within this County.

Sheriff Laird informed the Commissioners he will be available to work with the Planning Commission or other appropriate authorities in the drafting of an ordinance designed to regulate such events in the future.

Mr. Novak informed the Commissioners he will work with the Sheriff.

The Commissioners asked Sheriff Laird and Tim Richardson, Zoning Officer, put something together and get back with the Commission regarding this matter.

Commissioner Lopez made a motion that Budget Revision #5 for the General County and Coal Severance Fund for Fiscal year 2000-2001 be approved; Commissioner Wender seconded. All approved; budget revisions signed.

Ms. Hickman presented to the Commissioners for Dave Pollard, Community Resource Coordinator, drawdown #13 request for payment regarding the 1998 Small Cities Block Grant-Fayette County Commission-Comprehensive Plan Update, amount \$3,202.06. Commissioner Lopez moved to adopt the Resolution and approved and authorized the

payment of services; Commissioner Wender seconded; unanimous, resolution signed.

The Commissioners signed letters to the West Virginia Public Service Commission and Secretary of State giving a list of the Public Service Districts, the current board members and the date each term ends for each district.

The Commissioners signed an order transferring \$11,309.69 from the Fayette County Worthless Check Fund to the General County Fund for reimbursement of previous expenditures.

The Commissioners signed an order transferring the balance of \$75,285.06 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 an order pursuant to statute and Revised Rule 19 of the Administrative Rules for West Virginia Magistrate Courts to transfer the sum of \$58,956.04 for the Fiscal Year 2000-2001 from the Magistrate Court Fund to the Fayette County General Fund.

The Commissioners signed an order reappointing Sheriff William R. Laird, IV a member of the Fayette County Enhanced Emergency Telephone System Advisory Board.

The Commissioners signed orders and letters appointing Matthew Wender, Commissioner, Chet Brandon, Facilities, George Gannon, Media, Forrest Bragg, Emergency Management, Tim Hannah, Firefighter, Mike Hambrick, Kim Casto, Barry Justice, and Sergeant Bill Scott members of the Local Emergency Planning Committee (LEPC).

The Commissioners signed a letter to Biddle Williams informing

that due to budgeting constraints the Commission has reduced and/or eliminated funding to outside agencies; therefore, the Commission is not able to approve his request for funding to replace the roof of the Pax Community Building.

The Commissioners signed a letter to Gary Hough, Principal, Fayetteville Middle School informing that the Commission approved the request of the Fayette County Deputy Sheriff's Association to waive the rental fee of \$500.00 for a Country Music Show.

The Commissioners signed a corrected Budget Statement for the ensuing Fiscal Year beginning July 1, 2001 through June 30, 2002 for the County Commission employees.

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

The Commissioners signed a letter to the West Virginia Development Office requesting the final drawdown for the Upper Kanawha Valley Community grant.

The Commissioners received and reviewed extensions of Community Partnership Grant contracts between the West Virginia Development Office and the Fayette County Commission for Minden Community Center-01CPGP0085, Gauneka-Ruritans Midland Trail Museum-01LEDA0077, Computer equipment and Sheriff's Office Renovations-01CPGP0212, Upper Kanawha Valley-01CPGP0144, Fire Hydrants-00CPGP0127, Sheriff's Department-00CPGP0183, Boomer Ballfield improvements-00CPGP0125, Sewer Study-00CPGP0170, Minden Community Center-00CPGP0181, Marquis

De LaFayette-00CPGP0308, Gauneka-Ruritans Building-00CPGP0191, and Courthouse-99CPGP0150.

The Commissioners received and reviewed a reimbursement check in the amount of \$55,669.15 to cover costs for the recent Fayette County Board of Education School Bond Election.

The Commissioners received and reviewed the Expense Reports from C-PAC for April 16, 2001 to May 31, 2001.

The Commissioners approved June allotment to C-PAC, amount \$6,722.63.

The Commissioners approved overtime for Robert Massey (2.5hrs.).

Ms. Holly notified the Commissioners that Barbara Hatcher, Dog Warden was going to be off at least four weeks on medical leave. Ms. Holly informed the Commissioners that Ms. Hatcher is not eligible for sick leave for six months (hired 05/16/01) and asked the Commissioners to decide what to do about her salary and benefits and to notify payroll.

Commissioner Lopez made a motion to approve to pay Ms. Hatcher up to June 15th and approved to continue paying the employer's portion of her insurance; Ms. Hatcher is responsible for her share. Commissioner Wender seconded. All approved.

Ms. Hickman asked the Commissioners if they wanted to cancel their meeting for July 4th. Commissioner Lopez made a motion to cancel the Commission meeting of July 4, 2001; Commissioner Wender seconded. All approved.

The Commissioners received and reviewed reimbursement from the Sheriff of Raleigh County for TRIDENT (Project 98-DC-27) overtime for Garland Burke for March, 2001.

The Commissioners received and reviewed a check from the West

Virginia Development Office for (3) Legislative Digest Grants, amount \$40,433.55.

The Commissioners received and reviewed a check in the amount of \$62.30 from Citizens Telecommunications Company for 911 fees for the month of May, 2001.

The Commissioners received and reviewed a copy of the Annual Report for the period June 1, 2000 through May 31, 2001 from Thomas Aiello, Assessor.

The Commissioners received and reviewed a letter from the County Commissioners' Association informing of the Annual County Commissioners meeting being held August 12-14, 2001.

The Commissioners received and reviewed Comparative Balance Sheets for the General and Coal Severance Funds as of May 31, 2001.

The Commissioners received and reviewed a letter from the West Virginia State Agency for Surplus Property informing that the County is eligible to participate in the programs.

The Commissioners received and reviewed correspondence from Steptoe and Johnson regarding lawsuits.

The Commissioners received and reviewed a accident report on Deputy Carey A. Vickers' cruiser.

The Commissioners received and reviewed letters from Norfolk Southern Corporation asking for comments and informing they plan to file an application with the Surface Transportation Board seeking authority to abandon rail service from MP WL-0.0 to MP WL-2.5 (Oak Hill to Oak Hill) in Fayette County and MP OH-00 to MP OH-2.8 (Oak Hill to Carlisle). The Commissioners informed they had no comment.

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

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

The Commissioners approved WVU Extension Office request to hire four camping assistants during the 4-H Camp week.

Commissioner Wender approved to pay for 2 Euthanization Technicians to receive the Drug Enforcement Agency number to administer the drug to the animals; the cost is approximately \$220 each. Commissioner Lopez seconded. All approved.

The Commissioners asked that a get well card be sent to Barbara Hatcher, Dog Warden.

Earl Pauley, Park Superintendent, informed the Commissioners he sent two part-time girls up this morning to help the Maintenance Department. Mr. Pauley informed the Commissioners they would work four hours in the mornings.


Mr. Pauley informed the Commissioners he blew the Komatsu endloader; it would cost approximately \$2,000 to \$3,500 to repair. Mr. Pauley informed the Commissioners he would have someone to come and check. The Commissioners informed they would look at the cost after the first of July.

Payroll and outstanding bills were approved.

The Commissioners approved June 30th payroll for full-time employees.

The Commissioners received and reviewed notice that the DUI Grant was approved, amount \$9,998.50; overtime begins July 1, 2001 to September 30, 2001.

The meeting was adjourned at 12:10. The next scheduled meeting is June 26, 2001.



FAYETTE COUNTY COMMISSION
REGULAR SESSION
JUNE 26, 2001
COURTHOUSE
FAYETTEVILLE, WV 25840
MEMBERS Present: John L. Witt, John H. Lopez

The Fayette County Commission met in regular session on this 26th day of June, 2001.

The meeting was called to order at 7:01 p.m.

Steve Cruikshank, OES Director and Larry Parsons, Fayette County Solid Waste Authority were present to discuss the Paint Creek Project clean-up.

Mr. Parsons informed the Commissioners that all the permits are in order and they can do the work.

Mr. Cruikshank informed the Commissioners that the biggest problem to cleaning up the creek is the trout stream because you are not allowed to destroy trout.

Mr. Parsons and Mr. Cruikshanks informed the Commissioners they are willing to do all they can in getting the creek cleaned.

Mr. Parsons suggested getting more involved with the Lower Paint Creek in Mahan area, informed the Department of Natural Resources will lay out a plan to do the creek.

Mr. Cruikshank informed the Commissioners they could get equipment from the Parkways.

Commissioner Lopez asked Mr. Parsons and Mr. Cruikshank to continue looking into the problem.

Tim Richardson, Zoning Officer, presented to the Commissioners for disposition: Amendment and reenactment of Article IV, Section 1423, Subsection V, Towers Ordinance, General (I-10) changing the

surety bond or irrevocable letter of credit from \$25,000 to \$100,000 in the Fayette County Zoning Ordinance.

Mr. Richardson informed the Commissioners that the Planning Commission did at their meeting of July 25, 2001, recommend changing the surety bond or irrevocable letter of credit from \$25,000 to \$100,000 by a vote of 10-0 that this request be approved.

Joyce Ofsa, representing Crown Communication and Tammy Samoriga, Highland Cellular were present to voice their opposition to this amendment.

Ms. Ofsa informed the Commissioners this would be a burden on the industry and would cost her client an additional \$2,500 annually.

Gene Kistler a member of the Planning Commission informed the Commissioners that Dave Pollard, Community Resource Coordinator, had provided the Planning Commission information that on a letter of irrevocable credit that the cost would be minimal.

Tom Stafford, a member of the Board of Zoning Appeals, told the Commissioners that the Planning Commission was looking out for the County's interest in case a company decided to remove a tower this change in the surety bond would compensate for the removal.

Ms. Samoriga informed the Commissioners that the cost for removal of a tower would cost less than the amount of the current surety bond and that she could provide information to the Commissioners to support this statement.

Commissioner Lopez questioned about what happens if a company comes under receivership. Ms. Ofsa informed it would have to be decided by the court system.

Ms. Ofsa asked the Commissioners whether or not this would be retroactive to the applications that had already been approved by the

County.

John Cooper, Intello questioned the Commissioners about the impact this change would have on the large and small business industries.

Commissioner Witt asked Steve Cruiskhank, OES Director, if there were any small businesses that operated in this capacity. Mr. Cruikshank informed yes, and that some of these small companies provide service to the 911 Center without any charge. Mr. Cruikshank informed the Commissioners that if they choose to raise this bond, it could create a problem for these companies and they could start charging the County for space that they have now with these location free of charge.

After a lengthy discussion, Commissioner Lopez made a motion to table the matter until July 13, 2001 at 11:00 a.m. Commissioner Witt seconded. All approved.

The next case presented by Mr. Richardson was the amendment to the Fayette County Comprehensive Plan.

Mr. Richardson informed the Commissioners that the recommendation of the Planning Commission by a vote of 6-5 was to adopt as presented with the omission of Chapter 16 and 9.4. Mr. Richardson informed the Commissioners that these Chapters would be revisited by the Fayette County Transition Team to reevaluate.

Commissioner Lopez made a motion that this action be tabled until July 13, 2001. Commissioner Witt seconded. All approved.

Charlie Jones and Calvin Wooldridge appeared before the Commissioners to discuss repairs needed to the Memorial Building.

Mr. Jones informed the Commissioners that in February they inspected the building and made a list as to what needed to be done.

Mr. Jones informed the Commissioners of the few repairs the Board had made (replaced broken bleacher boards, removed the trash from the storage room, and fixed the partition in the bathroom). Mr. Jones told the Commissioners that the gutters are leaking and the molding needed to be attended to shortly; none of these things have been done.

Commissioner Witt informed that the Commissioners have been trying to work on a new lease with the Board.

Commissioner Witt informed that the Board needed to take care of this work this summer; if not, the Commission should ask to have the locks changed.

The Commissioners thanked Mr. Jones and Mr. Wooldridge for their assistance.

Commissioner Witt made a motion to hire Matthew Allen Ballard, courthouse janitor effective July 2, 2001, salary \$13,200 plus benefits to be paid from the General County Fund. Commissioner Lopez seconded. All approved.

Sheriff Bill Laird and Deputy Deanna Saxton appeared before the Commission to express their appreciation and thanks for the contribution to the D.A.R.E. Program. Ms. Saxton presented a picture of the participants and presented caps and tee shirts to the Commissioners.

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

Commissioner Lopez made a motion that Budget Revision #6 for the General County Fund for Fiscal Year 2000-2001 be approved; Commissioner Witt seconded. All approved; budget revision signed.

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

The Commissioners signed an order reappointing Leon Newman a member of the Deepwater Public Service District, term to expire March 1, 2007.

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, 2001 (Fayette County National Bank, Branch Banking & Trust, Bank of Mount Hope, and United National Bank). Commissioner Witt seconded. All approved. Order and letters to the banks named as trustees were signed.

The Commissioners received and reviewed reimbursement from the Women's Resource Center for the purchase of certain equipment for the Fayette County Sheriff's Department under the terms and conditions of the STOP Violence Against Women Grant (99-2000).

The Commissioners received and reviewed reimbursement from the Federal Emergency Management Agency for Steve Cruikshank's, OES Director, salary.

The Commissioners signed a letter to the Division of Motor Vehicles requesting that two county licenses plates (issued at no charge) for a 1983 Chevy truck and a 1995 Ford SW be issued.

The Commissioners received and reviewed estimates from Fayette Awning & Glass, Inc. (\$2,983.12) and Dennler's Fencing (\$4,930.00) for a fence for the Boomer Ballfield.

The Commissioners received and reviewed a letter from Branch Banking and Trust Company informing that effective June 21, 2001 Federal Farm Credit Bank will release pledged securities (Cusip: 31331RWK7).

The Commissioners received and reviewed updates from the County Commission Association of West Virginia.

On a motion by Commissioner Lopez and seconded by Commissioner Witt the Commissioners approved and authorized the adoption of Resolutions for an application with the state of West Virginia for a Small Cities Community Development Block Grant, a Fair Housing Program and Citizen Participation Plan.

The Commissioners signed Fire Levy Protection Agreements for Mount Hope Volunteer Fire Department, Ansted Certified Fire Department, Pax Volunteer Fire Department and Oak Hill Fire Department for the period of July 1, 2001 to June 30, 2002.

The Commissioners signed Fire Levy Pumper Replacement Agreements for Mount Hope Volunteer Fire Department and Oak Hill Volunteer Fire Department for the period July 1, 2001 to June 30, 2002.

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 May.

The Commissioners received and reviewed a letter from Sheriff Bill Laird informing that the Fayette County Sheriff's Department has been awarded a DUI Enforcement Grant-Overtime in the amount of \$9,998.56. A copy of the grant was forwarded to Debbie Aliff, Payroll Clerk.

The Commissioners received and reviewed from the Department of Transportation, State Rail Authority informing that Norfolk Southern

Railroad plans to file application with the Surface Transportation Board seeking to abandon rail service at Oak Hill from MP WL-0.0 to MP WL-2.5 and Oak Hill to Carlisle MP OH 0.0 to MP OH 2.8.

The Commissioners asked to hold the telephone bill from Verizon for the Fayette County Animal Shelter.

The Commissioners received and reviewed letters from Attorney Phil Tissue informing he is closing the file on the Estates of Francetta Jackson, John H. Fox, Sr. and James C. Minor, Jr.; fiduciaries can not be located.

The Commissioners received and reviewed the Audit Report from Ansted Certified Fire Department, Inc. for the year ended June 30, 2000.

The Commissioners received and reviewed a letter from Specialty Risk Services regarding Deputy Bernard Forren's cruiser.

The Commissioners received and reviewed a letter from Oak Hill Garbage Disposal, Inc. informing that effective July 1, 2001 they have acquired Hall's Sanitation.

The Commissioners received and reviewed a letter from the West Virginia Division of Labor informing that effective July 1, 2001 they will be issuing a 4"x6" paper "Certificate of Operation" in place of the existing inspection stickers and metal plate for the elevator.

The Commissioners approved paying Tom Aiello, Assessor, his commission percentage of Dog Tax Collection for Fiscal Year July 1, 2000 to June 30, 2001.

The Commissioners received and reviewed Recall Notice on VIN#1GCEK19TIYE365269 County vehicle.

The Commissioners received and reviewed a letter from Workers' Compensation Division regarding Barbara Hull.

The Commissioners received and reviewed an invitation from the Town of Gauley Bridge inviting the Commissioners to the Swearing In Ceremony for the newly elected officials.

The Commissioners approved purchasing a chair for Judge John Hatcher's secretary.

Commissioner Witt informed the Commissioners that Dave Pollard, Community Resource Coordinator submitted his resignation as of October 31, 2001.

Outstanding bills were approved. The meeting was adjourned at 8:50 p.m. The next scheduled meeting is July 13, 2001.

John L. Witt

06/26/01

Co. Com Mtg.

Judy F. Opa

Tower Bond Increase Proposal

Charlie Jones

Calvin Walbridge

Bill Russell

Tim Ward

Mr. Bree

Stephen M. Craikshank

Pat Day

John E. Cooper

FAYETTE COUNTY COMMISSION
REGULAR SESSION
MARCH 7, 2001
COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: John L. Witt, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in regular session on this 7th day of March, 2001.

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

Exonerations were approved and signed.

Ms. Holly presented the minutes of the February 21, County Commission meeting to the Commissioners.

Commissioner Wender made a motion to approve minutes; Commissioner Witt seconded. All approved.

The Commissioners received and reviewed a fax from the Upper Kanawha Valley Enterprise Community asking the Commission to send a resolution and a letter giving their full support of the Community and Technical College Implementation Board recommendations that would keep West Virginia University Institute of Technology in Montgomery while creating new opportunities for Tech in Charleston.

The Commissioners received and reviewed a letter from the Division of Highways informing the Commissioners they received a request from Nicholas County Commission to change the name of a Fayette County route in order to eliminate any potential confusion for emergency personnel responding in the Dixie area; the proposed name change-County Route 16/2 at Dixie Bell Creek Bridge Road to Church Hill Road.

The Commissioners informed that if 911 Center had no problem with change they would approve. Ms. Holly told the Commissioners

that she forwarded a copy to Dave Neal, E911 Director.

The Commissioners received and reviewed a letter from Elizabeth Watson expressing her support of the proposal from C-PAC to operate the Fayette County Animal Control Center. Ms. Holly told the Commissioners that a person had requested a copy of C-PAC's proposal. The Commissioners asked Ms. Holly if the person is willing to pay for the copies.

The Commissioners received and reviewed an order from Judge John Hatcher regarding the Robert E. Kelly Estate. Commissioner Lopez suggested having Paul Blake, Prosecuting Attorney respond and ask what information the Commission needed to furnish.

The Commissioners received and reviewed 2001 Legislative Session update.

The Commissioners received and reviewed correspondence from Steptoe and Johnson regarding the Roger Bryant lawsuit.

Ms. Holly informed the Commissioners that Dotty Davilla, Gauley Bridge Community Center called to cancel appointment due to the weather but submitted her oral request funding for \$3,000 for fiscal year 2001-2002.

The Commissioners received and reviewed reimbursement (\$5,610.21 -50/50 share) from the Federal Emergency Management Agency (FEMA) for Steve Cruikshank, OES Director salary.

The Commissioners received and reviewed a letter from the Office of Emergency Services (OES) reminding the Commissioners to make reservations for the Public Official workshop being held March 31 and April 1, 2001. Commissioner Wender will be attending.

The Commissioners received and reviewed check in the amount of \$3,446.94 for filing fees from the election from the Secretary of

State Office.

Ms. Holly informed the Commissioners she received a introductory call from Gary Hartsog with Alpha Records in Beckley regarding storage. Mr. Hartsog informed that he has storage, archiving, indexing, retrieval. Mr. Hartsog informed that the fees depend on the materials that are being stored.

The Commissioners received and reviewed a letter from Lee Massey, Administrator, Fayette County Health Department informing that due to the resignation of William Laird, IV from the Board of Health a vacancy exists. Mr. Massey informed that the Board recommended Shirley Love to replace Mr. Laird. Commissioner Wender made a motion that Shirley Love be appointed to the Fayette County Health Board; Commissioner Lopez seconded. All approved. Order signed.

Ms. Holly asked the Commissioners about the appointment of members to the Public Defenders Commission. Commissioner Lopez made a motion that Kenneth Roop be appointed to replace Gene Carte, Jr. on the Public Defenders Commission. Commissioner Wender seconded. All approved.

Ms. Holly informed the Commissioners that they needed to appoint another Commissioner to replace Gene Carte, Jr. on the Local Emergency Plan Commission. The Commissioners asked Ms. Holly to check with Steve Cruikshank to see if a Commissioner had to serve and asked Ms. Holly to find out when they had their last meeting.

The Commissioners received and reviewed a letter from Charter Communications informing that on or after March 1, 2001 they will be offering Charter Digital Direct in the areas served by Ansted, Page and Scarbro.

The Commissioners received and reviewed an application from Charter Communications for Interlink Communication Partners, LLC is transferring ownership of the Franchise for Uninc; area of Stephenson (Fayette County) to Charter Communications VI, LLC ("CCVILLC").

The Commissioners received and reviewed an application from Charter Communications for the Helicon Group, L. P. is transferring ownership of the Franchise for County of Fayette and its uninc areas to Charter Communications VI, LLC ("CCVILLC").

Ms. Holly asked the Commissioners if they had any suggestions or changes for the Fayette County Jail Museum lease. Commissioner Witt informed he was still reviewing and asked Ms. Holly to hold.

Commissioner Wender asked if Charter Communications rescheduled their hearing. Ms. Holly informed it has been rescheduled for March 15, 2001 at 10:30 a.m.

Commissioner Wender asked what can the Commission do regarding Hometown Productions. Ms. Holly suggested writing a letter to Brenda McNutt as requested in the letter received from Bob Workman.

The Commissioners approved request from Earl Pauley, Park Superintendent to have Rick Myles to pour a cement floor in Cabin #6 at the Fayette County Park, cost \$1,126.00.

Commissioner Lopez suggested having Earl Pauley come in during budget session to enlighten them on the expenses at the Fayette County Park, garage and animal shelter.

As requested, Ms. Holly updated the Commission on the status of the completion of the current animal shelter construction projects. She state that Earl had advised her that the cat room and washroom were complete, the heating/AC is complete, and that everything else was complete except the fabrication and installation of the outside

run doors, cables, and some outdoor painting.

Commissioner Wender suggested having the E911 Director, OES Director, Maintenance Department, and County Resource Coordinator come in to discuss their budget for the Fiscal Year 2001-2002.

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 \$2,533.14. Commissioner Lopez moved to adopt the Resolution and approved and authorized the payment of services; Commissioner Wender seconded. Unanimous, resolution signed.

The Commissioners signed letter to the Elected Officials asking that they meet with them on Thursday, March 15, 2001 to discuss their budget request for Fiscal Year 2001-2002.

Peggy Bennett appeared before the Commission to present a proposal to operate the Fayette County Animal Shelter.

Discussion was held, Commissioner Witt asked about the euthanasia box and suggested canceling the order.

Commissioner Wender made a motion to cancel order immediately on the euthanasia box before they ship it. Commissioner Lopez seconded. All approved.

Commissioner Wender asked Ms. Bennett if she had seen the public notice.

The Commissioners made no decision on the proposal.

Donita Herr, Women's Resource Center appeared before the Commission to request \$5,000 funding for Fiscal Year 2001-2002 to help support the shelter.

After a brief discussion, the Commissioners informed Ms. Herr they will consider in their budget session and get back with her.

Dave Pollard, County Resource Coordinator presented to the Commission a drawdown request for payment regarding the Comprehensive Plan Update-1998 Small Cities Block Grant 98SCBG0063, amount \$4,619.78. Commissioner Wender moved to adopt the Resolution and approved and authorized the payment of services; Commissioner Witt seconded. Unanimous, resolution signed.

Mr. Pollard informed the Commissioners that a public hearing for Paint Creek Water Extension has been scheduled for March 23, 2001 at 10:00 a.m.

The Commissioners recessed until 1:30 p.m.

Upon reconvening, the Commissioners signed order appointing Kenneth Roop to the Public Defenders Commission.

The Commissioners signed Resolution and letters giving their full support of the Community and Technical College Implementation Board.

The Commissioners signed a letter to AAI Equipment Sales canceling order dated April 28, 2000 for a Model A630 euthanasia box cabinet.

The Commissioners signed a letter to Earl Pauley, Fayette County Park and Central Garage, Steve Cruikshank, OES Director, David Neal, E911 Director, James Perdue, Courthouse Maintenance and Dave Pollard, County Resource Coordinator asking that they submit a detailed request for appropriations for anticipated or expected expenditures for their department and request that they schedule an appointment for March 15, 2001 to discuss their budget request for Fiscal Year 2001-2002.

The Commissioners received and reviewed an accident report involving County Sheriff's cruiser (Bernard L. Forren).

The Commissioners received and reviewed Shelter Rental Agreements for the Fayette County Park.

Ms. Holly presented to the Commissioners camp letter from the Fayette County Park. The Commissioners asked that these be presented at the next Commission meeting.

The Commissioners received and reviewed notice from West Virginia American Water that on March 5, they will file for an increase in rates, if approved this increase will be effective December 31, 2001.

The Commissioners received and reviewed recall notices from Ford Motor Company. Originals forwarded to Earl Pauley, Park Superintendent.

The Commissioners received and reviewed a letter from the State Auditor with corrected pages for the Audit Report on General-Purpose Financial Statements, Notes to the Financial Statements, and the Auditor's Report on Compliance and on Internal Control over Financial Reporting Based on an Audit performed in Accordance with Government Auditing Standards for Fiscal Year ended June 30, 1998.

The Commissioners received and reviewed Fayette County Park, garage, and dog warden expenditures for the month of February.

Ms. Holly reported to the Commissioners that Ancil Schmidt informed her that the copier in the West Virginia University Extension Office has been repaired, but was told that the copier is old and needed to be replaced. Ms. Holly informed the Commissioners that Mr. Schmidt suggested leasing a copier or getting another to replace.

Ms. Holly gave each of the Commissioners various Fiscal Year 2002 budget documents and requests.

The Commissioners agreed to schedule a budget session for Monday, March 12, 2001 at 10:00 a.m.

The Commissioners approved to roll back the Excess Levy rates and to go with the higher rolled back rates.

The Commissioners signed a letter to Barbara Baxter, Director, Family Law Master requesting reimbursement for rent in the amount of \$1,500.00 for the month of March, 2001.

The Commissioners received and reviewed resume from Mary Scott.

The Commissioners received and reviewed draft of the Mandatory Garbage Enforcement from the Fayette County Solid Waste Authority.

The Commissioners signed a letter to Senator Shirley Love to disagree with his planned legislation to dedicate 911 mobile phone fees toward the construction of new communications towers.

Outstanding bills were approved

The meeting was adjourned at 2:35 p.m. The next scheduled meeting is March 12, 2001.

John G. Witt

FAYETTE COUNTY COMMISSION
SPECIAL SESSION
MARCH 12, 2001
COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBER Present: John L. Witt, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in special session on this 12th day of March, 2001.

Commissioner Witt called meeting to order at 10:08 a.m.

Carl Harris, Assistant Prosecuting Attorney suggested to the Commissioners how to answer the order that Judge John Hatcher entered regarding the Robert E. Kelly, Jr., Estate; Mr. Harris suggested to the Commissioners that they would have to file the briefs submitted by the attorneys for the opposing parties and inform the Judge that no additional evidence was taken nor recorded and that the Commission based decision upon its review of the briefs filed by the attorneys.

The Commissioners discussed and reviewed revenue projections as recently provided by the County Assessor's Office and budget requests from the Elected Officials and departments.

After a lengthy discussion, the Commissioners asked that those departments under the direct supervision of the Commission (Fayette County Park, County Garage, Animal Shelter, 911 Center, Office of Emergency Services (OES), Courthouse Maintenance, Planning & Zoning, and County Resource Officer) put an immediate freeze on all expenditures for capital improvements and equipment; there shall be a freeze on all hiring except temporary summer help for the operation of the Fayette County Park. All department are required to eliminate overtime schedules.

Commissioner Wender suggested that a press release go out today and suggested to have the Elected Officials come in today to discuss

the budget situation.

The Commissioners requested the support of all elected officials to observe their request to put a freeze on all expenditures for capital improvements, equipment and overtime.

A draft of the press release was given to each of the elected officials to review and make comments.

The Commissioners recessed until 1:30 p.m.

Upon reconvening, the press release was prepared (copy attached).

The Commissioners discussed cutting back on expenditures and employees at the Fayette County Park and Animal Shelter.

Commissioner Wender informed the Commissioners that Howard Scott said he would serve on the Public Defenders Commission.

The Commissioners signed order appointing Ken Roop a member of the Public Defenders Commission.

Ms. Holly informed the Commissioners that she received the second Legislative Digest grant drawdown request of \$5,000 for Caring Hands, Inc.; a check to Caring Hands, Inc. has been prepared.
Approved.

The meeting was adjourned at 3:30 p.m. The next scheduled meeting is March 15, 2001.



P R E S S R E L E A S E

From: Fayette County Commission

Date: March 12, 2001

The Fayette County Commission met today in a special session to review revenue projections as recently provided by the County Assessor's Office and budget requests from elected office holders and departments.

The Commission passed the following resolution:

In regard to those departments under the direct supervision of the Fayette County Commission (County Park, County Garage, Animal Shelter, 911 Center, Office of Emergency Services, Courthouse Maintenance, Planning and Zoning, and County Resource Office), the Commission hereby places an immediate freeze on all expenditures for capital improvements and equipment. Furthermore, there shall be a freeze on all hiring except temporary summer help for the operation of the County Park at Beckwith. All departments are required to eliminate overtime scheduling.

The Commission requests the support of all elected county office holders to observe the above request to the fullest extent possible. We recognize that each office holder's compliance with this request must be within the requirements to meet that office's constitutional duties.

The County Commission views this as a prudent and precautionary measure.

In its preparation for the upcoming fiscal year (July 1, 2001 to June 30, 2002), the County Commission recognizes that projected revenues will fall short of funding requirements if funded at the same level as the current year. The county has sufficient revenues and reserves to meet the current fiscal year's (July 1, 2000 to June 30, 2001) funding level; however, we are taking this action now because it is apparent that although we can meet the current year's commitments we are operating at a level that exceeds the level of revenues.

The County Commission, in cooperation with the Assessor, Sheriff and Prosecuting Attorney will review all unpaid tax obligations that are due the County.

Projected revenue losses are the result of several issues:

- Over the past five years, significant legislative changes have impacted local county governments ability to operate at the optimum level.

- Some major changes which have occurred in the past five years resulting in significant lost revenues are: (i) a change in the formula for valuing managed timber properties, (ii) a new method of valuing natural resource properties, ie: oil, gas, minerals, coal, and particularly coal reserves, and (iii) doing away with the class I (intangibles) as it relates to banks.
- In addition to the legislative changes the county has realized a loss in the actual amount of coal severance taxes received, declining from \$369,123 in fiscal year 1998 to an estimated \$170,000 in the current fiscal year.

JOHN H. LOPEZ
SMITHERS, WV
COMMISSIONER

JOHN L. WITT
FAYETTEVILLE, WV
PRESIDENT

MATTHEW D. WENDER
OAK HILL, WV
COMMISSIONER

FAYETTE COUNTY COMMISSION
FAYETTEVILLE, WV 25840-0307
TELEPHONE (304) 574-4290
FAX (304) 574-4255

CHARLOTTE N. HOLLY, C.P.A.
ADMINISTRATOR

*file
w/
02/27/01
minutes*

Imperial Colliery Company
attn: William Keeney, Land Agent
HC64, Box 425
Burnwell, WV 25083

Dear Mr. Keeney:

The Fayette County Commission convening as the Board of Equalization and Review for 2001 has considered your applications for review of property assessment, copies of which are attached hereto, and has found that the valuations of the following properties in question will be changed in accordance with the recommendation of the State of West Virginia Department of Tax and Revenue, Property Tax Division, as attached hereto:

<u>MAP/PARCEL</u>	<u>REVISED ASSESSED VALUE</u>
10-03-18-0002.0000	\$21,780 land 870 coal
10-01-17-0002.0000	\$ 1,080 land 114 coal
10-01-17-0003.0000	\$ 2,040 land 210 coal
10-01-17-0004.0000	\$ 1,380 land 96 coal
10-01-6010363	\$ -0- land 600 coal

Imperial Colliery Company
February 27, 2001
Page 2

Further, your request to reduce the oil and gas assessed value to zero (\$0) on the following properties is denied:

MAP/PARCEL


17-0041-0000-0000
18-0006-0000-0000
19-0002-0000-0000

If you have any questions, please contact this office.

Sincerely yours,
Fayette County Commission as
Board of Equalization and Review


John L. Witt, President


John H. Lopez, Commissioner


Matthew D. Wender, Commissioner

cc: Jerry Knight, WV State Tax Department
Thomas E. Aiello, Assessor

Enclosure

JOHN H. LOPEZ
SMITHERS, WV
COMMISSIONER

JOHN L. WITT
FAYETTEVILLE, WV
PRESIDENT

MATTHEW D. WENDER
OAK HILL, WV
COMMISSIONER

FAYETTE COUNTY COMMISSION
FAYETTEVILLE, WV 25840-0307
TELEPHONE (304) 574-4290
FAX (304) 574-4255

CHARLOTTE N. HOLLY, C.P.A.
ADMINISTRATOR

February 27, 2001

W. R. Johnson Coal Co., LLC
Johnson Lands, LLC
Kanawha Gauley Coal & Coke Co., LLC
c/o Westlake, Inc.
attn: William Keeney, Land Agent
HC64, Box 425
Burnwell, WV 25083

Dear Mr. Keeney:

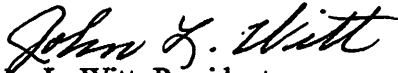
The Fayette County Commission convening as the Board of Equalization and Review for 2001 has considered your applications for review of property assessment, copies of which are attached hereto, and has found that the valuations of the following properties in question will be changed in accordance with the recommendation of the State of West Virginia Department of Tax and Revenue, Property Tax Division, as attached hereto:

<u>MAP/PARCEL</u>	<u>REVISED ASSESSED VALUE</u>
10-03-20-0003.0000	\$10,560 land 240 coal 52,231 oil & gas
10-07-5-0002.0000	\$ 3,720 land 735 coal
10-11-7-0229.0000	\$ 3,840 land

W. R. Johnson Coal Co., LLC
February 27, 2001
Page 2

If you have any questions, please contact this office.

Sincerely yours,
Fayette County Commission as
Board of Equalization and Review


John L. Witt, President


John H. Lopez, Commissioner


Matthew D. Wender, Commissioner

cc: Jerry Knight, WV State Tax Department
Thomas E. Aiello, Assessor

Enclosure

FAYETTE COUNTY COMMISSION
REGULAR SESSION
MARCH 15, 2001
COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: John L. Witt, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in regular session on this 15th day of March, 2001.

Commissioner Witt called the meeting to order at 9:36 a.m.

Exonerations were approved and signed.

The Commissioners recessed at 9:38 a.m. to unlock the ballot room for Kelvin Holliday, County Clerk.

David Pollard, County Resource Coordinator appeared before the Commission to discuss his budget for the Fiscal Year 2001-2002. Mr. Pollard informed the Commissioners that his budget would be lower this year and his mailing costs would go down. The Commissioners informed Mr. Pollard that there would be no salary increase this year.

Commissioner Wender asked Mr. Pollard for an update on the New Haven Public Service District Water Extension Project and the Comprehensive Plan Update. Mr. Pollard informed the Commissioners that with the exception of Sanger, the final inspection is scheduled for New Haven Public Service District Water Extension Project sometime next week. Mr. Pollard informed the Commissioners that he would be asking for another extension for September on the Comprehensive Plan Update. The Commissioners thanked Mr. Pollard for his support.

Commissioner Witt signed County Commission minutes for February 27, March 7, and March 12, 2001. No action taken.

Pursuant to WV Code 29-21-15, Commissioner Wender made a motion to appoint Howard Scott of Mount Hope as a member of the Public Defender Corporation to replace Clint Gallaher; Commissioner Lopez seconded. All approved; order signed.

Ms. Holly advised the Commission that checks for two election workers were in the vouchers today which were supposed to be paid directly by the Board of Education as agreed previously. The Commission agreed to pay the voucher and be reimbursed by the Board but agreed that the Board would pay all invoices directly in the future except for full-time County employees which would be reimbursed.

The Commissioners received and reviewed the lists of poll workers received from the Democratic and Republican Executive Committees for the Special School Bond Election being held May 5, 2001. Order signed.

Ms. Holly informed the Commissioners that Paul McGraw no longer wished to serve as an Emergency Absentee Voting Commissioner. Ms. Holly informed the Commissioners that William "Bill" McGraw has agreed to serve; the Executive Committee approved. The Commissioners approved order and signed.

The Commissioners approved the Polling Places for the May 5, 2001 Special School Bond Election including moving the location from the cafeteria to the first grade classroom at Precinct 10 (Catholic Center) due to the Spring Festival being held on that day.

Paul Blake, Jr., Prosecuting Attorney, appeared before the Commission to discuss his budget for the Fiscal Year 2001-2002. Mr. Blake thanked the Commissioners for the carpet installed in his office building.

Mr. Blake informed per special meeting with the Commission on March 12, 2001 regarding curtailing expenses that he can run the office on the amount appropriated in last Fiscal Year 2000-2001 budget. Mr. Blake informed the Commissioners that legislation is adding five new duties for his office, discussed the Regional Jail fees, asked the Commissioners in the future about giving employees raises and filling the position of investigator. The Commissioners thanked Mr. Blake for his cooperation and support.

Commissioner Wender asked Mr. Blake to send a list of legislative changes and asked him about the Home Confinement Program. Mr. Blake informed he would send a list of the changes and informed the Commissioners they are using the Home Confinement Program more, and it saves the county and state a tremendous amount of money.

Patty Cook, West Virginia University Extension Agent appeared before the Commission to discuss the Extension Office budget for the Fiscal Year 2001-2002. Ms. Cook informed the Commissioners that there is a decrease in the secretary's salary since that employee's husband carries PEIA. Ms. Cook asked to increase mileage and presented a bid for \$2,500 for a reconditioned copier. Ms. Cook informed the Commissioners that they would be working with a Nutritional Program and they would need a place to store food. Commissioner Witt asked Ms. Cook if she would work with the food pantry. Ms. Cook informed the Commissioners that she would be asking the Fayette County Board of Education if they had a place to store food.

Ms. Cook requested matching funding for the Energy Express Program (\$7,740).

The Commissioners informed Ms. Cook there would be no increase

in salary but they would take her request under advisement and get back with her.

The Commissioners called a public hearing to order; the purpose of the public hearing is to review public comment on the cable television rate increase to be effective May 1, 2001 proposed by Charter Communications.

Michael Kelemen, Director, Jerry Strasser, Director of Operations (Shrewsbury), Ken Gaphart, Brenda McNutt, and Fred Wood, Operations Manager, Oak Hill office were present to answer any comments.

Commissioner Witt requested that Channel 8 (Charleston station) be put back on the cable system. Mr. Keleman informed the Commissioners they are in the process of finalizing an agreement and hopefully it would be signed by next week.

Commissioner Wender questioned about the Hometown Production station. Mr. Keleman informed they are in the process of working things out with Mr. Bob Workman.

No one appeared and no comments were received from the public regarding the rate increase. The Commissioners informed the rates are reasonable with Federal Communications Commission guidelines. Commissioner Wender moved to approve the rate increase; Commissioner Lopez seconded. Unanimous.

Payroll and invoices were approved for payment.

Earl Pauley, Park Superintendent, appeared before the Commission to discuss the park budget for the Fiscal Year 2001-2002.

The Commissioners informed Mr. Pauley of the decrease in revenues, informed him that there would be no salary increases, and asked that he keep overtime and expenditures down for this Fiscal

Year. The Commissioners thanked Earl for his support and asked him to install guardrails on the bridge at the Animal Shelter as soon as possible.

Thelma Kincaid, Circuit Clerk, appeared before the Commission to discuss her budget for the Fiscal Year 2001-2002. Ms. Kincaid asked for salary increases for her employees. Ms. Kincaid informed the Commissioners since the special hearing was held regarding curtailing expenses, she would maintain the same budget as last year. Commissioner Witt asked Ms. Kincaid about the Circuit Express. Ms. Kincaid informed she did not know what kind of impact this would have on her office. Commissioner Witt suggested putting on hold. The Commissioners thanked Ms. Kincaid for her cooperation and asked for her continued support.

The Commissioners recessed for lunch.

Upon reconvening from lunch at 1:10 p.m., Tom Aiello, Assessor, appeared before the Commissioners to discuss his budget for the Fiscal Year 2001-2002. Mr. Aiello informed the Commissioners his request is for a \$100 across the board raise for his employees but in lieu of the shortage in revenues he would maintain the same budget as last year. Mr. Aiello did inform the Commissioners he did ask for an increase in his travel and training and education expenses. The Commissioners thanked Mr. Aiello for his cooperation and asked for his continued support.

Bill Laird, Sheriff, appeared before the Commissioners to discuss his budget for the Fiscal Year 2001-2002. Mr. Laird presented to the Commissioners a copy of a memorandum he sent to all Sheriff's Department Personnel regarding expenditure reductions.

Mr. Laird presented to the Commissioners a lengthy but thorough

presentation of his budget for the Fiscal Year 2001-2002. Mr. Laird informed the Commissioners that he included in his budget improvement request to continue the Hepatis B vaccination, pay equalization, longevity pay, increase the uniform allowance, five vehicles, replacement of older radios, and increase in training and education budgets. The Commissioners thanked Mr. Laird for his cooperation and asked for his continued support.

Patty Adkins appeared before the Commissioners to see if they had made a decision regarding the Fayette County Animal Shelter proposal they presented.

Commissioner Lopez informed that because of the shortage in revenue funds for this Fiscal Year, he felt that no decision should be made until they have reviewed the Elected Officials budget requests. Commissioner Wender disagreed.

Commissioner Wender presented to the Commissioners a comparison of the monthly operations of the Animal Shelter with C-PAC figures and Peggy Bennett.

Commissioner Wender presented his comments and a motion to the Commissioners regarding the Animal Shelter (See attached). Commissioner Lopez stated that he could not second the motion because he felt that the County could operate the shelter and save money.

Tom Aiello, Assessor, informed the Commissioners he felt the elected constitutional officials budgets should be considered before entering into a contract with C-PAC.

After a brief discussion, Commissioner Wender made a motion to enter into a contract with the C-PAC organization to operate the animal shelter; the effective date of that contract shall be April 15, 2001. Commissioner Witt seconded. Commissioners Witt and Wender

voted aye; Commissioner Lopez did not vote.

Patty Adkins thanked the Commissioners and asked if they would approve for two people from the C-PAC organization to attend the National Law Enforcement Euthanasia class being held April 27-29. Commissioner Wender made motion to approve to pay the costs for two individuals to attend the training; Commissioner Witt seconded. Commissioners Witt and Wender voted aye.

Commissioner Lopez questioned about the C-PAC Spay and Neutering Contribution.

Patty Adkins informed that for any present employee working at the shelter who would like to apply for a position that C-PAC has no problem in accepting their application.

The Commissioners approved holding a special meeting to discuss the budget on Wednesday, March 21, 2001 at 10:00 a.m.

The Commissioners signed a letter to Charter Communications opposing discontinuing the local community broadcast programming of Hometown Productions.

The Commissioners signed a letter to Earl Pauley, Fayette County Park and County Garage, Peggy Bennett, Shelter Manager, David Neal, E911 Director, Steve Cruikshank, OES Director, James Perdue, Courthouse Maintenance, Tim Richardson, Zoning Officer, and Dave Pollard, County Resource Coordinator regarding the Commission's resolution to freeze all expenditures for capital improvements and equipment and hiring except temporary summer help for the operation of the Fayette County Park.

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

Comments on Animal Shelter

We have had frequent discussions regarding the operation of the County Animal Shelter since the beginning of my term in January. I am sure there were frequent conversations prior to January. In an effort to determine if there was interest from an outside agency to operate the shelter we advertised for proposals...not bids. We were all aware that the only likely outside group that would have an interest was the C-Pac organization. That group is the only county organization for the sole purpose of animal well-being. We are now at a point where there is nothing to be gained by delaying a decision. I believe there are two primary criteria that we should use in this evaluation.

- What are the financial costs to the county under each option?
- Which organization is able to provide the county with the most effectively and efficiently operated facility?

Under the first criteria we have compared budget estimates, however we must keep in mind that both parties have submitted cost estimates without the benefit of sufficient historical cost data. Given the closeness of the two budget estimates county will not realize a significant savings by choosing one proposal over the other.

Under the second criteria we must determine which organization is most committed to animal welfare. Which group is most likely to avail themselves of the training necessary to handle injured or viscous animals? Which group will strive the hardest to operate a disease free facility? Which organization will make every effort to have a successful pet adoption program? Running an animal shelter has to be one of the most emotionally wrenching jobs that exist. I feel strongly that to effectively run an animal shelter you must have a passion for the welfare of animals and a willingness to give freely of one's time. It must be pointed out that there is no personal financial gain for the members of the C-Pac organization. It is generally recognized that the two best animal shelters in West Virginia are in Raleigh and Kanawha Counties, both of which are operated by animal welfare groups. For all of the above reasons I move that:

We enter into a contract with the C-Pac organization to operate the animal shelter. The effective date of that contract shall be April 15, 2001. That contract will acknowledge that C-Pac will hire a staff under its non-profit corporate charter. Along with the County Dog Warden, C-Pac will have use of the county animal shelter vehicles. The county will provide regular maintenance on the facility and vehicles. All equipment owned by the county will continue to be owned by the county but will be turned over for the use of C-Pac. Funding shall be on a month-to-month basis with payment for services to be made at the beginning of each period. C-Pac will be required to furnish the Commission a monthly financial report consisting of an income statement and a balance sheet in conformity with Generally Accepted Accounting Principles. C-Pac will also provide the commission with a status report indicating the number of animal cruelty cases, the number of animals picked up, the number of animals reclaimed and adopted. This contract shall be for an initial period of one year, however for any reason either party can withdraw from the agreement with a sixty day written notice.

month of February.

The Commissioners approved the request of George Gannon with the Fayette Tribune to receive a copy of each Elected Officials budget request for Fiscal Year 2001-2002.

The Commissioners asked Ms. Holly to hold camp letters for the Fayette County Park until the next meeting.

Kelvin Holliday, County Clerk appeared before the Commission to discuss his budget for the Fiscal Year 2001-2002. Mr. Holliday informed the Commission he would maintain last year's budget. The Commissioners thanked Mr. Holliday for his cooperation and asked for his continued support.

David Neal, E911 Director, appeared before the Commissioners to discuss the E911 budget for the Fiscal Year 2001-2002. Mr. Neal informed the Commissioners of the need for 3 people per shift to work the Communication Center.

When discussing the figures for the 9-1-1 budget, Commissioner Wender informed the figures he had were not the same. After a brief discussion, Commissioner Lopez suggested to Mr. Neal to come back on Wednesday to discuss.

Commissioner Witt informed Mr. Neal he was doing a good job.

The Commissioners received and reviewed from Dave Pollard, County Resource Coordinator, guidelines for facilities siting implementation and informal dispute resolution agreed to by the Federal Communications Commission's Local and State Government Advisory Committee.

The meeting was adjourned at 3:58 p.m. The next scheduled meeting is March 21, 2001 at 10:00 a.m.



FAYETTE COUNTY COMMISSION
SPECIAL SESSION
MARCH 21, 2001
COURTHOUSE
FAYETTEVILLE, WV 25840
MEMBERS Present: John L. Witt, Matthew D. Wender

The Fayette County Commission met in a special session on this 21st day of March, 2001 to discuss the budget for the Fiscal Year 2001-2002.

Commissioner Witt called the meeting to order at 10:30 a.m.

Exonerations were approved and signed.

David Neal, E911 Director, appeared before the Commissioners to continue discussing the E911 budget for the Fiscal Year 2001-2002.

Mr. Neal presented to the Commissioners a presentation of his budget and informed the Commissioners that he included nine full-time employees and five full-time supervisors (currently staffed at 8 and 5). Mr. Neal informed the Commissioners that this extra worker would reduce the overtime.

Commissioner Wender discussed reducing the telephone line item and reducing the full time employees to eight.

Discussion was held, the Commissioners decided to leave the E911 budget as currently staffed but agreed to review after the actual June 30, 2001 fund balance is determined. Ms. Holly asked Mr. Neal if a second generator was needed. Mr. Neal informed yes.

Ms. Holly informed the Commissioners that the Courthouse telephone system needed to be replaced by December 31, 2001 and that she received a proposal in December, 1999.

Ms. Holly informed the Commissioners she has not plugged any figures in for the Excess Levy special election and has not projected

anything for cruisers.

Commissioner Witt informed he felt the County could purchase no more than two cruisers.

Commissioner Wender suggested transferring the staff vehicle to the Sheriff's Department. Commissioner Witt disagreed.

Discussion was held regarding talking with Tom Aiello, Assessor about getting one of his used vehicles to be used as their staff car.

Ms. Holly informed the Commissioners she did plug in the cost of the Regional Jail at the amount calculated by the Sheriff.

Ms. Holly informed the Commissioner that there is no capital outlay projected in the General Fund, but \$50,000 capital outlay is under the Coal Severance Fund; also, she had eliminated the two vacancies under the courthouse maintenance as previously agreed by the Commission. Ms. Holly informed the Commissioners they still would have to add the Dog Warden's salary and benefits and monthly expenses for the Animal Shelter.

After a lengthy discussion, the Commissioners decided to go through all accounts and budgets to see where they could cut and adjust funds.

Commissioner Witt informed the Commissioners that he had received a call from Floyd McKnight regarding dogs in the Beards Fork area. Commissioner Witt informed the Commissioners that he had asked Earl Pauley if he would go down and pick up dogs. The Commissioners approved.

The Commissioners called a special budget meeting for Saturday, March 24, 2001 at 10:00 a.m.



FAYETTE COUNTY COMMISSION
SPECIAL SESSION
MARCH 24, 2001
COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: John L. Witt, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in special session on this 24th day of March, 2001 to discuss the budget for Fiscal Year 2001-2002.

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

Paul Blake, Prosecuting Attorney, Thomas Aiello, Assessor, William Laird, Sheriff, and Thelma Kincaid, Circuit Clerk were in attendance.

Commissioner Lopez informed the Commissioners that he told the Elected Officials of the changes that had been discussed on March 21, 2001.

Paul Blake informed the Commissioners that in the last couple of nights due to the rumors of cutting the Elected Officials' budgets he had not slept.

Mr. Blake told the Commissioners that on Monday, March 12, 2001, the Commission asked the Elected Officials to appear to explain the budget situation and after several discussions with each elected official you, the Commission, assured us that if we supported your request to put a freeze on all expenditures for capital improvements, equipment and overtime for this fiscal year 2001-2002 we could run the office on the amount appropriated in last year's fiscal year budget 2000-2001.

Mr. Blake informed the Commissioners that after he left with the assurance that he would be able to use last years budget he had talked with his employees and informed them of the budget situation.

Mr. Blake informed the Commissioners that he is here today to

get the assurance from the Commission that their budgets would not be cut.

Commissioner Witt informed the Elected Officials that he finds it disturbing, we haven't even finished the budget yet.

Mr. Blake informed the Commissioners that all they wanted to hear is that their budgets for this year will be the same as last year.

Commissioner Wender informed he didn't think he could assure this.

The Commissioners asked Ms. Holly when all the budget revisions have to be in.

Ms. Holly informed the Commissioners and the Elected Officials that the Coal Severance Fund revisions would have to be in by July 15th, the General County Fund would have to be in by the end of July.

Commissioner Witt informed everyone that he knows more about the budget than he's ever known since talking with Ms. Holly and Commissioner Wender. Commissioner Witt informed that overtime and part-time help is killing the budget.

Sheriff William Laird informed the Commissioners he feels the responsibilities of his office is important to the county but he is willing to work to reduce the current expenditures.

Commissioner Lopez informed the Commissioners that the Elected Officials want to leave here with the assurance that their budgets will be the same.

Commissioner Wender suggested being more aggressive in going after dog tax and personal property tax.

Commissioner Witt asked Tom Aiello about the mineral taxes. Mr. Aiello informed that he and Drema were still talking and they will

meet with Scot Burgess to discuss.

After a brief discussion, Commissioner Witt informed the Elected Officials he thinks based on what took place on March 12, 2001 he was in favor of operating with last years budget. All of the Elected Officials present acknowledged that each official would control expenditures to bring the current year's budget in at an amount less than the budgeted amount for his office.

Tom Aiello informed the Commissioners that what hurt the county was the high increase for the per diem for the Regional Jail.

Discussion was held regarding proposed legislation imposing a recreation and amusement tax.

Paul Blake suggested that the Commission draft a letter to the Senate Finance Committee regarding Senate Bill 45 (Recreation & Amusement Tax) for each Elected Official to sign.

Tom Aiello asked each Elected Official to write a letter in support of appointing Jim Lagos to the Regional Engineer.

The Commissioners and Elected Officials discussed meeting once a month.

Commissioner Wender approved leaving Elected Officials' budgets the same as last year but suggested to the Elected Officials to submit a lower budget next year.

Tom Aiello suggested to the Commissioners to consider increasing park fees.

Commissioner Lopez suggested checking swimming fees.

Commissioner Wender asked the Commissioners to look at their overtime, part-time and other expenditures and let the voters know that they are dealing with the decrease in revenue. Commissioner Wender suggested drafting a press release.


Ms. Holly suggested to the Commissioners to budget the increase for Regional Fees under contingencies to be used only if needed; approved.

The Commissioners reviewed and discussed contributions to outside agencies.

The Sheriff stated he would reimburse the General Fund from the Concealed Weapons Fund for Law Enforcement supplies and materials in the amount of \$10,205 for Fiscal year 2002, if expended.

Commissioner Witt and Commissioner Wender approved paying Jackie Hickman overtime for today.

The meeting was adjourned at 1:00 p.m. The next scheduled meeting is March 27, 2001.



FAYETTE COUNTY COMMISSION

REGULAR SESSION

MARCH 27, 2001

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: John L. Witt, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in regular session on this 27th day of March, 2001.

Commissioner Witt called the meeting to order at 7:00 p.m.

Ms. Holly presented to the Commissioners minutes of February 27 and March 7th, 12th and 15th for approval. Commissioner Lopez made a motion to approve. Commissioner Wender made motion to approve February 27th minutes but needed to add to the minutes they reconvened as Board of Equalization and Review on page 3 and on page 4 needed to add: the Commissioners reconvened for regular County Commission meeting. Commissioner Lopez seconded. All approved.

Commissioner Wender made a motion to approve March 7th County Commission minutes. Commissioner Lopez seconded; unanimous.

Commissioner Wender informed he had not read minutes of March 12th and March 15th. Commissioner Witt suggested waiting until later in the meeting to approve.

Commissioner Witt called the Zoning meeting to order.

Tim Richardson, Zoning Officer presented the first case for disposition: Z-486-01-1: Request of David W. Ross, contract owner, for a change in land classification from RR (Rural Residential) to B-1 (Neighborhood Business District) on 4.57 acres, surf Turnpike, (Log Mart, Inc. property) Route 60 near Route 19 Intersection, New Haven District.

Mr. Richardson told the Commission, the Planning Commission at their March 26, 2001 meeting had tabled the request, but explained

what the Commission had discussed through it's parliamentarian, Leon Cooper, a definition of B-1 versus B-2 had been discussed during the request and had been left unclear of the difference, B-1 was for packaged sale of ABC products, and B-2 was the consumption of alcoholic beverages on the premises. After the meeting, this was clarified by Mr. Cooper with several board members present and it was discussed how they could rectify their action as to not delay this request. Mr. Cooper stated, he would as parliamentarian, poll the membership, as per proper procedure to number one rescind the action to table the request. If a majority ruled on this action then he would poll members on the recommendation, the polling resulted in an affirmative result 6-1, the results of the polling on the original request was 6 members in favor of the request to rezone to B-1. Therefore this is the recommendation of the Planning Commission to approve the request of B-1 zoning change. President Witt asked Tom Steele, Assistant Prosecuting Attorney if this was proper to do, he stated as parliamentarian, Mr. Cooper's advice seemed proper, as for the zoning clarification of B-1 versus B-2, Mr. Richardson's information on past practice of this board was the only practical method of resolving the issue, since the ordinance as it is presently written is very vague, Mr. Steel acknowledged this action would be proper.

On a motion made by Commissioner Lopez and seconded by Commissioner Wender, the Commission approved the change in land classification on a 3-0 vote.

Mr. Richardson presented an amendment to the current zoning ordinance.

Amendment and reenactment of Article IV, Section 1402"Height

Exceptions", deletion of existing wording in reference to public utilities, structures, radio, and television transmission towers.

Adding Section 1423 "Tower Ordinance".

Amendment of Article XV, Section 1501, "Improvement Location Permits" (Building Permits), addition of Subsection 2c, number 3, application fees to be paid for the erection of towers, replacement towers, extension of existing towers, alternative antennae support structures, antennae installed on a structure other than a tower, and co-locations on existing towers or alternative antennae support structures. Fees to be paid to the Zoning Administrator shall be \$500.00 for an application fee. In addition, a \$2000.00 permit fee is required for all new towers, replacement towers, extension of existing towers, and alternative antennae support structures.

Mr. Richardson told the Commission that the Planning Commission recommended by a vote of 10-0, to adopt the ordinance as presented, with 3 language changes which had been recommended by the tower industry in their discussions in the Planning Commission meeting. Mr. Richardson pointed out the changes to the Commission, Section V, subsection C, add the word existing before habitial, Section V, subsection E, add the words Air Miles to define the radius, and Section V subsection M3, add the word maintain to read as construct and maintain. Members from the industry spoke in favor of the ordinance, with the 3 language changes, Ms. Marcy Aber, and Mr. Ed Given, representing Crown Communications, stating that it was a good document to work with.

On a motion made by Commissioner Lopez and seconded by Commissioner Wender, the Commissioners approved the adoption of the recommended zoning ordinance amendments.

Ken Roop appeared before the Commission to discuss conflicts he was having with the Gauley River Fire Department.

Commissioner Witt asked Tim Richardson what the Oak Hill Fire Department did in situations like this.

Mr. Richardson informed the Commission that they have By-laws and that their By-laws were binding documents. If they can't satisfy the person complaining they would go to court.

Ray Phillips, President of the Gauley River Fire Department Board informed that they started in June trying to rewrite the By-laws and he informed the Commission they were trying to do so in a timely manner.

Commissioner Witt informed that this problem needs to be resolved, it's talked about all over the county.

Mr. Roop informed he had voiced his concerns with the Gauley River Fire Department but it was received on deaf ears. Mr. Roop informed the Commission that the Gauley River Fire Department By-laws are violated. Mr. Roop told the Commissioners that Gauley River Fire Department was told by Attorney Larry Losch that their By-Laws are binding. Mr. Roop informed he did not understand how they are binding.

Steve Cruikshank, OES Director, informed the Commissioners that the By-Laws were written a while back they are vague and you cannot interpret.

Mr. Cruikshank informed the Commissioners that Gauley River Fire Department has met the requirements for the County Fire Levy, and the Fire Marshall says they have met the State's requirements.

Mr. Cruikshank told the Commissioners that the issues Mr. Roop is saying that Gauley River Fire Department does not meet State

requirements. Mr. Cruikshank informed the Commissioners that the State has no standing regarding By-laws. Mr. Cruikshank did tell the Commission that the By-laws needed to be rewritten. Mr. Cruikshank informed the Commissioners that each Fire Department has different By-laws.

Commissioner Witt asked Mr. Roop to give an example of what the problem is.

Mr. Roop told the Commissioners that the chief was appointed by an officer and in the By-Laws it states that an officer be voted on by the membership.

Mr. Cruikshank informed that the chief was appointed to fill a vacancy.

Mr. Roop informed the Commissioners that an amendment passed in 1994 to the By-laws states different.

Mr. Roop informed the Commissioners that the Assistant Chief has not met qualifications; three firemen moved out of the run area and the By-laws state they have to live in the area; he's not allowed to attend any of the meetings.

After a lengthy discussion, Commissioner Wender suggested appointing a committee to try and resolve the problem. The Commissioners appointed Steve Cruikshank, Tim Hannah, Tim Richardson, and Mike Fox, members of the Fayette County Firefighters Association.

Steve Cruikshank asked for clarification of whether or not the spending freeze applied to the Fire Levy funds; the Commission said no.

Tammy Barr with the Retired and Senior Volunteer Program (RSVP) appeared before the Commission to request \$1,000 funding for the fiscal year 2001-2002. Ms. Barr presented to the Commissioners an

information pamphlet of the program. The Commissioners informed Ms. Barr they will take her request under consideration and will review funds after July.

Commissioner Witt questioned invoice to Electronic Specialty Company for the Memorial Building Sound System. Commissioner Witt suggested to Ms. Holly to call Larry Coleman, Fayette County Board of Education Superintendent regarding their half.

Discussion was held regarding payment of bills for the Special School Bond Election.

Ms. Holly informed the Commissioners that in 1993 when the Board had their election everything was paid directly from the Board.

Kelvin Holliday, County Clerk informed the Commissioners he would have problems getting workers if not paid.

Commissioner Lopez suggested delegating Ms. Holly to get matter ironed out.

Ms. Holly informed the Commissioners she thought everything was ironed out and that on February 20 the Board agreed to directly pay all invoices including workers except full-time county employees which would be reimbursed.

Commissioner Lopez and Commissioner Wender suggested Charlotte meet with Larry Coleman and Kelvin Holliday and work out.

The Commissioners approved billing the Fayette County Board of Education for their 50/50 share of the cost of the sound system for the Memorial Building.

Commissioner Witt suggested addressing who's responsible for naming of the roads.

Commissioner Lopez informed he thought the Commission had already addressed this matter.

Commissioner Witt feels that the Commission is responsible for naming roads in cooperation with the 911 and does not like the idea that the Department of Highways is initiating name changes; he feels it should originate from the County Commission. Commissioner Witt informed it should be left up to Steve Cruikshank and the Postal Service.

Commissioner Wender suggested writing a letter to the Division of Highways in Lewisburg.

Harold Bragg asked who has the authority, two different entities, need to be made clear.

Commissioner Witt informed the Commission that he would check into who's responsibility it is and then have Ms. Holly to draft a letter if needed.

Commissioner Witt informed he felt the Fayette County Commission needs to be a part of since the Commission receives the complaints.

Mr. Bragg stated that the Constitution of West Virginia states who's responsible. Commissioner Witt informed it has changed.

Ms. Holly informed the Commissioners that the Budget for Fiscal Year 2001-2002 is prepared in accordance with the March 24 meeting. Commissioner Lopez offered a motion to accept and adopt the Budget for Fiscal Year 2001-2002 as presented; Commissioner Wender seconded. Unanimous.

Commissioner Wender prepared a Press Release to let the citizens be aware of the need to reduce county expenditures and requested it be inserted in the minutes.

Commissioner Witt informed the Commissioners he received a fax from the County Commissioners Association of West Virginia asking that the Commission endorse the Regional Jail Per Diem Relief bill.

JOHN H. LOPEZ
SMITHERS, WV
COMMISSIONER

JOHN L. WITT
FAYETTEVILLE, WV
PRESIDENT

MATTHEW D. WENDER
OAK HILL, WV
COMMISSIONER

FAYETTE COUNTY COMMISSION
FAYETTEVILLE, WV 25840-0307
TELEPHONE (304) 574-4290
FAX (304) 574-4255

CHARLOTTE N. HOLLY, C.P.A.
ADMINISTRATOR

P R E S S R E L E A S E

From: The Fayette County Commission

Date: March 27, 2001

The Fayette County Commission at its regular meeting approved the County's budget for the fiscal year July 1, 2001 to June 30, 2002.

All elected county office holders as well as all department heads are aware of the need to reduce county expenditures to an amount not exceeding the level of revenues. This year's budget represents a reduction in expenditure toward that goal. However, without causing serious reductions to county services, this budget is a first step toward balancing fiscal year expenditures with fiscal year revenues. Based on anticipated revenues, we see this as an effort that will require reductions in expenditures not only this year but for fiscal year 2002-2003 as well.

The budget for the upcoming year represents significant reductions in certain areas, however, there are several expenditures required this year that were not in the previous budget, among those would be replacement of the phone system in the courthouse and legislative unfunded mandates such as the increase in the regional jail fees, and increases in the county's PEIA contribution.

The budget for the general fund for the coming fiscal year is \$5,140,852. This compares to \$ 5,750,843 for the current fiscal year. It should be noted that expenditures from the General Fund for the coming fiscal year are projected to exceed revenues by an estimated \$300,000 if the budget allocated to each department is fully used. This estimate is based on conservatively projecting revenues.

Elected County Officials have pledged their effort to reduce actual expenditures for the balance of the current year as well as a concerted effort to monitor every cost and make reductions where possible resulting in actual expenditures for the fiscal year 2001-2002 being less than those proposed in this budget. Additional sources of revenue will be explored. In addition, the Sheriff, Assessor and Prosecuting Attorney, in cooperation with the Commission, will make a concerted effort to collect all possible revenues due the county.

Commissioner Witt asked Ms. Holly to send a letter of support to each member of the Legislative Judiciary Committees.

Commissioner Lopez informed the Commissioners they need to come up with a draft of a list of repairs for request for the Legislative Digest.

Commissioner Witt informed the Commissioners he would like to go ahead with getting the doors for the Courthouse.

Ms. Holly informed the Commissioners that since this was included in the Court Security Grant application the grant request may or may not be approved.

Ms. Holly informed the Commissioners that Sheriff Bill Laird would probably have a response within 60 days to the Court Security Grant application.

The Commissioners agreed to ask Fayette Awning to hold the price for ninety days and explain why. Commissioner Witt informed he's not sure Fayette Awning will hold.

Ms. Holly discussed with the Commissioners Senate Bill 45 (Recreation and Amusement Tax). The Commissioners reviewed and signed a letter prepared by Paul Blake, Prosecuting Attorney for the Elected Officials (all signing) to the Senate Finance Committee asking for their assistance in scheduling Senate Bill 45 for their consideration. Mr. Blake suggested that Commissioner Witt ask Bill Baker, Raleigh County Commissioner, and Tom Blankenship, Nicholas County Commissioner to send a similar letter.

The Commissioners signed a letter to the West Virginia Development Office requesting installment payment number three in the amount of \$5,000 for Caring Hands, Inc., Grant #01-315.

Mike Fox appeared before the Commissioners with a verbal request

to use the Courthouse parking lot for the Heritage Festival car show the weekend of July 1st. The Commissioners 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 April.

Commissioner Witt questioned Sheriff Laird about leasing vs. buying cruisers for Law Enforcement.

Sheriff Laird informed the Commissioners that he has problems with questions of cash flow and multiple leases over multiple years. Sheriff Laird informed he would get information to Ms. Holly.

Commissioner Witt informed if next year's levy passes, the Sheriff should consider leasing.

Sheriff Laird informed he would explore.

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 Commissioners she received a request for a contribution for fiscal year 2001-2002 from the Beards Fork Community Center.

The Commissioners signed agreement to sponsor Gauneka-Ruritans Community Center for the Benedum Foundation.

The Commissioners received and reviewed letter from Charter Communications informing of rate changes effective May 1, 2001.

The Commissioners signed camp letters for the Fayette County Park to the Fayette County 4-H Club, Mountain View Church of God, Christ Fellowship, and Camp Kismet. The Commissioners approved same fees as last year (\$650) except for Camp Kismet (\$300).

Commissioner Witt asked Ms. Holly to get with Ken Eskew to

request that the Jail Museum submit a legislative digest request to repair the roof on the jail.

Commissioner Witt informed the Commissioners he needed to get with Larry Coleman, Superintendent, Fayette County Board of Education to discuss the neglect to the Memorial Building. Commissioner Witt suggested asking the Board to have maintenance for the building during the summer months. Commissioner Wender informed the Commissioners that the Commission is only responsible for repairs to the roof.

The Commissioners discussed several projects for the Legislative Digest. The Commission asked Ms. Holly to contact Larry Coleman to have the Board request funding for repairs to the Memorial Building.

Discussion was held regarding the lease agreement for the Jail Museum. The Commissioners discussed whether or not to include reimbursement for utilities or leaving it out. The Commissioners approved to take reimbursement for utilities out of the lease.

Commissioner Wender asked that Commissioner Witt talk with Earl Pauley, Park Superintendent to see if he may have any requests for the Legislative Digest Fund.

Ms. Holly informed the Commissioners that the term of Shirley Love as a member of the Board of Health expires on June 30, 2001 and the Board asked that he be reappointed. Action delayed until June.

The Commissioners received and reviewed request from Southern Appalachian Labor of School for the drawdown for \$15,000 for the workcamp.

The Commissioners received and reviewed a check in the amount of \$9,159.89 from the Division of Criminal Justice Services for the Court Security Grant.

The Commissioners received and reviewed a Grant Adjustment Notice from the Division of Criminal Justice Services for expenditure approval for Court Security Grant #00-1002.

The Commissioners received and reviewed a copy of a memorandum from Sheriff Bill Laird informing the Payroll Clerk of the payroll adjustments for Sheriff Deputies Stephen Gray, Shawn Campbell, and Densel Bennett effective March 16, 2001.

The Commissioners received and reviewed several Applications for Employment. Commissioner Witt suggested they be put on file.

The Commissioners received and reviewed a letter from Sheriff Bill Laird requesting that all remaining travel through the end of the fiscal year be for law enforcement purposes only and asking that all such expenditures for travel be posted against this account only.

The Commissioners received and reviewed Workers' Compensation letters.

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

The Commissioners received and reviewed several letters of correspondence from Steptoe and Johnson regarding a lawsuit (Roger & Peggy Bryant).

The Commissioners received and reviewed a fax from Marshall Miller informing of the proposed Line Abandonment railroad. Commissioner Wender requested that a copy be forwarded to Gene Kistler.

The Commissioners approved Emergency Lighting for the Family Law Masters hearing room.

The Commissioners received and reviewed information sent to Judge John Hatcher regarding the Robert E. Kelly, Jr. Estate.

The Commissioners received and reviewed a letter from MacCorkle, Lavender and Casey informing of the settlement of \$21,500.00 regarding Vickers v. Vickers, et al lawsuit.

The Commissioners received and reviewed from the Division of Criminal Justice Services a copy of the 2000-2003 Coordinated Plan for Preventing and Reducing Juvenile Crime in West Virginia.

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

The Commissioners received and reviewed an invitation to attend an Open House at Upshur County Commission.

The Commissioners received and reviewed a Proclamation by Governor Bob Wise proclaiming April, 2001 Fair Housing Month.

The Commissioners approved polling places for the upcoming Special School Bond Election being held May 5, 2001.

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

The Commissioners received and reviewed from Keith Lyons, President Elect, West Virginia Association of Sanitarians informing of the change in the West Virginia Swimming Pool Regulations; it will require that all swimming pools in West Virginia have a certified pool operator on staff. Original forwarded to Earl Pauley, Park Superintendent.

The Commissioners received and reviewed a check in the amount of \$3,999.22 from 4-C Economic Development Authority for a local share in the Comprehensive Plan Update Grant.

The Commissioners received and reviewed a check from Verizon in the amount of \$41,733.39 for the Emergency Telephone System Fee for the month of February, 2001.

The Commissioners received and reviewed checks from Metro-Teleconnect Companies (\$125.44) and Citizens Telecommunications Company (\$60.53) for 911 fees for the month of February, 2001.

Ms. Holly asked Commissioner Witt what he was needing to know regarding Dallas Duncan's vehicle; Mr. Witt said he needed to know whether or not it had been totaled. Ms. Holly informed Commissioner Witt that she had reviewed the claim and that the vehicle was totaled by the insurance and purchased back as salvage by the County.

The Commissioners received a check from Specialty Risk Services for Bernard Forren's cruiser.

The Commissioners received and reviewed correspondence from Speciality Risk Services.

The Commissioners received and reviewed accident report on Deputy Walter Casey's cruiser.

Ms. Holly informed the Commissioners she received a call from Patty Adkins requesting that a check be written to the West Virginia Board of Veterinary Medicine for training for two euthanasia technicians for C-PAC, amount \$560.00, check was written. Commissioner Lopez asked if this would come from April allotment; Commissioner Wender informed this has already been approved.

The Commissioners received and reviewed an invitation from the Magistrate Court to attend farewell to Christy Workman on Thursday, March 29, 2001.

The Commissioners received and reviewed a letter from the Kanawha River Mining Company informing they would be continuing to perform blasting activities on Surface Permit #S-3041-91. Copy forwarded to Tim Richardson, Zoning Officer.

The Commissioners received and reviewed recall notices from Ford

Motor Company. Original forwarded to Earl Pauley, Park Superintendent.

The Commissioners received and reviewed a letter from Branch Banking and Trust Company (BB&T) regarding securities held as collateral to secure the deposits of the Fayette County Commission.

The Commissioners received and reviewed letters from Delegates David Perry, John Pino and Senator Shirley Love informing they will support legislation for the continuance of the Community and Technical College Implementation Board recommendations.

The Commissioners received and reviewed a letter from Delegate David Perry regarding a single senatorial district.

The Commissioners received and reviewed information from Senator Shirley Love regarding the West Virginia Public Port Authority.

The Commissioners received and reviewed information from Senator Shirley Love regarding Glen Jean Armed Forces Reserve Center.

The Commissioners received and reviewed a letter from Meadow River Coal Company informing they are applying for a Phase II release on Permit No. EM-7. Original forwarded to Tim Richardson, Zoning Officer.

The Commissioners received and reviewed a letter from the Committee to Commemorate the Annual Children's Memorial Flag Day informing that the National Association of Counties has joined with the Child Welfare League of America and Child Welfare Agencies across the nation to promote the fourth Friday in April, which is April 27, as Children's Memorial Flag Day.

Commissioner Witt informed the Commissioners that Judge John Hatcher suggested that the schools come up with a County Flag contest; he will meet with the Judge to discuss.

The Commissioners received and reviewed a letter from the U. S. Department of Commerce informing that in the next few weeks, Census 2000 redistricting data (Public Law 94-171) will be released.

The Commissioners received and reviewed a letter from Tom Aiello, Assessor informing that Debbie and John Miller are due a tax credit in the amount of \$920.52.

Ms. Holly informed the Commissioners she received an Application for Franchise Transfer FCC Form 394 from Charter Communication. Ms. Holly informed the Commissioners that this application was for Sophia, Raleigh County not for the Fayette County Commission per Mike Keleman. Application returned to Mr. Keleman.

The Commissioners received and reviewed a letter from Fibernet informing they will be capable of collecting Fayette County's E-911 fees from their customers located in Fayette County.

The Commissioners received and reviewed a letter from the United States Postal Service regarding the proposed New Main Post Office in Kincaid, WV 25119-9998.

Ms. Holly informed the Commissioners she received a call from the Reverend Joe Haggard, First Assembly of God requesting permission to use the courthouse lawn to have an informal Good Friday prayer service around noon for a half hour. The Commissioners approved.

Ms. Holly asked the Commissioners about the status of the dog warden for the county; Ms. Holly informed the Commissioners she received a call from Earl Pauley informing he had no one to go around to pick up dogs. Commissioner Witt informed he had talked with Mr. Pauley regarding this matter.

Commissioner Witt suggested advertising again for a Dog Warden.

Commissioner Wender asked what was needed in the advertisement

for Dog Warden. Ms. Holly informed she would have to pull out and review the ad that was run the last time. Approved.

Payroll and outstanding bills were approved. The Commissioners approved to release payroll on Friday.

Commissioner Wender made a motion to approve the purchase of the reconditioned copier for the West Virginia University Extension Office as requested; Commissioner Witt suggested checking on warranty. Commissioner Lopez seconded; all approved.

Commissioner Wender moved to approve the minutes of March 12 and March 15, 2001; Commissioner Lopez seconded. All approved.

Commissioner Witt asked for a copy of the Senate Bill 45 letter.

Ms. Holly asked permission to take Budget for Fiscal Year 2001-2002 to Charleston on March 28, 2001. This was approved.

Harold Bragg suggested to the Commissioners to advertise the County Commission meetings in bold block lettering. Commissioner Lopez suggested running advertisement in four consecutive Monday Tribune and Wednesday Montgomery Heralds for whole month of April. Approved.

The Commissioners approved to meet on Tuesday April 17th at 10:00 a.m. to lay the levy.

The Commissioners received and reviewed from the West Virginia Association of Counties information regarding NACo/ESRI Technology Foundation Grant Series.

The Commissioners signed letters to the House Judiciary Committee Chairman and members and the Senate Judiciary Committee Chairman and members regarding HB2767, SB688 & SB625, Regional Jail Per Diem Relief Legislation for Counties.

The Commissioners received and reviewed Certificates of

Insurance for Charter Communications, Inc.

The Commissioners received and reviewed year to date response statistics for the year 2000 from the 911 Center.

The Commissioners received and reviewed from Progressive an estimate and a draft in the amount of \$1,181.66 to cover the repairs to the 2000 Ford Crown Victoria (Bernard Forren's cruiser VIN #2FAFP71W2YX200883).

The Commissioners received and reviewed a notice of training calendar from the West Virginia Rural Water Association of their training classes being held in April, May, and June, 2001.

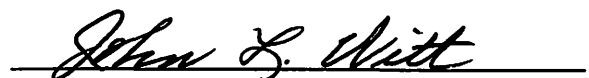
The Commissioners received and reviewed a letter from the Bank of New York regarding County of Fayette, West Virginia Solid Waste Disposal Facility Revenue Bonds (Georgia-Pacific Corporation Project), Series 1995 CUSIP:31253RAA7.

The Commissioners received and reviewed a letter from the State Emergency Response Commission regarding 2002 Hazardous Materials Emergency Planning Grants. Original forwarded to Steve Cruikshank, OES Director.

The Commissioners received and reviewed a letter from the State Tax Department informing of a summary of Fayette County Appraisal Ratio Results.

The Commissioners received and reviewed from New Land Leasing Company, Inc., CIS Review checklist.

The meeting was adjourned at 9:55 p.m. The next scheduled meeting is April 4, 2001.



FAYETTE COUNTY COMMISSION
REGULAR SESSION
MAY 9, 2001
COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: John L. Witt, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in regular session on this 9th day of May, 2001.

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

Exonerations were approved and signed.

Ms. Holly presented to the Commissioners minutes from six County Commission meetings to be approved (March 24, March 27, April 4, April 13, April 17, and April 24).

Commissioner Wender informed he had some corrections to the minutes and asked Ms. Holly to do separately.

Commissioner Wender asked to include in the minutes of March 24th: All of the Elected Officials present acknowledged that each official would control expenditures to bring the current year's budget in at an amount less than the budgeted amount for his office. After the correction to the minutes, Commissioner Witt made a motion to approve if there are no other additions or corrections. Commissioner Wender seconded. All approved.

Commissioner Wender made a motion to approve the March 27th minutes of the County Commission meeting. Commissioner Lopez seconded. All approved.

In the minutes of April 4th, Commissioner Wender asked that the names of the new members of the Fayette County Local Emergency Planning Committee be included in the minutes and asked to include in the paragraph regarding the expenses of the Board of Education for

the Special School Bond Election that each office was to tract County employees' office hours for reimbursement of regular and overtime expenses and all expenses. After the corrections, Commissioner Wender moved to approve the minutes of April 4th; Commissioner Lopez seconded. All approved.

Commissioner Wender made a motion to approve County Commission minutes of April 13th and April 17th; Commissioner Lopez seconded. All approved.

In the minutes of April 24th, Commissioner Wender informed that the Workforce Investment Board members should be Bill Loope not Bill Wooten and to include Rick Fisel. After the corrections, Commissioner Wender made a motion to approve minutes of April 24th; Commissioner Lopez seconded. All approved.

Commissioner Witt asked if the Board of Education received the bill for the sound system for the Memorial Building. Ms. Holly informed the Commissioners that she took a copy of the invoice over to the Board of Education.

Commissioner Wender asked Ms. Holly how much of the \$182,000 Coal Severance check was more than normally received due to the coal companies' reporting errors. Ms. Holly said approximately \$146,000 more than last year.

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

Commissioner Wender suggested that a letter be written to Governor Bob Wise to make him aware of the site in Glen Jean that may be used for business development.

The Commissioners signed congratulatory letters to David

Mullins, Shane Moore, Tovah Atha, Sky Gwinns, and Julie Petersen for winning the Golden Horseshoe award in Fayette County and their induction into the Golden Horseshoe Society.

The Commissioners signed an appreciation letter to Howard "Mitch" Canterbury for his 24½ years of service to Fayette County as a Deputy Sheriff.

The Commissioners signed a letter to Gary Hough informing that the Commissioners adopted an additional policy for the use of the Memorial Building by a non-school group: "A Fayette County Board of education custodian, teacher, or coach must open and lock the building and be present throughout the scheduled activity for a non-school group".

The Commissioners signed a letter to Tom Aiello, Assessor congratulating him on his recent election as president of the West Virginia Association of Counties for 2001-2002.

The Commissioners signed a letter to Southern Appalachian Labor School advising that they have approved SALS request for an appropriation for Fiscal Year 2001-2002 in the amount of \$1,500 for the Community Center in Beards Fork; funds would be available after July 1, 2001.

The Commissioners signed a letter to the West Virginia Development Office submitting the certification of project completion for Grant #01-315 for Caring Hands, Inc.

Commissioner Witt informed the Commissioners that Bud Hill, Rails to Trail Committee is seeking assistance from the County Clerk's Office in looking up deeds for locating rails in Fayette County. The Commissioners approved a waiver of the copy fee.

The Commissioners signed a letter to the West Virginia

Development Office requesting that the 1998 Small Cities Block Grant-Fayette County Commission-Comprehensive Plan Update, Grant #98SCBG0063 be extended from June 30, 2001 to October 30, 2001.

Ms. Holly presented to the Commissioners for Dave Pollard, Community Resource Coordinator, a drawdown request for payment regarding the 1998 Small Cities Block Grant-Fayette County Commission-Comprehensive Plan Update, amount \$1,419.70. Commissioner Lopez moved to adopt the Resolution and approve and authorized the payment of services; Commissioner Wender seconded. Unanimous, resolution signed.

Ms. Holly informed the Commissioners that Earl Pauley, Park Superintendent had purchased a cruiser at the West Virginia State Agency Surplus Property and was told that the County needed to submit a renewal application to Surplus Property; Mr. Pauley asked that Daniel Pauley be added to the list. Ms. Holly asked the Commissioners what names they wanted to add to the application. The Commissioners approved John L. Witt, John H. Lopez, Matthew D. Wender, Charlotte Holly, Earl Pauley, Steve Cruikshank, James Perdue, and David Neal. The Commissioners approved for Daniel Pauley be added to application.

Ms. Holly informed the Commissioners that Jim Lively came by to drop off the liability insurance renewal for the buildings and vehicles owned by the County. Ms. Holly informed the Commissioners that some of the buildings have increased in value and some have decreased in value. The Commissioners approved the list as presented.

Patty Adkins, C-PAC, appeared before the Commission to present a draft of the agreement between the Fayette County Commission and the

Citizens for the Prevention of Animal Cruelty, Inc., presented the expense report for the month of April, and the request for C-PAC's monthly allotment. The Commissioners approved the monthly allotment payment in the amount of \$12,994.00.

Ms. Adkins informed the Commissioners that she received a call from a citizen requesting help in rounding up cows that had broken out of their fence; Ms. Adkins asked if she could charge for these services. The Commissioners suggested charging \$25.00, but Commissioner Wender suggested asking the Prosecuting Attorney about the charge.

Ms. Adkins informed the Commissioners she had talked with David Neal, E911 Coordinator/Director, regarding getting a radio for the dog warden's vehicle. Ms. Adkins told the Commissioners that Mr. Neal informed her that none is available. Ms. Adkins informed the Commissioners she had talked with Dave Pollard, Community Resource Coordinator, about grants.

Commissioner Wender suggested to Ms. Adkins in doing bookkeeping to have a carry over from month to month (not to exceed \$2,000).

The Commissioners received and reviewed five applications for the Dog Warden position, but suggested asking C-PAC to recommend two applicants out of the five for a decision by the Commission on May 15, 2001.

Ms. Holly informed the Commissioners she had contacted General Ambulance three times to inquire about the surplus ambulance for C-PAC but has not received any response.

David Kincaid appeared before the Commissioners to complain about the treatment he received from C-PAC and Earl Pauley when he went to claim his dog.

The Commissioners informed Mr. Kincaid they would investigate the complaint. The Commissioners apologized and informed Mr. Kincaid of the transition at the animal shelter.

Attorney James Blankenship appeared before the Commission on behalf of William Dan Christian, Executor under the Last Will and Testament of Eva E. Christian and presented a Motion to waive the requirement of Notice to Creditors and approval of Final Statement of the Estate. The Commissioners granted and approved the waiver of Notice of Creditors and the Executor may file a final statement without publication of notice. Order signed.

Michael J. Dougherty, Extension Specialist from West Virginia University appeared before the Commission to present a draft project proposal for the Creation of Job Descriptions and the Study of Pay Scales for Fayette County. Mr. Dougherty informed the Commissioners that the estimated cost of the project would be \$7,000, and the project time frame is August 15, 2001 to December 31, 2001. Mr. Dougherty informed the Commissioners that the project would have two parts—the first is to create job descriptions for the personnel of the Fayette County Commission and the county's elected officers; the second is to establish a pay scale system based upon current wages and prevailing wages in the area and among similar localities. Mr. Dougherty informed the Commissioners that the result would be the development of a formal job classification (first-stage) and a pay scale system (second-stage) for Fayette County. Mr. Dougherty presented to the Commissioners copies of the Job Analysis Worksheet, questionnaire, and a copy of Jackson County's Final Report.

The Commissioners informed Mr. Dougherty they would review all of the material presented and let him know something by June 15th.

Ms. Holly informed the Commissioners she had talked with Kristy Wilburn, Director of Business Analysis at Marshall University, and she informed that Marshall could not complete a study for personnel classifications and pay scales at a cost that is affordable to the County without matching funds assistance. Ms. Holly informed the Commissioners that Ms. Wilburn recommended some literature and resources that may be of assistance to do the classification in house.

The Commissioners signed an order and letters designating incorporated banking institutions in the County of Fayette as depositories of Public Monies to the Fayette County National Bank, Fayette County National Bank, Oak Hill Branch, Fayette County National Bank, Ansted Branch, Bank One Beckley, WVNA (formerly Merchant & Miners National Bank), Bank of Mount Hope, Inc., Branch Banking & Trust (formerly One Valley Bank, Inc.), United National Bank (formerly Montgomery National Bank), United National Bank (formerly Bank of Ansted), United National Bank of Smithers, United National Bank (formerly First Empire Federal Bank), Merchants National Bank, Merchants National Bank (formerly Gauley National Bank).

Commissioner Wender made a motion to approve the purchase of a video ID system for the Fayette County Office of Emergency Services, cost \$1,485.04, to be paid out of the Fire Levy Fund. Commissioner Lopez seconded. All approved.

Ms. Holly informed the Commissioners of the low response she received back regarding the Courthouse picnic. Commissioner Witt and Commissioner Lopez informed that due to the lack of interest in attending a "covered dish" courthouse picnic, they voted not to

pursue the event.

Commissioner Wender suggested including the mayors to the July 15 elected official's luncheon. Approved.

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

The Commissioners received and reviewed correspondence from Steptoe & Johnson regarding the Michelle Lynn O'Dell v. Jack L. Brown & Roger Bryant lawsuits.

Ms. Holly informed the Commissioners she received an accident report involving Deputy Mark Webb's cruiser. Ms. Holly informed the Commissioners she forwarded the report to Jim Lively Insurance.

Ms. Holly informed the Commissioners that the lawsuit filed by the estate of Jonathan Skaggs was assigned to Steptoe and Johnson.

The Commissioners received and reviewed the Audit Report from Salem-Gatewood Public Service District for the seven months ended January 31, 2001.

The Commissioners approved the purchase of a list of supplies submitted by the West Virginia University Extension Office for the summer 4-H camp.

The Commissioners approved several seminars for Ms. Holly to attend.

Ms. Holly informed the Commissioners of the problem she had with the Sam's Club account; a new application had to be submitted and the problem has been corrected.

The Commissioners received and reviewed a letter from Branch Banking & Trust Company (BB&T) informing of the securities held as collateral to secure the deposits of the Fayette County Commission as of April 30, 2001.

The Commissioners received and reviewed from the County Commissioners Association of West Virginia registration forms and information regarding the National Association of Counties conference being held July 13-17, 2001.

The Commissioners received and reviewed maps from Charter Communications of their locations in the Fayette County area.

The Commissioners received and reviewed information from the West Virginia Association of Counties regarding the open enrollment for the Dental/Vision Benefit Plan. The Commissioners informed they would not be participating in the plan.

The Commissioners received and reviewed several Workers' Compensation and Unemployment claims.

The Commissioners received and reviewed a memorandum of Jane Kelly Baugh and Betty Kelly Bryce in support of their appeal to the order of the Fayette County Commission dated February 7, 2001 regarding the Estate of Robert E. Kelly, Jr.

The Commissioners received and reviewed a letter from Sheriff William Laird informing that he is going to purchase two 2001 Ford Crown Victoria Police Interceptors, cost \$20,288.00 each as approved in the budget.

The Commissioners received and reviewed a memorandum from Sheriff Bill Laird regarding the air conditioning in the Tax Office. Ms. Holly informed the Commissioners that James Perdue, Maintenance Supervisor, has taken care of problem.

The Commissioners received and reviewed a letter from the West Virginia Division of Culture and History informing that the Dr. John Hughart House was listed in the National Register of Historic Places on March 26, 2001.

The Commissioners received and reviewed franchise fees from Charter Communications covering the period from January 1, 2001 to March 31, 2001, amount \$6,278.26.

Ms. Holly informed the Commissioners of problems with the AS/400 computer used by the various offices; the system is currently operating close to the maximum capacity and would probably have to be replaced in the near future in order to avoid an overload and shut down of the system.

The Commissioners asked Ms. Holly to contact Software Systems, Inc. and ask them to send their recommendations and estimated cost for replacing the system.

The Commissioners received and reviewed a letter from SCT informing of the new GASB-34 standard and inviting the Commissioners to see the Fixed Assets application via a demonstration over the internet.

The Commissioners received and reviewed a letter from the State Tax Department informing that a clerical error involving a Tax Year 2001 non-producing coal appraisal was made.

The Commissioners received and reviewed a check from the West Virginia Development Office in the amount of \$5,000 for the Legislative Digest Grant for Caring Hands, Inc.

Outstanding bills were approved.

Ms. Holly reminded the Commissioners that the canvass is Friday; a quorum of the Commission and of the Board of Education must be present. Ms. Holly reminded the Commissioners that the canvass workers need to report at 8:00 a.m.

Commissioner Wender asked to schedule an appointment with the Prosecuting Attorney, C-Pac and Attorney Ralph Young to review and

discuss the proposed agreement with C-PAC.

The meeting was adjourned. The next scheduled meeting is May 11, 2001.

John G. Witt

FAYETTE COUNTY COMMISSION
SPECIAL SESSION
MAY 11, 2001
COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: John L. Witt, John H. Lopez, Matthew D. Wender

BOARD MEMBERS Present: Lawrence Boley, Steve Pilato, Daniel Wright,
Ray Carson, Associate Superintendent

The Fayette County Commission met in a special session on this 11th day of May, 2001 at 9:00 a.m. to conduct the canvass for the Special School Bond Election held on May 5, 2001.

Ms. Holly reminded the Commissioners and the Board members that the canvass would be certified on May 15, 2001 at 1:00 p.m. and that they would need a quorum of both the Commission and the Board to certify.

The meeting was adjourned at 11:30 a.m. The next scheduled meeting is May 15, 2001.



FAYETTE COUNTY COMMISSION
REGULAR SESSION
MAY 15, 2001
COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: John L. Witt, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in regular session on this 15th day of May, 2001.

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

Ms. Holly presented to the Commissioners the corrected minutes of March 27, April 4, and April 24, 2001 for approval.

Commissioner Wender made a motion that the minutes of March 27, April 4, and April 24 be approved; Commissioner Lopez seconded. All approved.

Paul Blake, Prosecuting Attorney appeared before the Commissioners to introduce Brian Parsons the new Assistant Prosecuting Attorney in his office, who is replacing Drew Skeens.

Commissioner Lopez questioned the challenged ballots in the Special School Bond Election; he informed that most of the challenged ballots were poll workers and feels something should be done about this. Commissioner Lopez made a motion stating that any poll worker working out of their precinct be required to vote an absentee ballot before working the day of the election and they should vote during the designated election school nights. Discussion was held; Commissioner Wender questioned if the Commission can make a voter vote before the election. Commissioner Lopez informed he would call Secretary of State Joe Manchin. Commissioner Wender suggested tabling until after Commissioner Lopez talked with the Secretary of State's Office.

Commissioner Witt informed the Commissioners he received a

letter from Region 4 Planning and Development Council (1997-2002 Comprehensive Economic Development Strategy (CEDS2001) requesting the Commission to sign a letter to the U. S. Department of Commerce, Economic Development Administration giving formal notification that the 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. Commissioner Lopez made a motion to approve signing the letter. Commissioner Wender seconded. All approved. Letter signed.

Mr. Witt asked Ms. Holly to explain the recent Ethics Opinion regarding posting notices of County Commission meetings. Ms. Holly stated that she understood that the opinion was applicable to Braxton County only and that the Fayette County Commission followed West Virginia Code 7-1-2 which requires at least 2 days notice.

Commissioner Wender asked Ms. Holly to check about adding items to the agenda fifteen minutes prior to the meeting.

The Commissioners signed a title to a 1997 Ford Crown Victoria police cruiser purchased for \$1,000 from the West Virginia State Agency for Surplus Property.

The Commissioners received and reviewed a letter from Paul Blake, Prosecuting Attorney informing that effective May 15, 2001, Brian Parsons is hired as an Assistant Prosecuting Attorney, starting salary \$30,000.00.

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

Exonerations were approved and signed.

The Commissioners approved an invoice from the Fayette County

Board of Education for the increased cost of electricity at the Memorial Building due to the E-911 Communication Center, amount \$11,204.51 from January, 1997 through December, 2000.

The Commissioners signed a memorandum to all the Elected Officials and Department Heads informing that due to the extreme low number of persons who expressed an interest in attending a "covered dish" courthouse picnic, the Commission decided not to pursue this event.

The Commissioners signed a letter to Governor Bob Wise informing that a group from Fayette County is negotiating a site for a business park with Berwind Land Company.

The Commissioners signed camp letters from the Fayette County Park to the Boy Scouts and Girls Scouts.

The Commissioners signed a new application for the West Virginia State Agency for Surplus Property.

The Commissioners received and reviewed letters from Steptoe and Johnson regarding Roger & Peggy Bryant lawsuit.

Ms. Holly informed the Commissioners that a pre-trial conference was scheduled regarding the Michelle O'Dell lawsuit and she would check on the date and time.

The Commissioners received and reviewed Workers' Compensation letters.

The Commissioners received and reviewed reimbursement in the amount of \$10,725.00 from the Fayette County Board of Education for their 50% cost for the sound system for the Memorial Building.

The Commissioners received and reviewed a check for \$64.32 from Citizens Telecommunications Company for 911 fees for the month of April.

Ms. Holly informed the Commissioners she had contacted Paul

Blake's Office and Ralph Young to schedule a meeting on May 29th at 7:00 p.m. to discuss the C-PAC contract agreement.

Commissioner Witt informed the Commissioners he feels the letter sent to Gary Hough asking that a custodian, teacher or coach to open and lock the Memorial Building should be changed. Commissioner Witt suggested changing to each outside group would have to hire the Board's custodian. Commissioner Wender asked about the lease to the Memorial Building. After a brief discussion, the Commission decided to talk with the Board members this afternoon regarding this matter.

Earl Pauley, Park Superintendent, appeared before the Commission to inform them that Ron Garrett, with the Division of Environmental Protection Agency stopped by at 4:15 yesterday. Mr. Pauley informed the Commission that Mr. Garret wanted to know tomorrow what the Commission is going to do with the site they hydro-seeded last year. Mr. Pauley informed the Commission that it needed to be redone. Commissioner Lopez suggested checking and calling Nature Greenery to see if there was some type of guarantee on the previous work. Commissioner Wender suggested asking for a 30-day extension. Commissioner Witt suggested to Earl to contact Ron Garrett to request 30 days to address the problem and to check with Nature Greenery regarding a warranty.

Sheriff Bill Laird appeared before the Commission to report to the Commissioners that the process is underway of collecting delinquent taxes. Mr. Laird also informed the Commissioners he sent letters to Tom Aiello, Assessor and Paul Blake, Prosecuting Attorney suggesting they work together in collecting the delinquent taxes.

Sheriff Laird informed the Commissioners that House Bill 511 was passed by the Legislature giving the Assessor's Office the authority to check the registration of out of state vehicles.

Sheriff Laird informed the Commissioners he would keep them informed of these matters.

Gene Kistler with Plateau Action Network appeared before the Commission to inform them that a Memorandum of Understanding has been drawn up regarding the Wolf Creek Watershed Restoration Cleanup Project and asking the Commission for their support and if they wanted to join in the Memorandum of Understanding. Commissioner Wender made a motion that the Fayette County Commission support and request that Fayette County be added as a party to the Memorandum of Understanding. Commissioner Lopez seconded. All approved.

Mr. Kistler thanked the Commissioners for their support.

Patty Adkins with C-PAC appeared before the Commission with their recommendations for Dog Warden. Ms. Adkins informed the Commissioners they recommend Barbara T. Hatcher as first choice and Patti Payne as second choice. Commissioner Lopez asked if Ms. Hatcher could handle the large animals. Ms. Adkins informed yes. The Commissioners informed Ms. Adkins that Ms. Hatcher would be on a 6-month probationary period.

Ms. Adkins presented a letter to the Commissioners regarding people wanting the shelter to pick up their pets and have them euthanized but who do not want their pets brought to the shelter to be adopted out. Ms. Adkins informed the Commissioners that with their budget they should not be responsible for this service and asked the Commission if they would make a decision regarding this matter.

Commissioner Lopez made a motion that any person calling for the shelter to pick up animals to be euthanized would have to pay \$20.00 up front for each animal to be picked up or sign a waiver that the animal becomes the property of C-PAC to do whatever necessary with

the animal, to euthanize or adopt. Commissioner Wender seconded. Unanimous.

Commissioner Lopez moved to accept the recommendation of C-PAC to hire Barbara Thompson Hatcher as the Dog Warden on a 6-month probationary basis effective May 16, 2001, salary \$15,000.00 plus benefits; Commissioner Wender seconded. Unanimous.

Discussion was held regarding radios for the Dog Warden.

Commissioner Wender made a motion to purchase an additional hand held radio for the Dog Warden unless a radio had been purchased previously or the former dog warden Bert Horrocks. Commissioner Lopez seconded. All approved.

The Commissioners asked Ms. Holly to ask Earl Pauley, former Dog Warden, if he had any Dog Warden badges.

Commissioner Wender offered a motion to enter into a contract with West Virginia University-Michael Dougherty to perform a Job Description and Study of Pay Scales for Fayette County with ½ being paid by the Assessor; Commissioner Lopez seconded. All approved.

The Commissioners signed a letter to the Bank of Mount Hope requesting they explore the opportunity to locate a branch facility in the Meadow Bridge and Danese area.

The Commissioners signed a letter to Jan Care Ambulance requesting they consider efforts to provide emergency medical services to the citizens of the Danese and Meadow Bridge areas.

Commissioner Wender made a motion to approve payroll and outstanding bills; Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from the Public Service Commission appointing David O. Wood to serve as a member of the Fayette County Solid Waste Authority for the unexpired term ending June 30, 2003 and replacing Richard Packman.

The Commissioners received a letter from Tim Richardson, Zoning Officer regarding the new tower ordinance (Article XIV, section 1423). Mr. Richardson informed the Commissioners that the Board of Zoning Appeals had heard two applications from Crown Communications requesting permit to build two communication towers in Fayette County. After the approval the Board was concerned that the \$25,000 surety bond is not sufficient and requesting that the Commission amend the ordinance to require a bond or irrevocable letter of credit for \$100,000.00 for the removal of a tower if necessary.

Commissioner Wender made a motion to amend the surety bond or irrevocable letter of credit (Section V, I, 10) to require a bond or irrevocable letter of credit for \$100,000.00 for the removal of a tower if necessary to be retroactive to include the first two towers approved on May 7, 2001. Commissioner Lopez seconded. All approved. Ms. Holly stated that she thought the amendment would have to be advertised for a public hearing since it was an amendment to the Zoning ordinance. The Commission agreed to proceed with whatever action was necessary to amend the ordinance.

The Commissioners received and reviewed a letter from Judge John Hatcher asking that if the Commission installs a new telephone system he would like the opportunity to discuss the phone system with the appropriate person or persons prior to the installation of the system in the probation department.

Kelvin Holliday, County Clerk, appeared before the Commission to request an additional copier for his office. Mr. Holliday informed the Commissioners he would gladly give what is left out of his budget toward the purchase of a new one. Commissioner Wender made a motion to purchase a copier but not to exceed \$6,500. Commissioner Lopez seconded. All approved. Ms. Holly was directed to get prices for a

copier.

The Commissioners received and reviewed a copy of a letter to Jeffrey Phillips, Steptoe and Johnson, from Sheriff William Laird informing that by fax notification he had been advised that Steptoe and Johnson have been authorized to handle the defense in the Wesley Skaggs lawsuit.

The Commissioners signed a letter to Kelvin Holliday, County Clerk informing that effective May 16, 2001, the annual salary to be paid to Barbara Thompson Hatcher, Fayette County Dog Warden, shall be \$15,000 plus benefits to be paid from the General County Fund. Ms. Hatcher has been hired on a 6-month probationary basis.

The Commissioners received and reviewed a letter from Specialty Risk Services requesting that Mark Webb complete a driver's supplemental report regarding his accident on April 29, 2001.

The Commissioners received and reviewed the Annual Report form to the Elected Officials.

The Commissioner recessed for lunch until 1:00 p.m.

Upon reconvening, the Commissioners and Board members discussed requiring all non-school groups to hire the Board's custodian to open and lock the Memorial Building; the needed improvements to the Memorial Building were discussed also.

Present to certify the Special School Bond Election were Daniel Wright, Lawrence Boley, William Arthur and Steve Pilato, members of the Fayette County Board of Education and John L. Witt, John H. Lopez, and Matthew D. Wender, members of the Fayette County Commission.

Ms. Holly presented the Abstract By Voting Precincts to the Commissioners and Board members to review. The Commissioners and Board members signed orders certifying the results of the canvass for

the Special School Bond Election as 809 votes for and 5,047 votes against the proposition.

Harold Bragg appeared before the Commission to request that letters of congratulation and thanks be sent to all the veterans who will receive their diplomas from the Fayette County Board of Education during a ceremony on May 21. The Commissioners approved to send letters.

The meeting was adjourned at 1:25 p.m. The next scheduled meeting is May 29, 2001.

John G. Witt

FAYETTE COUNTY COMMISSION

REGULAR SESSION

MAY 29, 2001

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: John L. Witt, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in regular session on this 29th day of May, 2001.

Before the meeting was called to order the Commissioners unlocked the ballot room for Kelvin Holliday, County Clerk to get polling slips from the Special School Bond Election.

Commissioner Witt called the meeting to order at 7:05 p.m.

Paul Blake, Prosecuting Attorney, Carl Harris, Assistant Prosecuting Attorney, Ralph Young, attorney for C-PAC and Patty Adkins were present to discuss C-PAC's proposed agreement.

Commissioner Witt asked Mr. Blake to begin the discussion.

Mr. Blake informed the Commissioners that he had several concerns with this agreement. Mr. Blake informed the Commissioners that the section of the Code (WV Code 19-20-6a) Ralph Young cited is correct. Mr. Blake questioned the number of vehicles C-PAC was expecting to use; Mr. Blake informed the Commissioners that C-PAC employees are not County employees, and asked the Commissioners how can the county provide insurance to drive and operate county vehicles for private persons. Mr. Blake questioned the Commissioners about paragraph 8 stating that all persons employed shall be employees of C-PAC and not employees of the Fayette County Commission. Mr. Blake questioned paragraph 11 stating that C-PAC shall designate persons to apply to the Fayette County Assessor's Office to get authorization to collect dog taxes. Mr. Blake informed the Commissioners he felt this

should be talked over with the Assessor; he should have input regarding non-county employees collecting dog taxes.

Mr. Blake questioned paragraph 12 regarding a private entity using a County facility for purposes other than county purposes such as the spay/neuter program. Mr. Blake questioned the Commissioners regarding the use of a public facility and the use of public equipment being used by a private entity for private gain.

Commissioner Witt asked Ralph Young if he had any comments.

Mr. Young informed he had no response but told the Commissioners that C-PAC does have insurance with the Board of Risk. Mr. Young informed the Commissioners he had talked with Ms. Weatherford in the Assessor's office and she had no problem with C-PAC collecting dog taxes just as the Humane Society did for years.

Mr. Young informed the Commissioners that this is a working agreement not a binding agreement; C-PAC is doing the same as the Humane Society with the exception that C-PAC is using County property; Mr. Young reminded the Commissioners that the County has participated in the spay/neuter program for two years.

Commissioner Wender asked Mr. Blake if the Fayette County Commission can contract with C-PAC.

Mr. Blake informed the Commissioners that he had made it clear in his opening statement he does not disagree with WV Code 19-20-6a. Mr. Blake told the Commissioners that his concerns are the tax payers. Mr. Blake informed that this could be a potential pitfall; he questioned areas that needed to be clarified. Mr. Blake informed the Commissioners that this agreement once signed is a contract.

Commissioner Wender questioned the liability coverage and the status as to C-PAC's authority to collect dog taxes and handle public

monies.

Mr. Blake informed the Commissioners he thought the Assessor should be consulted about these concerns.

Commissioner Wender informed Mr. Blake that the County received the adoption fee and has approved for C-PAC to collect a fee for handling of livestock; the County had allotted money on a 1-time basis to C-PAC for rent for their building in Oak Hill.

Mr. Blake informed the Commissioners he has tried to find a situation in the State similar to Fayette County, but informed the Commissioners he could not find any and that Raleigh County is not one.

Commissioner Wender suggested changing the wording in the contract and adding to the contract how the County will pay C-PAC, currently advancing month's expenses, and adding that C-PAC will provide financial reports on a timely basis.

Commissioner Witt asked Mr. Blake if he had any recommendations.

Mr. Blake informed he is willing to work with Ralph Young to try to accomplish a contract that's fair for the County.

Commissioner Wender suggested tabling until June 6th.

Commissioner Wender asked Ms. Holly to check into whether our insurance covers C-PAC employees driving a County truck.

Commissioner Wender asked Ms. Holly to speak with Tom Aiello, Assessor, and get a written statement regarding C-PAC collecting dog taxes. Commissioner Witt informed he would talk with Tom in the morning.

Mr. Blake informed the Commissioners he would request an opinion from the Attorney General regarding the situation of a private entity using public property.

Commissioner Wender asked Mr. Blake to check with the Attorney General to see if they can separate the spay/neuter program.

Commissioner Lopez asked if the County could convey a vehicle to C-PAC for \$1.00.

Mr. Young questioned about the insurance.

Mr. Blake questioned the Commissioners of giving and selling County property.

Mr. Blake informed the Commissioners as the County's attorney he is here to try to write an agreement that is in the County's interest and one that won't come back to haunt.

Mr. Blake and Mr. Young agreed to table until June 6th.

Mr. Blake informed the Commissioners he would ask the Attorney General to expedite as soon as possible.

Patty Adkins introduced the new Dog Warden, Barbara Hatcher to the Commissioners.

Ms. Adkins questioned about additional pagers or radios to contact the 911 Center.

Ms. Adkins informed the Commissioners of the incident that happened over the weekend regarding Dennis Johnson's horses.

Mr. Blake informed the Commissioners that the animal shelter is authorized to operate for dogs and cats not livestock. Mr. Blake informed the Commissioners that the Humane Officer oversees complaints regarding livestock.

Carl Harris, Assistant Prosecuting Attorney informed the Commissioners that there is a provision in the Code regarding animals who escape their confinement.

Mr. Blake informed the Commissioners that charges for livestock are filed in Magistrate Court by the Humane Officer.

Commissioner Wender made a motion to purchase an additional hand-held radio for use by the animal shelter assuming that we cannot locate another one; Commissioner Lopez seconded. Unanimous.

Ms. Adkins asked the Commissioners for a gate at the bridge for the animal shelter.

Commissioner Witt suggested talking with Earl Pauley, Park Superintendent, about a gate for the animal shelter.

Commissioner Wender asked Ms. Adkins the status of the condition of the animal shelter.

Ms. Adkins informed the Commissioners she had talked with Mr. Pauley regarding the outside light, holes in the floor of the trailer, and finishing the side of dog building.

Ms. Adkins informed the Commissioners that the euthanization drug safe will be in by Tuesday and informed the Commissioners that the shelter is maxed out.

Biddle Williams with Pax Regional Community Center appeared before the Commission to inform them of the problems they are having with the roof on the Pax Community Building; he received a bid of \$11,600 to fix roof but only has \$3,000. Mr. Williams informed the Commissioners that the roof can't be repaired and it has to be replaced. Commissioner Lopez informed Mr. Williams that the Commissioners would take his request under advisement.

Mr. Williams informed the Commissioners that Delegate John Pino has asked for funding.

Commissioner Wender suggested to Mr. Williams to talk with John David and Dale Mullins about possible funding through available grants and the Benedum Foundation. Commissioner Wender also suggested to Mr. Williams to talk to John David and maybe Southern Appalachian

Labor School (SALS) could do some of the work.

Commissioner Wender made a motion to approve the County Commission meeting minutes of May 11, 2001; Commissioner Lopez seconded; all approved.

Commissioner Wender made a motion to approve County Commission meeting minutes of May 15; Commissioner Lopez seconded. Unanimous.

Commissioner Witt informed the Commissioners he received comments from Kelvin Holliday, County Clerk, Paul Blake, Prosecuting Attorney, and William Laird, Sheriff, regarding the draft of a "Project Proposal for the Creation of Job Description and the Study of Pay Scales in Fayette County."

The Commissioners signed a letter to the State Auditor giving an explanation to his letter dated April 16, 2001 of his Conditional Approval of the Levy Estimate.

Commissioner Lopez made a motion that Budget Revision #4 for the General County Fund and Coal Severance Fund for Fiscal Year 2000-2001 be made; Commissioner Wender Seconded. All approved; budget revisions signed.

The Commissioners signed congratulatory letters to the veterans who received their diplomas from the Fayette County Board of Education; Commissioner Wender made a motion that a copy of the letter and a list of receivers be included in the minutes. Commissioner Witt seconded. All approved. (See attached)

The Commissioners received and reviewed a fax from the Upper Kanawha Valley Enterprise Community requesting the Commission send a letter of support to apply for a Round III Empowerment Zone Classification.

Commissioner Lopez moved that a letter of support for Upper

Kanawha Valley Enterprise Community to apply for a Round III Rural Empowerment Zone classification be approved. Commissioner Wender seconded. Unanimous. Letter signed.

Ms. Holly presented to the Commissioners letters from David Pollard, Community Resources Coordinator, asking that the Commissioners sign a letter of support to the West Virginia Division of Transportation for the Ansted application for funds for a trail project connecting the Town, Hawks Nest State Park and New River and a letter of support to the West Virginia Parkways Authority for the application made by the Upper Paint Creek Watershed to conduct a full economic impact and feasibility study for a proposed recreational trail at Pax. Letters signed.

The Commissioners signed a letter to Barbara Baxter, Director, Family Law Masters, requesting reimbursement for rent in the amount of \$3,000.00 for the months of May and June, 2001.

The Commissioners signed three Legislative Digest Grant letters to the West Virginia Development Office requesting drawdowns and giving status reports for Grant #01-239-Computer Equipment and Sheriff's Office Renovations (\$10,241.82), Grant #00-350-Fayette County Sheriff (\$8,083.30), and Grant #01-240-Upper Kanawha Valley Community (\$22,108.43).

Commissioner Wender asked Ms. Holly to check to see if enough money is left in the Sheriff's Grant for a gate leading to the shooting range and animal shelter.

The Commissioners received and reviewed from the Fayette County Health Department an application for a Permit to Operate the Fayette County Park. No charge.

Ms. Holly presented an order to the Commissioners reappointing

Shirley Love as a member of the Fayette County Board of Health. The Commissioners asked Ms. Holly to hold and check with Shirley to see if he wanted to be reappointed.

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

Ms. Holly presented to the Commissioners maintenance agreements for copiers for several offices. Commissioner Wender questioned about the cost for maintenance to service copiers.

Commissioner Wender made a motion for Ms. Holly to get a list of all copiers owned and operated by the County and solicit blanket proposals from various providers to service all copiers.

Ms. Holly presented to the Commissioners several proposals for a copier for the County Clerk's Office. Commissioner Wender made a motion to accept Appalachian Office Products bid of \$1,469.00 and not to spend no more than \$1,569.00 if the price had increased due to expiration of the bid. Commissioner Lopez seconded. Unanimous.

Commissioner Witt asked Ms. Holly if she received any response from the Board of Education regarding the Memorial Building. Ms. Holly informed no. Commissioner Witt presented and read a checklist from the appointed committee. Commissioner Witt commented that the Board has not done anything and asked Ms. Holly to send a copy of the work list to the Board.

Ms. Holly informed the Commissioners that a pre-trial conference has been scheduled for the Roger Bryant lawsuit on May 21, 2001. Ms. Holly informed the Commissioners she had talked with Michael Mullins, attorney with Steptoe and Johnson, and he informed her that the Commission did not have to attend. Commissioner Witt informed he

could not attend.

Ms. Holly informed the Commissioners she received a call from John David and Alice King requesting that the Commission submit a Small Cities Block Grant application on behalf of Southern Appalachian Labor School (SALS) for a proposal for the Dormitory Annex Project. Discussion was held; Commissioner Witt asked to defer the decision until he talked with Dave Pollard, Community Resource Coordinator; Commissioner Witt recommended to the Commission to see if the Commission stood a chance of getting approval if they applied for funding for an elevator for the courthouse.

Commissioner Wender recommend submitting an application for SALS, and if not successful this year then next year we will not submit SALS application. Commissioner Lopez seconded. Commissioner Witt asked to amend the motion that the project must be completed by next year, if successful, so as not to interfere with next year's SCBG application.

Commissioner Wender moved to support the Small Cities Block Grant application for Southern Appalachian Labor School with the stipulations; Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from the Public Service Commission responding to a letter from the Commission dated April 13, 2001 regarding wireless cell phone reception throughout Fayette County.

Discussion was held regarding the parking lot between BlueRidge Outdoors and James C. Blankenship's office building; Ms. Holly informed the Commissioners they had an appraisal done in 1994. Ms. Holly also informed the Commissioners they had talked with Belinda Morton several years ago about purchasing her parking lot; John Witt

said he would talk to Belinda.

The Commissioners received and reviewed correspondence from Steptoe and Johnson regarding lawsuits.

Commissioner Witt asked if the proposed amendment and reenactment of Article IV, Section 1423, Subsection V Towers General, (I-10) changing the surety bond or irrevocable letter of credit amount from \$25,000 to \$100,000 been advertised.

Ms. Holly informed the Commissioners that Tim Richardson, Zoning Officer, did advertise; public hearing is scheduled for June 25, 2001 with the Planning Commission and June 26, 2001 with the County Commission.

The Commissioners received and reviewed from the Criminal Justice Service a check in the amount of \$25,326.26 as reimbursement on the Court Security Grant. Ms. Holly informed the Commissioners that this drawdown closes the grant out.

Ms. Holly informed the Commissioners she met with Larry Williams, Exponets (formerly AT&T) to discuss and gather some data for preparing an RFP for the telephone system.

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

The Commissioners received and reviewed shelter rental agreements from the Fayette County Park.

The Commissioners received and reviewed a letter form Attorney Phil Tissue regarding the Estate of Pauline A. Boyd. Original forwarded to the County Clerk's Office.

The Commissioners received and reviewed from Verizon a check in the amount of \$41,839.95 for the Emergency Telephone system Fees for the month of April, 2001.

The Commissioners received and reviewed minutes from Page-Kincaid Public Service District for the month of May, 2001.

The Commissioners received and reviewed a copy of a letter from the Public Service Commission to Tillman Slaughter concerning his request for a water mainline on "Spy Rock District" near Ansted. Copy forwarded to Dave Pollard, Community Resource Coordinator.

The Commissioners received and reviewed an Application for Employment from Kathryn Lynn Ramsey.

The Commissioners received and reviewed updates of Legislation changes from Vivian Parsons.

Commissioner Wender asked about the status of the Senatorial Redistricting; Ms. Holly informed the Commissioners it is still in discussion. Commissioner Wender asked Carl Harris, Assistant Prosecuting Attorney, if the Commission could go to court to get it changed and asked Mr. Harris to check into the law.

The Commissioners received and reviewed correspondence regarding the Estate of Robert L. Thompson, Sr. Carl Harris informed the Commissioners he sent a letter to the executrix informing that if she didn't do what the executrix of an estate is supposed to do he will recommend that the Fayette County Commission have her removed. Hearing is scheduled for June 29, 2001 at 1:30 p.m.

Kelvin Holliday informed the Commissioners he would be needing a designated space for absentee voting.

Ms. Holly informed the Commissioners she received a letter from Kanawha-Gauley Coal and Coke Company requesting \$2,500 past payment and \$600 interest for our lease for the Valley tower site on their property.

Ms. Holly informed the Commission that the last invoice they

received was in 1996 which was paid on November 12, 1996, check #116141; Ms. Holly informed the Commissioners that the Commission owes for 1997, 1998, 1999, and 2000; Ms. Holly informed the Commissioners that since this is a governmental entity, the Commission is required to have an invoice for auditing purposes and felt the interest of \$600 for late payment should not be approved. The Commissioners approved payment of \$2,000 for the annual lease, and asked Ms. Holly to send a letter explaining the reason for not paying the interest.

The Commissioners received and reviewed a quarterly report from Worker's Compensation Division.

Ms. Holly informed the Commissioners she received a time sheet from Barbara Hatcher, Dog Warden, and she has 11½ hours overtime. The Commissioners asked Ms. Holly to talk to Ms. Hatcher about comp time and that overtime was to be for an emergency only.

Outstanding bills and payroll were approved.

The Commissioners signed a letter to Jim Lively Insurance asking that they provide a written statement of the coverage and provisions provided under the County's insurance policies for (1) non-county employees driving county-owned vehicles (2) non-county employees operating county-owned facilities and (3) non-county employees collecting public funds for remittance to the County.

The Commissioners signed a letter to Tom Aiello, Assessor, requesting a written statement regarding the proposal of C-PAC to collect and remit dog taxes.

The Commissioners received and reviewed from the U. S. Census Bureau the official Census 2000 population and housing counts as of April 1, 2000.

The meeting was adjourned at 9:49 p.m. The next scheduled meeting is June 6, 2001.

John B. Witt

JOHN H. LOPEZ
SMITHERS, WV
COMMISSIONER

JOHN L. WITT
FAYETTEVILLE, WV
PRESIDENT

MATTHEW D. WENDER
OAK HILL, WV
COMMISSIONER

FAYETTE COUNTY COMMISSION
FAYETTEVILLE, WV 25840-0307
TELEPHONE (304) 574-4290
FAX (304) 574-4255

CHARLOTTE N. HOLLY, C.P.A.
ADMINISTRATOR

May 29, 2001

Mr. Samuel F. Blevins
70 Beechview Road
Mount Hope, West Virginia 25880

Dear Mr. Blevins:

The members of the Fayette County Commission extend our sincere congratulations to you for your diploma from the Fayette County Board of Education which you were awarded recently.

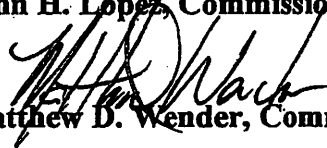
We recognize that your service to our Country during a time of crisis and war was a significant contribution to the continuation of freedom to all citizens and a selfless sacrifice by you. Your contribution as a Fayette Countian is especially important to us and worthy of this recognition.

On behalf of all the citizens of Fayette County, once again we congratulate you on the receipt of your diploma and thank you for your service to this great Country.

Sincerely yours,


John L. Witt, President


John H. Lopez, Commissioner


Matthew D. Wender, Commissioner

FCC:jch



Fayette County Board of Education

111 Fayette Avenue
Fayetteville, West Virginia 25840
304-574-1176

FAX

TO: Charlotte Holly
County Administrator
574-4255

FROM: Joyce Lambert, Executive Secretary *JL.*

DATE: May 16, 2001

RE: Fayette County Veterans Addresses

Arlie S. Bragg	P.O. Box 144; Glen Jean 25846
Philip Lee King	6027 Windsor Drive; Columbus, GA 31909
Cornelius H. Simms	310 Highland Avenue; Oak Hill 25901
Earl Danbery, Jr.	P.O. Box 8; Cannelton 25036
Oce L. Harper	1000 Quarrier Street, Apt. #203, Charleston 25301
Darrell E. Elkins	Rt. 2, Box 301-B; Fayetteville 25840
Deward L. Allen	6378 Delores Blvd., Brookpark, OH 44142
Samuel F. Blevins	70 Beechview Road; Mt. Hope 25880
Granville C. Carr	212 8 th Street; Rainelle 25962
Kenneth R. Craddock	162 Ashley Drive; Beckley 25801
Dallas D. Rinehart	Rt. 1, Box 65; Scarbro 25917
Charles F. Rogers	Box 365; Deepwater 25057
Donald C. Tully	308 Rhodes Street; Oak Hill 25901
Lorah A. Fox	400 W. Col. Street; Canal Winchester, OH 43110
Harold Ray Hewitt	37 Chestnut Drive; Beckley 25801
Virgil Stanley Morris	109 W. Wilson Street; Oak Hill 25901

FAYETTE COUNTY COMMISSION

SPECIAL SESSION

NOVEMBER 5, 2001

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: John L. Witt, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in a special session on this 5th day of November 2001.

Commissioner Witt called the meeting to order 10:08 a.m.

Commissioner Lopez informed the Commission that at the last meeting the Commission approved sending a letter to the OES/911 Center informing effective immediately eating in the employees' kitchen/lounge only; Commissioner Lopez informed after several discussions he thinks the Commission should rescind that motion. After a brief discussion, Commissioner Lopez made a motion that smoking outside stands but to rescind eating policy at all stations. Commissioner Wender seconded but to modify to cover all areas of OES/911 Center. Unanimous.

Discussion was held regarding the Excess Levy Election; Commissioner Wender asked Steve Cruikshank, OES Director, to clarify and bring the Commission up to date regarding the carry over balance of the Fire Levy.

After the discussion, Commissioner Witt asked Mr. Cruikshank to have each Fire Department furnish a list of what they are planning to buy for the coming year.

Ms. Holly informed the Commissioners that a week ago she informed them that the current balance in the Excess Levy Fund is \$71,981.68. This is enough to cover this election but not the next election. Ms. Holly informed the Commissioners they needed to decide

on whether to put this issue of the election expense in each levy issue or to make it a fourth issue on the ballot.

Paul Blake, Prosecuting Attorney questioned about paragraph #5- (That if for any reason all of the funds hereinabove allocated are not used for the purpose outlined, the unused portion of such funds maybe allocated by the County Commission at their discretion to items of expenditures from the general fund). Mr. Blake informed the Commission he would call the Secretary of State Office for an interpretation.

Commissioner Wender made a motion that election expenses would be included based on the total amount to be on a prorated basis from the amounts received by each of the three levy issues established to be a total of \$50,000 over the next three years and not a separate item on the ballot. Commissioner Lopez seconded. Unanimous. Ms. Holly questioned whether to expand paragraph 5 to include this language or to include it with each issue; Mr. Blake suggested that the language be included in paragraph 5 of the order for the special election notice.

Ms. Holly asked the Commission about the roll back issue in the levy.

Commissioner Wender informed the Commissioners he would like to see roll back language taken out.

Commissioner Wender made a motion that they eliminate the roll back language in the levy. Commissioner Lopez seconded. Unanimous.

Harold Bragg suggested to the Commissioners taking 1/10 of 1% of Law Enforcement and Fire Levy Funds to increase the Library Levy.

Commissioner Lopez made a motion to go with the levy that we have now and maybe check back during the budget session to consider

some funding for the Library Fund. Commissioner Wender seconded.
Unanimous.

Commissioner Wender made a motion to use paper ballots for the Special Excess Levy Election. Commissioner Lopez seconded.
Unanimous.

The Commissioners informed that the Special Excess Levy Election would be held on February 9, 2002.

Ms. Holly informed the Commissioners that she only received one bid package for the purpose of purchase and installation of the elevator for the Courthouse and that was from J. Dan Snead Associates.

Ms. Holly informed the Commissioners she valuated the proposal and discussed the fees.

Commissioner Wender moved to accept J. Dan Snead Associates Proposal. Commissioner Lopez seconded. Unanimous. The Commissioners asked Ms. Holly to contact Mr. Snead to see what the fees would be.

Ms. Holly informed the Commissioners that Mike Dougherty, Extension Specialist would be coming back to interview the employees who were not available on October 24, 2001.

Ms. Holly informed the Commissioners she received invoices from Mike Dougherty for services for 1½ months, amount \$2,300.00, half to be paid out of the Assessor's Valuation Fund and the other half out of the General County Fund.

The Commissioners received and reviewed a letter from Kelvin Holliday, County Clerk, asking that the votomatic room be opened.

Ms. Holly informed the Commissioners she had gotten cost estimates from D & D Computers, Staples and Dells for 2 personal

computers for the County Clerk's chief deputy and probate clerk and that she had purchased a fax machine for the County Clerk's office as approved.

The Commissioners received and reviewed from Kelvin Holliday, County Clerk, a quote from Data Design, Inc. for UPS replacement battery for the Voter Registration Computer.

Commissioner Wender made motion to approve Option 1 for UPS replacement battery at a cost of \$80.00. Commissioner Lopez seconded. Unanimous.

Ms. Holly gave an update of the telephone system she informed the Commissioners she had talked with Rich O'Brien was told that the switchboard would be eliminated and he discussed with her the 36-month lease. Ms. Holly informed the Commissioners that she would be meeting with James Perdue and a representative from Verizon on Thursday. Ms. Holly informed the Commissioners that the cut over would be Friday, December 14, 2001.

Ms. Holly informed the Commissioners she talked with Tom Aiello, Assessor, last week and he has offered to contribute a sum of money from the PVC Fund to the Commission for the AS400 computer upgrade.

The Commissioners approved request from the WVU Extension Service to redirect funds from the travel line to Capital Outlay and Equipment line to update computers.

The Commissioners signed a letter to the WVU Tech EDA informing Tech that they support the proposed project to produce a CD highlighting the best of the Fayette County's schools. Original copy given to Dave Pollard, County Resource Coordinator.

Ms. Holly informed the Commissioner that Patti Payne is the Shelter Manager, Jody Jarrell, is the Shelter Office Manager at C-

PAC.

Ms. Holly informed the Commissioners that the Dog Warden is requesting a cell phone and he asked about a hand radio; Ms. Holly informed the Commissioners she asked him to contact Dave Neal, E911 Director, to get Motorola to check them.

Commissioner Wender made a motion to purchase a cell phone for the Dog Warden. Commissioner Lopez seconded. Unanimous.

Ms. Holly informed the Commissioners that the Dog Warden was asking her about getting a pistol license. The Commissioners informed they weren't in favor of the Dog Warden carrying a pistol. Ms. Holly informed the Commissioners that Bert Lawhorn was to be trained on how to use the pepper spray.

The Commissioners received and reviewed expense reports from C-PAC. Ms. Holly informed the Commissioners that the heat in the animal room is working but the heat in the office was not. The Commissioners informed they would review the draft of the Internal Control Policy for C-PAC. Commissioner Lopez made a motion to advance to C-PAC \$6,497.00 for the balance of the April monthly allotment to bring C-PAC up to date. Commissioner Wender seconded. All approved.

The Commissioner received and reviewed checks in the amount of \$15,357.33 from Charter Communications for franchise fees for the period July 1, 2001 to September 30, 2001.

Ms. Holly informed the Commissioner that Virgil Payne had called wanting a letter from the Commissioners regarding his complaints of Page-Kincaid Public Service District. Ms. Holly informed the Commissioners that he has scheduled an appointment for November 15 County Commission meeting.

The Commissioners received and reviewed a letter from the Ben Argento Basketball League requesting use of the Memorial Building from November 3, 2001 until February 3, 2002. The Commission approved the use of the building and waived the rental fee and asked that Ms. Holly include in the letter that the Commission has scheduled a Special Excess Levy Election for Saturday, February 9, 2002 and that the election take precedence over all other uses of the facility.

The Commissioners received invoices for a drawdown of payment to Augusta K-9 Services for the purchase of one K-9 Bob Dog from Sheriff Bill Laird; the invoice will be paid from K-9 fund donations. The Commissioners approved.

Ms. Holly informed the Commissioners that she received information from Pitney Bowes regarding upgrading the postage meter machine and scales. Commissioner Wender made a motion that subject to the changes that needed to be made by Pitney Bowes approves the upgrading of the postage meter machine and scales. Commissioner Lopez seconded. All approved.

Ms. Holly informed the Commissioners she received an e-mail from Commissioner Wender informing that the West Virginia Housing Development Fund has sent a letter to Southern Appalachian Labor School terminating the agreement as a loan originator.

The Commissioners asked Ms. Holly to send a letter to Southern Appalachian Labor School informing that since they are unable to comply with the requirements of the Commission and our underlying agreement with the U. S. Department of Commerce Economic Development Authority (EDA) grant which is the source of the funds, the Commission withdrew their funding approval.

Commissioner Lopez informed the Commission he had talked with Shirley Roberts, Mayor of Pax she told him that she had turned invoices into FEMA for \$16,000.00 but FEMA only pad \$13,000.00 for the flood damages.

Ms. Holly informed the Commissioners she received a call from Earl Pauley, Park Superintendent informing that the snow plow needed a new motor, received estimate of \$1,089.090 from NAPA, 24 month warranty; Ms. Holly informed the Commissioners that Mr. Pauley is also requesting back support belts for his employees. The Commissioners approved back support belts for park employees and asked Ms. Holly to include the maintenance crew.

Ms. Holly informed the Commissioners she received check from FEMA for \$9,329.03 for removal of animal shelter, and a check for \$5,190.12 for Sheriff overtime and equipment (\$3,373.71) and a check for Annex cleaning (\$1,816.41).

The Commissioners received and reviewed response from Charter Communications regarding Walter Zamelia's complaint.

The Commissioners received and reviewed request from Oak Hill Fire Department for \$2,500 to help toward a purchase of a rescue boat. No decision was made.

The Commissioners received and reviewed from the Commission for National and Community Service on the status of the Coalfield Housing AmeriCorps program of the Southern Appalachian Labor School.

The Commissioners received and reviewed a letter from Carolyn Mullins wanting information about the proposed Greenbrier Pipeline Project. The original was forwarded to Tim Richardson, Zoning Officer.

The Commissioners received and reviewed a letter from David

Pollard, County Resource Coordinator, informing of a Flood Protection Task Force meeting being held Friday, November 2, 2001 in the Commission Room.

The Commissioners received and reviewed a form from the State Auditors Office to be filled out and completed for Assessor's Valuation Fund for fiscal year 2000-2001. Form completed and signed.

The Commissioners received and reviewed a letter from the West Virginia Development Office regarding clarification of eligible activities for project #99CPGP0150 Fayette County Commission-Courthouse Accessibility Improvements.

The Commissioners received and reviewed a copy of a letter from Southern Appalachian Labor School to Tom Aiello and Sheriff William Laird informing that the James Winter/Elaine Bragg property has been sold to SALS which is a non-profit education organization with tax exempt status.

The Commissioners received and reviewed a check from Verizon in the amount of \$41,387.97 for the Emergency Telephone system Fee for the month of September 2001.

The Commissioners received and reviewed a letter from the Department of Agriculture informing that the Assessor has completed the Farm census of 2001 requirements of the Farm Statistic Law, amount due \$3,300.00. Ms. Holly informed the Commissioners that a copy of the letter has been forwarded to Debbie Aliff, Payroll Clerk.

The Commissioners received and reviewed a letter from the New River Engineering, Inc. informing of corrections to be filed with a copy of the Community Impact Statement application regarding the Hanna Land Company, LLS. Original forwarded to Tim Richardson, Zoning Officer.

The Commissioners received and reviewed a letter from Sun Trust informing of securities that have been pledged for the Fayette County Commission.

The Commissioners received and reviewed Workers' Compensation claims.

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

The Commissioner received and reviewed from the Fayette County Park Shelter Rental Agreements.

The Commissioners received and reviewed from MacCorkle, Lavender and Casey and Steptoe and Johnson copies of letters sent to the West Virginia State Auditor's Office informing they are not engaged in any matters relating to pending or threatened litigation, claims and/or assessments against the Fayette County Commission.

The Commissioners received and reviewed notice from the National Association of County informing that the Homeland Security Task Force meeting scheduled for October 26 has been moved to the Ronald Reagan Building.

The Commissioners received and reviewed a letter from the West Virginia Infrastructure and Jobs Development Council informing that the West Virginia Budget Bill provides for transfer of up to \$25,000,000 with the source of the funds coming from the revenue of the video lottery proceeds and informed the Commission that Page-Kincaid Public Service District project is listed as recommended being funded in the amount of \$100,000.

The Commissioners received and reviewed a letter from the West Virginia Department of Environmental Protection informing and inviting the Commission to attend the Flood Analysis Advisory

Committee public hearing being held on October 29, 2001 from 6:30 p.m. to 9:00 p.m. at the Falls View Grade School.

The Commissioners received and reviewed from Sheriff William Laird a letter to Keith Spangler regarding an invoice sent to the Fayette County Chamber of Commerce for overtime hours worked during the Spirit of Bridge Day Festival.

The Commissioners received and reviewed a letter from the Fayette County Weatherization Program thanking the Commission for their support and informing that October is National Energy Awareness Month with October 30 being proclaimed as National Weatherization Day.

The Commissioners received and reviewed a letter from the Marion County Humane Society informing they have drafted a mandatory spay/neuter bill to be introduced into the next session of the Legislative.

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

The Commissioners received and reviewed a letter from Steptoe and Johnson regarding Michelle Lynn O'Dell lawsuit.

The Commissioners received and reviewed a copy of a letter from Sheriff William Laird to the Office of Justice Program enclosing documents submitted for purposes of allowing the Fayette County Sheriff's Department to access those grants funds awarded to their department through the U. S. Department of Justice Community Oriented Policing Services (COPS) Office.

The Commissioners received and reviewed a copy of a letter from Sheriff William Laird to the Office of Community Oriented Policy Services (COPS) returning the grant Award and Special Condition for

COPSORI #WV01000 and COPS Grant #2001CMWX0047.

The Commissioners received and reviewed a letter from the Public Service Commission informing that Governor Wise has referred Elizabeth Harvey's request for water service on Bridge Fork Creek Road near Gauley Bridge to their office for review.

The Commissioners received and reviewed a fax from the Monongalia Circuit Clerk informing of the danger of Kardex Lateral Movable files.

The Commissioners received and reviewed a check reimbursing Steve Cruikshank, OES Director salary.

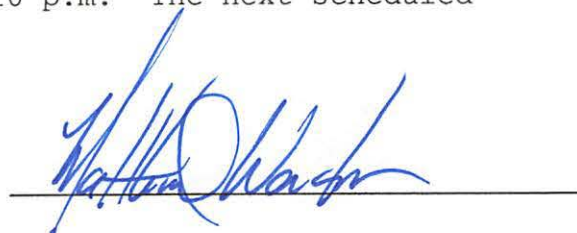
The Commissioners received and reviewed an Application of Employment from John William Chornabay.

The Commissioners received and reviewed a check from 4-C Economic Development Authority reimbursing their Local share for the Comprehensive Plan Update, amount \$1,839.45.

The Commissioners received and reviewed a check to the New River Convention and Visitors Bureau for their quarterly Hotel Occupancy Taxes for July, August, and September, amount \$10,425.23.

The Commissioners received and reviewed Flue Clinic schedule for Fayette County Health Department.

The meeting was adjourned at 1:10 p.m. The next scheduled meeting is November 7, 2001.



FAYETTE COUNTY COMMISSION
REGULAR SESSION
NOVEMBER 7, 2001
COURTHOUSE
FAYETTEVILLE, WV 25840

MEMBERS Present: John L. Witt, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in a regular session on this 7th day of November 2001.

Commissioner Witt called the meeting to order at 9:48 a.m.

Exonerations were approved and signed.

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

Commissioner Lopez made a motion to approve corrections made by the State Tax Department on Lightning, Inc. and Nuttall, LLC properties. Commissioner Wender seconded. All approved.

Commissioner Wender made a motion to approve minutes of August 15, August 29, September 5, and September 14, 2001. Commissioner Lopez seconded. All approved.

Ms. Holly informed the Commissioner she had talked with Bert Lawhorn, Dog Warden, he wanted to know if he could get amber lights for the truck; tranquilizer gun and cell phone. Commissioner Wender requested to have the Sheriff check to see if the tranquilizer gun that was turned in can be repaired. The Commissioners approved amber lights.

Ms. Holly informed the Commissioners that one of the hand-held radios needed to be replaced was lost in the Hilltop area when picking up a dog. Commissioner Witt suggested holding off purchasing a cell phone until he makes an extensive search for the radio. Commissioner Wender informed the commissioners the Dog Warden needed a cell phone.

The Commissioners approved a cell phone. Commissioner Witt asked Ms. Holly to stay on the Dog Warden to look for radio.

Commissioner Lopez asked if a letter had been written to the Board regarding the Memorial Building windows. Ms. Holly informed the Commissioners that she had not written the letter had talked with Dan Snead he was supposed to send specs.

The Commissioners approved allotment to C-PAC, amount \$8,008.01 for the month of November. Ms. Holly informed the Commissioners that had approved at their last meeting to pay \$6,497.00.

The Commissioners signed a letter to Southern Appalachian Labor School informing that sine they are unable to comply with the requirements of the Commissioner and their underlying agreement with the U. S. Department of Commerce Economic Development Authority (EDA) grant which is the source of the funds. The Commission withdrew their funding approval.

The Commissioners signed letters to Dave Neal, E911 Director and Steve Cruikshank, OES Director, rescinding their decision regarding eating in the employees' kitchen/lounge only, but the decision regarding smoking stands.

The Commissioners signed resolution requesting the Secretary of the Navy to honor Hershel Woodrow Williams by naming a United States Naval Vessel in his honor.

The Commissioners received and reviewed a letter from the Fayette County Beautification Committee requesting that the Commission transfer \$1,500.00 to be put into the Fayette County Solid Waste Authority Litter Account and asked that William Caudill, Tim Richardson, and Phil Peron be replaced as members of the Committee.

Commissioner Wender moved that \$1,500 be transferred from the Fayette County Beautification Committee to the Fayette County Solid Waste Authority Litter Account. Commissioner Lopez seconded. Unanimous. No decision was made regarding replacing William Caudill, Tim Richardson, and Phil Peron.

The Commissioners signed Credit Application for Verizon and approved lease agreement for 36 months at \$3,178.71 quarterly.

Discussion was held regarding the location of the telephone room. Ms. Holly informed the Commissioners that a telephone representative suggested relocating the telephone room to the Courthouse Annex. The Commissioners decided to keep location of the telephone room in the basement of the Main Courthouse.

The Commissioners received and reviewed Workers' Compensation letter.

The Commissioners received and reviewed from the 911 Center checks for 9-1-1 Alarm fees, amount \$2,813.00.

Ms. Holly presented to the Commissioners for Dave Pollard, County Resource Coordinator his Quarterly Report. Commissioner Wender asked Ms. Holly to have Dave make reports in person at the next County Commission meeting, November 15, 2001.

The Commissioners received and reviewed a copy of a letter from Governor Wise to the Secretary of the State appointing D. Clinton Gallaher, IV as chairman of the 12th Judicial Circuit of the Public Defender Corporation term ending January 9, 2004.

The Commissioners received and reviewed a letter from Carolyn Mullins regarding the Greenbrier Pipeline which is sponsored by the Dominion Transmission. Ms. Holly informed the Commissioners she

forwarded original to Tim Richardson, Zoning Officer.

Harold Kirby appeared before the Commission to discuss a landfill for Fayette County. Mr. Kirby informed the Commissioners he had talked with the Environmental Protection Agency and met with 15 or 20 different groups asking for their support with the project.

Commissioner Lopez asked Mr. Kirby if Pittston had agreed to donate the land. Mr. Kirby replied yes.

Mr. Kirby informed the Commissioners the cost of the project would be \$7 million.

Commissioner Witt asked Mr. Kirby to proceed.

Ms. Holly questioned Mr. Kirby about the West Virginia Code that deals with the Solid Waste Authority. Ms. Holly informed that any landfill has to go through the Fayette County Solid Waste Authority.

Commissioner Witt informed Mr. Kirby the Commission appreciates what he has done.

Commissioner Wender asked what is the usage of operating a landfill would there be a savings for the haulers.

Commissioner Witt asked Mr. Kirby to continue working with the Solid Waste Authority.

Ernest and Bonnie Cooper, Johnnie Cooper and Verl Cooper appeared before the Commission to discuss the Mamie Cooper Estate. Attorney Jamie Blankenship, Fiduciary Commissioner was present.

Attorney Blankenship informed the Commissioners that the Executor of the Estate had not been notified of this hearing and before the Commission make any decision the Executor should be here. Attorney Blankenship informed that a final settlement had been made and that the balance in the estate is \$555.00. Attorney Blankenship informed

the Commissioners that the Cooper's received their share from the sell of the mobile home and that a lawsuit is pending. After a brief discussion the Commissioners asked that this be rescheduled for the November 28, 2001 County Commission meeting at 11:00 a.m. The Commissioners asked that notification be given to the Executor of the Estate.

James Brown appeared before the Commission to protest closing of a private road which he had access for more than 60 years. Mr. brown informed the Commissioners that the property owner had purchased this property in a land sale.

After a brief discussion, the Commissioners informed Mr. Brown that this a Circuit Court matter.

The Commissioners discussed absentee voting. Ms. Holly informed the Commissioners that Kelvin Holliday, County Clerk had asked for a panel for the probate clerk. The Commissioners approved.

The Commissioners received and reviewed a letter from Patty Adkins requesting that the Fayette County Animal Control pick up county property that has been at her house since the flood. The Commissioners asked Ms. Holly to talk with Bert Lawhorn, Dog Warden and have him to pick-up county property.

Ms. Holly informed the Commissioners she had received a call from Gary Hough asking for clarification regarding the custodian for the Ben Argento Basketball League.

The commissioners asked Ms. Holly to send a letter to Gary Hough informing that the Commissioners approved the waiver with the understanding that Charlie Linkous is to supervise the clean-up of the building and grounds and be responsible for locking and unlocking the

building and that Mr. Hough would be directly responsible for the clean-up and security of the facility.

The Commissioners asked to include in the letter that the Commission will monitor this situation and if they receive any complaints they would withdraw their waiver.

Ms. Holly informed the Commissioners that the 911 Center had purchased public educational materials. Ms. Holly asked if this should be paid out of the General Fund or the 911 Fund. The Commissioners asked Ms. Holly to check and see if this can be paid out of the 911 Fund.

Ms. Holly informed the Commissioners that David Neal, E911 Director, wanted to know about his request regarding creating another full time position that was discussed during the budget process. Ms. Holly informed the Commissioners that Mr. Neal would like to advance Charles Bennett from Part-time Communication Specialist to Full-time.

Commissioner Wender asked that Mr. Neal give a report as soon as possible by the end of the month on how many hours of labor used annual bases, fees used on annual bases, phone used on annual bases, revenue, phone calls and man hours, hours of overtime used on annual bases for the past five year periods.

The Commissioner asked that a thank you letter be sent to the Fayette County Health Department expressing their appreciation for their prompt response to their request to conduct "Flu Shot Clinics" in outlying areas of the County.

The Commissioner signed bonds for Patti Payne, Shelter Manager and Jodi Jarrell, Shelter Office Manager for the Fayette County Animal Shelter.

The meeting was adjourned at 12:27 p.m. The next scheduled

meeting is November 15, 2001.



FAYETTE COUNTY COMMISSION

REGULAR SESSION

NOVEMBER 15, 2001

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: John L. Witt, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in a regular session on this 15th day of November 2001.

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

Kelvin Holliday, County Clerk, introduced to the Commissioners Pauline Crouch and Elizabeth Carol Adkins part time workers who would be handling the absentee voters.

Exonerations were approved and signed.

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

The Commissioners signed a letter to the Fayette County Health Department expressing their appreciation for their prompt response to their request to conduct "Flue Shot Clinic" in outlying areas of the County.

The Commissioners signed a letter to the Secretary of Navy asking that they consider naming a U. S. Navy ship in honor of Medal of Honor recipient Hershel W. Williams.

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 November 2001.

The Commissioners reaffirmed November 9, 2001 a letter dated October 3, 2001 to Lisa Thornburg, Deputy State Auditor regarding the Audit that was conducted for the fiscal year ended June 30, 2001.

The Commissioners received and reviewed a letter from the U. S.

Department of Commerce, Economic Development Administration amending the Economic Development Administration Award #01-79-07596. The Commissioners signed grant amendment.

Ms. Holly informed the Commissioners that the Governor had declared Friday, November 23 as an additional day off at Thanksgiving and an additional one-half day off on Monday, December 24 and one-half day on Monday, December 31 which will constitute a full-day holiday for Christmas Eve and New Year's Eve.

Ms. Holly asked the Commissioners if they were going to give the county employees the same days off. Commissioner Wender made a motion to designate said November 23, as an additional day for County employees, without charge against accrued annual leave for the Thanksgiving Day holiday and to designate said remaining half days of December 24 and December 31 as additional time off for county employees. Commissioner Lopez seconded. Unanimous. Letter signed to all Elected Officials and Fayette County employees.

The Commissioners signed legal holiday list to all Elected Officials and Fayette County Employees for the year 2002.

The Commissioners received a request from Multi-Cap, Inc. asking that Judson Wallace serve as a representative of Fayette County on the Board of Multi-County Community Action Against Poverty to fill the vacancy created by the resignation of Pearl Taylor. The Commissioners approved, letter signed.

Commissioners Lopez made a motion to approve amended Renewal of Existing Additional County Levy. Commissioner Wender seconded. Unanimous. Order signed.

Commissioner Wender made a motion to use paper ballots for the

Special Excess Levy Election being held February 9, 2002.

Commissioner Lopez seconded. Unanimous. Order signed.

The Commissioners signed order to notify the Executive Committee of the number of boards to be used for the Special Excess Levy Election.

The Commissioners signed a letter to the Secretary of State's Office informing them of the order entered by the Commissioners for the Renewal of Existing Additional County Levy to be held on February 9, 2002.

John Aliff representative for the Governor informed the Commissioners he would be setting up a mobile office in the Commission Room on December 14 to answer any questions the citizens of Fayette County might have.

Carl Harris, Assistant Prosecuting Attorney appeared before the Commission to inform the Commission that he had reviewed Verizon telephone system lease and based on his and review the Commissioners can sign lease agreement.

Ms. Holly informed the Commissioners that there would be adjustments to the original bid since the switchboard was eliminated and adjustment where some of the phones would be eight or sixteen buttons.

Commissioner Wender made a motion to sign the lease with Verizon and authorize Commissioner Witt to sign after adjustments are made. Commissioner Lopez seconded. Unanimous.

Ms. Holly informed the Commissioners that Verizon has asked to extend the installation from December 15, 2001 to January 11, 2002 due to the holidays. The Commissioners approved.

Ms. Holly informed the Commissioners that the technicians were here checking on where all the lines were and found that there wasn't a lightning protection on the cable line between the Courthouse and the Courthouse Annex. Ms. Holly informed the Commissioners that the cable line is interior.

John David, Bart Jackson with Page-Kincaid Public Service District appeared before the Commissioners to request that the Commission consider Page-Kincaid Public Service District on the next slot for a Small Cities Block grant for water and sewer in the Ingram Branch, Page Lagoon, Robson/Mulberry areas. After a brief discussion, Commissioner Wender made a motion to support the Page-Kincaid Public Service District request to be put in line for SCBG grant monies to help fund a water extension project. Commissioner Lopez seconded. All approved.

John David and Jackie Asbury with Southern Appalachian Labor Schools appeared before the Commission to ask if they would reconsider and have them come back on board to fund two housing specialists to work solely on housing loan issues in Fayette County.

Commissioner Wender informed the Commissioners he would like to clarify the two positions and suggested reallocating for a different position, revise the work scope of what is covered under the Economic Development Authority.

Commissioner Wender proposed for Southern Appalachian Labor Schools to do on quarterly basis how effectively each of these programs operate.

Ms. Holly informed the Commissioners that Southern Appalachian Labor School would have to submit financial reports and copies of paid

invoices.

Commissioner Lopez made a motion to reallocate the \$25,000 to Southern Appalachian Labor Schools for two housing specialists. Commissioner Wender seconded. All approved.

Virgil Payne appeared before the Commissioners with complaints of Page-Kincaid Public Service District regarding his water bill. Commissioner Witt asked Mr. Payne if he had presented this complaint to the Public Service Commission. Mr. Payne replied yes.

Commissioner Witt asked Bart Jackson, Manager if he would bring the Commission up to date regarding this situation.

Mr. Jackson informed the Commissioners that Mr. Payne had complained about his water and sewer bill they investigated the matter but Mr. Payne was not satisfied with their decision so they asked the Public Service Commission to intervene and investigate the matter.

Mr. Jackson informed the Commissioners that the Public Service Commission dismissed Mr. Payne's complaint.

After a brief discussion, the Commissioners informed Mr. Payne they would review and get back with him.

Dave Pollard, County Resource Coordinator presented to the Commissioners a drawdown request for payment regarding the Comprehensive Plan Update, 1998 Small Cities Block Grant 98SCBG0063, amount \$4,781.13. Commissioner Wender moved to adopt the Resolution and approved and authorized the payment of services; Commissioner Lopez seconded. Unanimous, resolution signed.

Mr. Pollard gave an update of the Regional Water Project, Comprehensive Plan, Chamber of Commerce (Bridge Day), Corridor L, Zoning Office, Water Resource Plan, and Regional Sewer.

Commissioner Wender asked about the Bridge Day plans.
Commissioner Witt informed full steam ahead for next year.

Mr. Pollard asked the Commissioners if they would contribute \$2,000 for a study on the impact of tourism in Fayette County. Mr. Pollard informed they would not need the money until the last of March. Commissioner Lopez made a motion to appropriate \$2,000 for a study on the impact of tourism for Fayette County; Commissioner Wender seconded. All approved.

Stacy Smith appeared before the Commission requesting that she be appointed Administratrix over the Estates of Crissy Ann Jeffries and Holly Mae Jeffries due to the incarceration of Elaine Marie Richards.

Ms. Smith informed the Commissioners that she did post a \$75,000 bond. Commissioner Wender made a motion to appoint Stacy Smith Administratrix of the Estates of Crissy Jeffries and Holly M. Jeffries. Commissioner Lopez seconded. All approved.

Commissioner Lopez made a motion to approved Lusk Disposal invoice for FEMA, amount \$12,728.52. Commissioner Wender seconded. All approved.

Commissioner Wender asked to call W. D. Smith and inform him of the meeting scheduled for November 28, 2001 at 9:00 a.m. with DREAP/PAN and to invite Dave Pollard to attend.

Commissioner Lopez made a motion to approve outstanding bills and payroll. Commissioner Wender seconded. All approved.

The Commissioners approved repairs of radiator for Komatsu at the Fayette County Park, amount \$2,184.00.

The Commissioners received and reviewed request from Tim Richardson, Zoning Officer to replace the printer in his office. The

Commission approved. Ms. Holly informed the Commissioner she could use Mr. Richardson's printer downstairs.

The Commissioners approved purchase of two personal computers for the County Clerk's Office.

The Commissioners signed a letter to Leland O'Neal, CPA informing that the information he requested is ready and available for him to inspect.

The Commissioners received and reviewed summary of response statistics for 911 calls for the months January through October.

The Commissioners received and reviewed a letter from the Division of Criminal Justice informing they have not received the required reports for the Court Security Grant for the months of July, August, and September.

The Commissioners received and reviewed a letter from URS Corporation informing they are representing Greenbrier Pipeline, LLC and requesting property owner information, listings of land uses, proposals on property in this target area. The Commissioners asked Ms. Holly to write a letter informing they did not receive a letter dated March 28, 2000. Ms. Holly informed the Commissioners that the original was forwarded to Tim Richardson, Zoning Officer.

Commissioner Wender informed the Commissioners that the Federal Energy Regulatory Commission will conduct a pre-filing site visit of Dominion Transmission, Inc.'s (Dominion) Greenbrier Pipeline Project in Virginia and West Virginia the staff of the Office of Energy Projects is planning to attend two Open Houses being held by Dominion on November 13 in Martinsville, Virginia and on November 14 at the Cross Roads Ruritan Club.

Commissioner Wender asked that a letter be written requesting the staff of the Office of Energy Projects to conduct a pre-filing site visit and open house in Fayette County of Dominion Transmission, Inc.'s Greenbrier Pipeline Project.

The Commissioners received and reviewed Shelter Rental Agreements from the Fayette County Park.

The Commissioners received and reviewed weekly fees collected by the Fayette County Animal Shelter Control Center.

The Commissioners received and reviewed a statement of expenditures for the Fayette County Park and garage for the months of September and October.

The Commissioners received and reviewed notice from Earl Pauley, Park Superintendent informing that the Lacy Lights and Maple Display is scheduled for viewing on November 30 through December 30. The Commissioners asked Ms. Holly to get in touch with Mr. Pauley to change admittance from \$1.00 per car to donations only.

The Commissioners received and reviewed faxes from the West Virginia Association of Counties regarding the November Legislative Interim Schedule and Upshur County to vote on banning Sunday hunting.

The Commissioners received and reviewed a letter from the State Tax Department certifying that Thomas Aiello, Assessor has substantially complied with the "Assessor's additional duties" and is entitled to the additional compensation of \$15,000.00. The Commissioners approved.

The Commissioners received and reviewed from SunTrust Bank a list of bonds pledged on behalf of the Fayette County National Bank.

The Commissioners received and reviewed last drawdown for the

Comprehensive Plan Update Grant, amount \$3,164.55.

The Commissioners received and reviewed a fax from John Ashcroft, Attorney General regarding security from terrorists. Copy forwarded to Sheriff William Laird.

Ms. Holly asked the Commissioners about the Oak Hill Fire Department request for a contribution of \$2,500.00. No action taken, Commissioner Wender informed the Commissioner he feel the request would be withdrawn.

The Commissioners signed a letter to Senator Shirley Love, Delegates John Pino, Tom Louisos and David Perry to provide information concerning recent efforts to expand wastewater treatment services in Fayette County.

The Commissioners received and reviewed a letter from Senator Robert Byrd regarding wastewater issues in Fayette County.

The Commissioners received and reviewed help wanted announcement for a Fayette County Flood Recovery Coordinator.

The Commissioners received and reviewed FEMA reimbursements of the July 2001 flood.

The Commissioners approved travel expense for Charlotte Holly, County Administrator.

The meeting was adjourned at 12:58 p.m. The next scheduled meeting is November 28, 2001.



A handwritten signature in blue ink, appearing to read "William Wender", is written over a horizontal line.

FAYETTE COUNTY COMMISSION

REGULAR SESSION

NOVEMBER 28, 2001

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: John L. Witt, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in a regular session on this 28th day of November 2001.

Commissioner Witt called the meeting to order at 9:04 a.m.

Matthew Buckner with the Nicholas County Community in Action/Disaster Relief Employment Assistance Program (DREAP) appeared before the Commission to discuss the program.

Mr. Buckner informed the Commissioners they have 61 workers in Fayette County, and 17 workers in Nicholas County and eight supervisors have been working since the second week of October.

Commissioner Lopez asked who are the workers reporting to and how did they find out about this program.

Mr. Buckner informed through the Summersville Job Service.

Larry Parsons informed the Commissioners he was only aware of the crew in Mount Hope.

Commissioner Wender asked how much money is allocated for this program. Mr. Buckner informed \$1.2 million, and workers must be hired for six months, program ends June 30, 2002.

Commissioner Wender asked Mr. Buckner if the Fayette County Commission can contract with DREAP. Mr. Buckner replied yes.

Commissioner Wender asked how do you make people aware of the Program.

Mr. Buckner word of mouth and through the Summersville Job Service they have notices posted.

Commissioner Wender asked Larry Parson how many supervisors he would need. Mr. Parsons informed two

Commissioner Wender made a motion to commit to a contract with the DREAP Program under the supervision of the County, to hire two supervisors for six months at \$10.00 an hour, and to contract with DREAP for 40 workers at \$8.00 an hour. Commissioner Lopez seconded. Unanimous.

Betty Ransom and John Lopez with FEMA appeared before the Commission to ask if they would adopt a resolution accepting ownership of 3.25 acres of flood damaged property in Kanawha Falls brought by FEMA under the hazard mitigation program.

Commissioner Lopez made a motion to adopt resolution contingent that FEMA stabilizes the banks of the creek and the State would underwrite the cost. Commissioner Wender seconded. Unanimous.

Commissioner Wender made a motion to authorize Steve Cruikshank, OES Director, to be the agent for the hazard mitigation program. Commissioner Lopez seconded. All approved.

Kelvin Holliday, County Clerk appeared before the Commission to inform them that he received a fax from Casto and Harris with a quote for a Workstation for his Indexing Clerk. After a brief discussion, the Commission asked Mr. Holliday to get local bids and drawings after the Levy Election.

Mr. Holliday informed the Commissioners that he needed a desk for his part-time absentee workers. Commissioner Wender suggested bringing a desk down from the third floor.

Commissioner Wender suggested to the Commissioners to schedule Christy Jarrett on the next County Commission meeting to discuss request for the Commission to sponsor grant application for the Tech

Foundation.

Ms. Holly informed the Commissioners they need to discuss redistricting. Ms. Holly informed the Commissioners that she received a letter from the Secretary of State informing they can proceed.

Ms. Holly informed the Commissioners that they needed to decide on when to publish the legal notice for the public hearing and to enter an order. Ms. Holly told the Commissioners that there is mapping expense involved.

Commissioner Wender suggested having Leon Spencer, County Surveyor, come to next Commission meeting to discuss a ball park figure on both the senatorial and magisterial redistricting expenses.

The Commissioners signed get well card to Thomas Aiello, Assessor.

Ms. Holly informed the Commissioners that Lawrence Jenkins is back in the hospital, and he has exhausted all of his vacation and sick leave. Ms. Holly asked the Commissioners if they were going to leave Mr. Jenkins on the payroll. Commissioner Lopez informed that he heard some of the deputies would consider giving up some of their sick days to Mr. Jenkins.

After a brief discussion, the Commissioners decided to leave Mr. Jenkins on the payroll until the end of the year.

The Commissioners received a letter from Gauley River Public Service District asking that Sue Gray be reappointed as a Commissioner of the Gauley River Public Service District.

Commissioner Lopez made a motion to reappoint Sue Gray a member of the Gauley River Public Service District. Commissioner Wender seconded. Unanimous; order signed.

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 2001.

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

The Commissioners signed order substituting Stacy Smith as Administratrix in the Estates of Crissy Ann Jeffries and Holly M. Jeffries replacing Elaine M. Richards.

Ms. Holly reminded the Commissioners that for the election they cannot use Beckwith Elementary and Powellton Elementary Schools and asked if they can't use Falls View Armory would Gauneka Ruritan Community Center be used. The Commission replied yes.

The Commissioners signed a letter of thanks to Brad Carelli, Treasurer of the Gauneka Ruritan Community Center for the use of their building for several hours on September 9 and November 8, 2001.

The Commissioners signed a letter to Virgil Payne informing that the Commission did investigate his written and oral complaints and they endorse the findings and order dated August 29, 2001 of the Public Service Commission.

The Commissioners signed a letter to the Federal Energy Regulatory Commission requesting for the staff of the Office of Energy Projects to conduct a pre-filing site visit and open house in Fayette on Dominion Transmission, Inc.'s Greenbrier Pipeline Project.

The Commissioners signed a letter to URS Greiner Woodward Clyde/CRC regarding their request on environmental issues on behalf of their client Greenbrier Pipeline, LLC informing them that the information is very extensive and not readily available from the

Zoning Office.

The Commissioners signed a letter to Keith Spangler, Director, Fayette County Chamber of Commerce asking that the Chamber provide a list of suitable local businesses to utilize for a project for the creation of job descriptions and the study of pay scales for County employees.

Ms. Holly informed the Commissioners that she had talked with David Neal, E911 Director, and was told that there were vacancies on the Emergency Enhanced Advisory Board and asked if they wanted to appoint Shane Wheeler and Todd Cornett to the Board. The Commissioners asked Ms. Holly to defer until the next meeting.

Ms. Holly presented to the Commissioners for Keith Spangler, Director of the Fayette County Chamber of Commerce, Legislative Digest Information Sheet and Resolution for the Local Economic Development Assistance Program Grant Fund. Commissioner Wender made a motion to approve and authorized the adoption of the Resolution. Commissioner Lopez seconded. Unanimous. Resolution signed.

Ms. Holly presented to the Commissioners a Governor's Community Partnership Grant Program application and Resolution for the Courthouse elevator.

Commissioner Wender made a motion to approve and authorize the adoption of a Resolution. Commissioner Lopez seconded. Unanimous. Resolution signed.

Commissioner Lopez made a motion that Budget Revision #2 for the General County and Coal Severance Funds for Fiscal Year 2001-2002 be approved; Commissioner Wender seconded. All approved; budget revisions signed.

Ms. Holly informed the Commissioners she received two accident

reports for county vehicles. Ms. Holly informed the Commissioners that Deanna Saxton vehicle was totaled by the insurance carrier and that Earl Pauley, Park Superintendent recommended that the County purchase vehicle back as salvage for \$3,432.39. Commissioner Wender moved to accept Mr. Pauley recommendation to purchase as salvage. Commissioner Lopez seconded. Unanimous.

Ms. Holly informed the Commissioners they received a two party check per Mr. Pauley for James Fitzwater's cruiser; Bert Wolfe Ford will not release the cruiser until they receive their money. Ms. Holly informed the Commissioners she needed to talk with our insurance carrier and asked the Commissioners if they wanted to sign check over to Bert Wolfe Ford. The Commissioners asked that this be deferred to the next County Commission meeting December 5, 2001.

Sheila Withrow appeared before the Commission and presented a petition from residents requesting assistance in getting water to Hawver Road near Hico.

Dave Pollard, County Resource Coordinator, was present and informed Ms. Withrow that no funding in place. Mr. Pollard informed the Commissioners that Delegate John Pino suggested making application with the Legislative Digest get engineering data to put this together.

Mr. Pollard also suggested making application to Infrastructure Council in May. Commissioner Wender asked Mr. Pollard to write application.

Ms. Holly informed the Commissioners that Stacy Smith, Administratrix in the Estates of Crissy Jeffries and Holly Jeffries was told by the County Clerk's Office that they need to know if the \$75,000 bond was for one Estate or both Estates. The Commissioners

informed Ms. Holly that the \$75,000 was for both Estates and asked that the bond be \$37,500.00 each.

Attorney James Blankenship, Fiduciary Commissioner, Attorney Fred Jesser, Carl Harris, Assistant Prosecuting Attorney, Ernest and Bonnie Cooper and Johnnie Cooper met before the Commissioners to discuss the Estate of Mamie Cooper.

Attorney Blankenship informed the Commissioners he has prepared a Report of Claim, no claims filed by any creditors in the estate.

Attorney Fred Jesser presented proposed partial accounting settlement.

After a brief discussion, the Commissioners agreed with Carl Harris, Assistant Prosecuting Attorney to wait until all the paper work is complete.

The Commissioners signed a letter to Sheriff William Laird denying his request regarding private use of the Fayette County shooting range due to liability risks, increased insurance premium, and the use of County property for private profit making purposes.

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

Ms. Holly presented to the Commissioners a proposal from Tate Communication to install lightning surge protection for the existing two hundred pair cables that connects the Courthouse and the Courthouse Annex building. No action was taken.

The Commissioners received and reviewed a copy of a letter from Thomas Fast, Chairman of the Republican Executive Committee naming David Bennett as the Emergency Absentee Ballot Commissioner.

Ms. Holly informed the Commissioners that the Democrat and Republican Executive Committee election workers list has to be in by

December 14. Ms. Holly asked the Commissioners if they wanted to change the December 14 County Commission meeting to the 17 to approve the Democrat and Republican Executive Committee list.

The Commissioners approved to change the 14th Commission meeting to December 17 at 9:00 a.m. to approve the Democrat and Republican Executive Committee election workers list and approved to cancel the December 26 County Commission meeting for the year.

The Commissioners signed letters to the Democrat and Republican Executive Committee informing of the County Commission meeting being held Monday at 9:00 a.m. to appoint the election officials and asking that all list of those election officials and alternates that they nominated be received by this office no later than 8:30 a.m.

The Commissioners received and reviewed invitation to a signing ceremony of the Wolf Creek Memorandum of Understanding being held at the National Park Service's New River Gorge National Rivers Visitors Center.

The Commissioners received and reviewed a letter from Charter Communications informing that effective January 1, 2002 the Expanded Basis service will be increased from \$22.50 to \$26.45 in the Pax Management area served by the Beckley headend.

The Commissioners received and reviewed check from FEMA for \$18,269.00.

The Commissioners received and reviewed invitation from the Retired and Seniors Volunteer Program (RSVP) inviting the Commission to their Christmas Breakfast on Thursday, December 6, 2001.

The Commissioners received and reviewed from C-PAC deposits of Dog Tax Funds collected.

The Commissioners received and reviewed securities pledged for

Fayette County Commission from the Branch Banking and Trust Company (BB&T). Original forwarded to County Clerk's Office.

The Commissioners received and reviewed letters from Attorney Ralph Young regarding Patty Adkins request of C-PAC to reimburse her for her cell phone bill.

The Commissioners received and reviewed from the State Emergency Response Commission a copy of the Fayette County Local Emergency Planning Committee By-Laws.

The Commissioners received and reviewed letters from Steptoe and Johnson regarding Michelle Lynn O'Dell lawsuit.

The Commissioners received and reviewed a letter from The Hartford informing they are unable to recover deductible from the insurance carrier for the responsible party.

The Commissioners received and reviewed refund check from Bandy's, Inc. for fuel tank at the Fayette County Animal Shelter.

The Commissioners received and reviewed 911 fees from Citizens Telecommunications Company (\$62.32), AT&T Communications (\$8.00), Business Telecom, Inc. (\$8.00), and Metro-Teleconnect Company (\$131.32).

The Commissioners received and reviewed jail fee reimbursements from the Town of Fayetteville (\$43.25), the City of Mount Hope (\$259.50), and the Town of Ansted (\$43.25).

The Commissioners received and reviewed a check in the amount of \$42,498.75 for the Emergency Telephone System Fee for the month of October 2001.

The Commissioners received and reviewed check in the amount of \$9,725.48 from the State Police for reimbursement of the DUI Enforcement Grant (#02-06).

The Commissioners received and reviewed check in the amount of \$741.28 from the City of Beckley for reimbursement of Highway Safety Overtime.

The Commissioners received and reviewed request to the Federal Emergency Management Agency for reimbursement for Steve Cruikshank, OES Director salary.

The Commissioners received and reviewed a letter from the West Virginia Division of Culture and History informing they have extended the deadline for the Historic Preservation survey and planning grants to December 31, 2001. Original forwarded to Dave Pollard, County Resource Coordinator

The Commissioners received and reviewed a letter from Sheriff William Laird informing that he has sent a Financial Report and a Progress Report to the Division of Criminal Justice Services for the grant project funded through the Court Security Fund.

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

The Commissioners received and reviewed from Jim Lively Insurance the Underinsured Motorists Coverage offer.

The Commissioners received and reviewed a letter from the West Virginia Project Recovery Team informing of the role of the Outreach Worker.

The Commissioners approved to pay Richard Eades \$2,521.00 for the Fayette County Flood Study.

The Commissioners received and reviewed a notice from WJLS to Chris Dyer, Flood Recovery team informing that the clothes they collected for the flood victims of Fayette County needed to be picked

up.

Ms. Holly informed the Commissioners she had talked with Pitney Bowes them about the postage machine and postage by phone capability required by the post office. Ms. Holly informed the Commissioners that the re-manufactured U570 mailing system with an electronic meter and Integra 5lb interfaced scale will cost \$237.00 per month for 60 months which would include all maintenance. The Commissioners approved for Charlotte Holly to purchase.

The meeting was adjourned at 11:55 a.m. The next scheduled meeting is December 5, 2001.



FAYETTE COUNTY COMMISSION
REGULAR SESSION
OCTOBER 3, 2001
COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: John L. Witt, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in a regular session on this 3rd day of October 2001.

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

Exonerations were approved and signed.

Ms. Holly asked the Commissioners of their decision regarding the State Tax Department decision to correct the clerical error made of Lightning, Inc. Ms. Holly informed the Commissioners she received another letter from the State Tax Department regarding a clerical error on the Nuttall LLC property. Ms. Holly informed the Commissioners that if they deny the State Tax Department recommendation they would have to schedule a public hearing.

Commissioner Wender suggested denying the recommendation by the State Tax Department and schedule a hearing with Lightning, Inc. and Nuttall LLC.

Discussion was held regarding who would be responsible for the purchase of the tank for the temporary animal shelter, Ms. Pennington or the county. The Commissioners decided to hold and discuss later.

Ms. Holly informed the Commissioners that Steve Cruikshanks, OES Director, has not made the transfer of the FEMA reimbursements.

Commissioner Wender suggested having Mr. Cruikshanks and Selina Vickers come in on October 15 to detail each of the Commissioner's requests from FEMA and ask that Mr. Cruikshank have a written report to go along with his presentation. The Commissioners asked Ms. Holly

to have Steve assist in getting names of all who helped during the flood.

Discussion was held regarding changing the 15th County Commission meeting to October 19. Steve Cruikshank, OES Director informed the Commissioners that this was the day before Bridge Day he would not be able to attend. The Commissioners approved changing the County Commission meeting to October 17 and schedule Selina Vickers, Flood Recovery Team at 10:15 a.m., and to discuss Special Excess Levy at 10:30 a.m. and schedule Steve for October 31 at 10:30 a.m. to give a written report of FEMA reimbursement.

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 Commissioners she had made several copies of the minutes of the County Commission meetings for them to review, Ms. Holly asked the Commissioners if they were going to approve. The Commissioners told Ms. Holly they were still reviewing.

The Commissioners signed Zoning Hearing minutes of August 27, 2001.

Stacy Smith appeared before the Commission to request that Elaine Richards be removed as Administratrix of Holly and Chrissy Jeffries Estate. Tom Steele, Assistant Prosecuting Attorney was present.

Mr. Steele suggested to the Commissioners that the bond should be higher than the \$500 on file.

The Commissioners asked Ms. Smith where was her attorney, Ms. Smith informed the Commissioner she was told by him that he did not need to be present.

Ms. Holly informed the Commissioners that before another

Administrator is appointed over an estate the first Administrator has to present a final settlement of the estate to the Commission. After a brief discussion the Commissioner asked Mr. Steele to get in touch with Ms. Smith's attorney to discuss this matter.

Mr. Steele checked on how much a bond would cost.

Mr. Steele advised the County Clerk to appoint Phil Tissue as the Special Fiduciary Commissioner.

Kelvin Holliday, County Clerk, appeared before the Commission to discuss the redistricting for the county and presented his proposal for changing and merging precincts.

Mr. Holliday suggested merging precinct 51 (Beckwith) into Gauley Bridge precinct 38, changing Beckwith from the New Haven District to the Valley District. The Commissioner suggested keeping Beckwith precinct, but change the district from New Haven District to Valley District.

Mr. Holliday suggested merging the following precincts: Precinct 53 into precinct 56, the Commissioners approved; precinct 65 into present 67, the Commissioner disapproved; precinct 16 into precinct one, the Commissioner approved; precinct 31 into precinct 32, the Commissioner disapproved; precinct 42 into precinct 41; the Commissioners disapproved.

Mr. Holliday suggested changing all of Minden Precinct to precinct nine. The Commissioner approved.

Commissioner Witt asked the Commissioners about putting the County Clerk's safe under the stairwell of the steps on the Maple Avenue side of the Courthouse. The Commissioners suggested holding off location of the safe until more information is received.

Dan Snead of J. Dan Snead Associates appeared before the Commission to discuss an elevator plan.

Mr. Snead informed the Commissioners he went to see Judge John Hatcher to give him a copy of his review and drawing of the plans for the elevator and asked that he get back with him.

Mr. Snead informed the Commissioners their next step is to advertise for contracts and suggested three different ways they could go over contracts they received.

Commissioner Witt suggested advertising for the hold thing.

Commissioner Wender made a motion to advertise for an architect/design firm to design elevator shaft and elevator equipment, the bid package to be discussed with the County Commission and advertise to design elevator shaft and elevator equipment all mechanical and electrical; write a bid package in phases so that the phases identify additional funding. Commissioners Lopez seconded.

Sheriff Bill Laird appeared before the Commission to inform them that he approached a policy regarding outside employment for the Deputy Sheriff (WV Code 7-14-15A).

Commissioner Lopez informed the Commissioners he had no problem with this as long as it at the Sheriff's digression. Commissioner Witt asked that they review.

Commissioner Wender asked the Sheriff if they would patrol Route 19, Glen Jean exist more. Sheriff Laird told Commissioner Wender he would check into.

The Commissioners signed Bridge Day Resolution supporting the members of the Fayette County New River Gorge Bridge Day Commission in their decision to continue Bridge Day activities on October 20, 2001.

The Commissioners signed a condolence letter to the Mrs. Johnnie (Mae) Ferri and Family.

The Commissioners signed a Fire Levy Protection Agreement from the Smithers Volunteer Fire Department for the period July 1, 2001 to June 30, 2002.

The Commissioners signed a letter to Lisa Green, Community Development representative with West Virginia Development Office confirming their understanding of the approval for the expenditure of the Courthouse Grant #99CPGP0150 funds within the scope of the project to implement the project in phases to the greatest extent possible with the grant funds currently available (i.e., construction of an elevator shaft only).

Ms. Holly presented a drawdown for \$18,000 for a Special Needs Program Grant Agreement to the Commissioners. Ms. Holly informed the Commissioners that this grant would be for hiring a Flood Relief Housing Coordinator; a one time request for payment from the West Virginia Housing Development Fund under contract with William White. Ms. Holly informed the Commissioners that they need to prepare a contract.

Commissioner Wender suggested that a thank-you letter be written to Joe Hatfield with the West Virginia Housing Fund and inform him that the County Commission has hired William White.

Ms. Holly informed the Commissioners that she received a formal letter of approval on the Economic Development Authority, received the contract but on page 2 last page, Flood Coordinator salary \$56,000. The Commissioners asked Ms. Holly to talk with W. D. Smith, Executive Director, Region 4 Planning and Development Council and get

clarification as to how the money is to be spent. The Commissioners signed documents.

The Commissioners signed a letter to Charter Communication regarding a complaint they received from Walter S. Zamiela requesting that Charter discontinue service for account #8794-40-003-0011212.

The Commissioners signed a letter to Tom Aiello, Assessor, informing that the Auditors are currently auditing our financial statements for the year ended June 30, 2001 and would like for him to confirm all major tax payers to them, who assessed value equals 10% or more of the total assessed based.

Ms. Holly informed the Commissioners that the Auditor presented to her letters that needed to be signed while she is conducting the audit for Fiscal Year ended June 30, 2000.

The Commissioners signed letters to Lisa Thornburg, Director, Department of Tax and Revenue confirming that as of October 3, 2001 and to the best of their knowledge and belief representations made during the audit.

The Commissioners signed letters to Paul Blake, Prosecuting Attorney, Attorney John MacCorkle, and Steptoe and Johnson informing that the State Auditor's office is conducting an audit of our financial statements of June 30, 2001 and for the year ended and asked that they furnish a description of all material pending or threatened litigations, claims and assessments.

The Commissioners signed an Internal Control Questionnaire and Management Inquiry for the State Auditor's office for the Fiscal year ended June 30, 2001.

Ms. Holly informed the Commissioners that sometime last October

or November the Commissioners was presented with a federal program with the West Virginia Housing Development Fund asking that they sign a deed for \$1 for Southern Appalachian Labor School (SALS) organization. Ms. Holly informed the Commissioners that she had talked with Paul Blake, Prosecuting Attorney and he informed her that the process was done incorrectly and that SALS would have to sign a quit claim deed to the County and the County would have to sign a quit claim deed back to the West Virginia Housing Development Fund to correct. The Commissioners signed a quit claim deed.

The Commissioners approved for Ms. Holly to advertise to advertise for a Dog Warden, must be a resident of Fayette County.

The Commissioners approved for Ms. Holly to open window bids.

The Commissioners approved payroll for October 15, 2001.

Outstanding bills were approved.

Ms. Holly informed the Commissioners that the 911 Center has been receiving a lot of dog calls they wants to know what to do with. The Commissioners informed Ms. Holly to have 911 continue referring calls to C-PAC.

The Commissioners approved heating and ventilation maintenance proposal plan for three years from Casto Technical for \$4,368.00 annually.

Ms. Holly informed the Commissioners she was waiting to hear from James Perdue, Maintenance Supervisor, regarding the boiler agreement.

Ms. Holly presented the Employees Job Analysis Worksheets to the Commissioners

Ms. Holly informed the Commissioners that she was told by Ms. Hickman that Thelma Kincaid, Circuit Clerk informed that per letter

she received from Judge John Hatcher she felt that her employees did not have to complete form.

The Commissioners approved a pumper replacement invoice from Gauley River Volunteer Fire Department, amount \$36,292.98.

The Commissioners approved request for contribution from the Beards Fork Community Organization for Fiscal Year 2001-02, amount \$1,000.00.

The Commissioners received and reviewed proposed West Virginia Public Employees Insurance Agency (PEIA) premium increase of 27%.

Ms. Holly informed the Commissioners she had talked with Larry Parsons regarding an endloader for Southern Appalachian Labor School (SALS) to use; Mr. Parsons informed the Commissioners he would send a small endloader to Page.

Ms. Holly informed the Commissioners she had talked with earl Pauley, Park Superintendent regarding the Komatsu; Mr. Pauley informed her that the parts were in and should be repaired by October 15, 2001.

Ms. Holly informed the Commissioners she received an invoice from SALS requesting the \$25,000.000 for the Housing Coordinators. The Commissioners asked Ms. Holly to hold request until they receive wording of a contract.

The Commissioners received and reviewed a letter from the Governor asking the Commission to help in appointing eight individuals to meet with the members of the "Statewide Flood Protection Task Force" during the first two weeks of October.

The Commissioners asked that Dave Pollard, county Resource Coordinator represent the Commission and request that Dave fill the remaining positions.

The Commissioners received and reviewed Audit Reports from Boomer Volunteer Fire Department, Inc. and Gauley River Volunteer Fire Department for fiscal year ending June 30, 2001.

The Commissioners received and reviewed 911 fees' checks from Citizens Telecommunications Company (\$62.32 for the month of July) and Metro-Teleconnect Companies (\$80.36 for the month of August).

The Commissioners received and reviewed a letter from John Perdue, State treasurer, informing that a seminar on Integrated Portal Solutions has been scheduled for October 17, 2001 at the Charleston Civic Center.

The Commissioners received and reviewed updates from FEMA.

The Commissioners received and reviewed an invitation to a Pig roast being held by the Ansted VFW Post on Friday, October 12, 2001.

The Commissioners received and reviewed Workers' Compensation and Unemployment Compensation claims.

The Commissioners received and reviewed notice that Congressman Nick Rahall's mobile office will be here Tuesday, October 30, 2001 from 9:00 a.m. to 10:30 a.m.

The Commissioners received and reviewed a letter from Steptoe and Johnson dismissing lawsuit against Jack L. Brown.

The Commissioners received/reviewed and approved an invoice from The Kanawha-Gauley Coal and Coke Company for tower rent for October 1, 2001 through September 30, 2002, amount \$575.00.

The Commissioners received and reviewed a letter from the Secretary of State regarding Senate Bill 415-Rainy Day Fund.

The Commissioners received and reviewed a fax from the West Virginia Association of Counties surveying if any county has set up or

has been considering establishing a county "Rainy Day Fund."

The Commissioners received and reviewed a letter from the Secretary of State office informing that a task force meeting to draft proposed legislation that will be necessary to clarify absentee voting laws is being held on Wednesday, October 17 at Stonewall Jackson Conference Center.

The Commissioners received and reviewed minutes from January 2001 to September 2001 from Gauley River Public Service District.

The Commissioners received and reviewed a letter from Jim Brewster, Jr. requesting permission to use the Memorial Building on October 28, 2001 for a benefit to raise money for John Strickland.

After a brief discussion, Commissioner Wender made a motion to deny Mr. Brewster's request to waive the fee and the use of the Memorial Building for benefit. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a fax from the County Commissioners' Association regarding Senate Bill 952 regarding Mandatory Collective Bargaining Rights for Public Safety Officials. The Commissioners asked that letters be sent to our elected officials to vote it down.

The Commissioners received and reviewed a letter from the West Virginia Division of Culture and History informing that applications are now being accepted for historic preservation mini grants through the State Historic Preservation Office of the West Virginia Division of Culture and History. The Commissioners asked that a copy be forwarded to Dave Pollard, County Resource Coordinator.

The Commissioners received and reviewed a fax from the County

Commissioners' Association informing of the new appointee to the Courthouse Facility Improvement Authority, David Jolliffe.

The Commissioners received and reviewed a letter from the West Virginia Development Office informing that Lisa Green is replacing Jeanna Bailes Moore as the new Community Development Representative.

The Commissioners received and reviewed e-mail from Nancy Massie, regarding property clean-up on Salem Road. The Commissioners was informed that Larry Parsons informed Ms. Hickman that he was going to refer this matter to the Sheriff's Office.

The Commissioners met with representatives from Verizon Jerri Nibert, Phil Argabright, Rich O'Brien, Bobby Shaffer, Avaya, Larry Williams, Expanets, Mark Smith, West Virginia Supreme Court and Chad Stepp, Cornerstone. Also present was Pete Hobb, citizen former employee with Lucent Technology and Alvin Kincaid, citizen former employee of Bell Atlantic to discuss new telephone system for the Courthouse.

The Commissioners recessed to go into Executive Session to discuss a personnel problem.

Upon reconvening at 3:20 p.m., the Commissioners informed action would be taken at the next meeting.

The Commissioners asked that Larry Parsons and Bill Caudill attend October 31 County Commission meeting.

The meeting was adjourned at 3:25 p.m. The next scheduled meeting is October 17, 2001.



FAYETTE COUNTY COMMISSION
SPECIAL SESSION
OCTOBER 17, 2001
COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: John L. Witt, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in a special session on this 17th day of October 2001.

Commissioner Witt called the meeting to order at 9:34 a.m.

Exonerations were approved and signed.

Commissioner Witt informed the Commissioners he received a letter from the Fayette County Chamber of Commerce requesting the use of the Memorial Building to hold a concert on October 20 and a community church event for October 21 and asking that the Commission waive the rental fee and if the Commission would consider absorbing the janitorial fees required for both events.

The Commissioners received and reviewed a letter from the Fayette County Red Cross requesting that the rental fee for the 8th Annual Christmas Festival and Craft Show be waived.

The Commissioners approved paying Patty Adkins cell phone bills. The Commissioners asked that before check is issued copy the invoices be presented.

The Commissioners signed a letter to Ben and Janice Arthur attaching a copy of the West Virginia Code 20-2-5 which contains the Sunday hunting legislation enacted in HB 2146 by the West Virginia Legislature; the Commissioners informed Mr. and Mrs. Arthur that it is their understanding that hunting on Sunday is open in all counties until they initiate a county-wide vote to uphold hunting on Sunday in their county.

A discussion was held regarding the replacement of the Courthouse doors. Commissioner Wender asked if Charlie Atha (Fayette Awning) could replace the front door if there would be no restocking charges. Commissioner Wender informed that the Fayette County Historical Land Commission had no problem with the Commission replacing the other three doors.

The Commissioners decided to let Mr. Atha replace the three doors and Commissioner Witt informed the Commissioners he would talk with Mr. Atha regarding the front door.

Commissioner Wender informed the Commission that the Fayette County Historical Landmark Commission has \$17,000 for a statue project but they need another \$4,000 to complete the project. Commissioner Suggested to the Commissioners that they make a commitment to contribute to the project but defer until next fiscal year. The Commissioners approved.

The Commissioners held a discussion regarding the \$9,449.82 flood recovery money that was setting in an idle account. The Commissioners asked that Selina Vickers with the Long term Flood Recovery Team be present to offer suggestions for the use of the funds. After a brief, Commissioner Wender made a motion that the \$9,449.82 be issued and transferred to the Fayette County Long Term Recovery Team for their use as they see fit. Commissioner Lopez seconded. All approved.

Libby Campbell appeared before the Commissioners to issue plaques and thank the Commission, Steve Cruikshank, OES Director and Staff, David Neal, 911 Director and Staff, and Virgil and Roseann Berry, with the Fayette County Red Cross for their support during the July 2001 flood.

Patti Payne, Vice President, acting President appeared before the Commission to give an update of the Fayette County Animal Control Center. Ms. Payne reported that everything is running smooth and informed the commission of the heating system. Ms. Payne informed the Commissioners that C-PAC recommends hiring Bert Lawhorn as Dog Warden. Ms. Payne informed the Commissioners he was very professional.

Ms. Payne informed the Commissioners she had received several contributions from out of state for the Spay/Neutering Program.

Commissioner Wender asked Ms. Payne that since Danny Martin was the Euthanization Technician who is doing the euthanization now. Ms. Payne informed the Commissioners that have contacted Dr. Crist of the Nicholas County Humane Society.

Sheriff William Laird, Steve Cruikshank, OES Director, and Julia Gunsaulis appeared before the Commission to discuss the upcoming Excess Levy Election being held Saturday, February 2, 2002.

The Sheriff, Steve and Judy agreed that the rate should stay the same.

Ms. Gunsaulis informed the Commissioners that due to the extra expense they had to pick up for the Montgomery Library she would like the County Commission input on how much of a problem it would be to increase the Library From \$190,000 to \$240,000.

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

Commissioner Lopez informed the Commissioners he was reluctant about increasing any taxes for the County.

Commissioner Lopez asked about combing the amendments. After a brief discussion, Commissioner Wender informed the Commissioners he

thinks the public should be allowed to vote one each of the amendments. The Commissioners agreed that each is a separate issue on the ballot.

Ms. Holly informed the Commissioners that the Executive Committees have to get poll workers within 80 days before the election.

The Commissioners asked that the Sheriff, Judy and Steve be scheduled to meet on October 31 to wrap up Excess Levy discussions.

Commissioner Wender suggested asking Tom Aiello or Eddie Young to be scheduled to give an educated guess on tax effect of the floods.

Commissioner Witt informed the Commissioners he received a letter from Dave Pollard, Community Resource Coordinator informing that he was withdrawing his letter of resignation. Commissioner Wender made a motion to accept Dave Pollard withdrawal letter. Commissioner Lopez seconded. All approved.

Ms. Holly asked the Commissioners if they wanted to discuss the bids from the Board of Education for the Memorial Building windows. Commissioner Witt suggested writing another letter to the Board of Education regarding this matter. Commissioner Wender suggested that the County advertise for the windows and suggested finding out where the Board stands.

Commissioner Wender suggested getting with Dan Snead and have him prepare specifications for a fee to replace all windows in the Memorial Building. Commissioner Wender suggested \$200 if satisfactory to go ahead and advertise.

Commissioner Wender suggested sending a letter to the Board informing them that the County is going to advertise for the Memorial

Building windows.

Kelvin Holliday, County Clerk, appeared before the Commissioners with several requests for the Commission to approve-fax machine for his personal office, 1-Personal Computer, one laptop computer for the front office and one printer, one desk, one-used typewriter, divider for Probate Office, asked the Commissioners for a location to vote absentee voters.

The Commissioners approved line for fax machine for Kelvin's office to be installed after the new telephone system has been completed, the Commissioners approved two personal computers, one printer, one desk, one used typewriter, divider for Probate Clerk.

The Commissioners received and reviewed a letter from the Raleigh County Commission extending an invitation to attend an informational meeting concerning the Arnold Palmer Golf Trail to be held on Friday, October 19, 2001 at Jackson and Kelly PLLC at 9:00 a.m. The Commissioner suggested that Charlotte Holly, County Administrator or Dave Pollard, Community Resource Coordinator attend meeting as a representative for the Commission.

Commissioner Wender suggested waiving rental fee and pay janitorial for the Fayette County Chamber of Commerce events and suggested approving waiver of the rental fee for the Fayette County Red Cross and to make it clear to both parties that they're responsible for the clean-up

The Commissioners approved and signed a letter to waive the rental fee and pay janitor for both events for the Fayette County Chamber of Commerce.

The Commissioners approved and signed a letter to waive the

rental for the 8th Annual Christmas Festival and Craft Show for the Fayette County Red Cross.

Ms. Holly asked the Commissioners if they wanted to approve minutes of July 13, July 18, July 20, July 25, and August 8. Commissioner Wender made a motion to approve minutes of July 13 but with the correction to add the Commissioners allocated \$20,000 for the clean-up effort for the flood. Commissioner Lopez seconded.

Commissioner Wender made a motion to approve July 18, July 20, July 25, and August 8 minutes as presented. Commissioner Lopez seconded. All approved.

Ms. Holly informed the Commissioners she had checked the file for Paint Creek Flood to see if there was an agreement or contract regarding the payment of \$1,000 each fiscal year to Paint Creek Flood Project. Ms. Holly informed the Commissioners she did not find anything in the files.

Ms. Holly presented to the Commissioners for Dave Pollard, Community Resource Coordinator, a drawdown request for payment regarding the Comprehensive Plan Update, 1998 Small Cities Block Grant 98SCBG0063, amount \$3,164.55. Commissioner Wender moved to adopt the Resolution and approved and authorized the payment of services; Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from the Fayette County National Bank requesting that certain bonds be substituted. Commissioner Wender moved that an order be signed ordering the release of said securities provided that securities will be substituted simultaneously and that Fayette County funds deposited with said banking institution will not be unsecured. Commissioner Lopez seconded. Order signed.

The Commissioner signed a letter to the Town of Gauley Bridge regarding their request for funding for repairs to the Community Center; the Commissioner informed that due to budget constraints resulting from reduced revenue and the tremendous amount of expenditure they experienced as a result of the July 2001 flood, they are unable to approve request.

Commissioner Wender suggested writing appreciation letters to Joe Hatfield, Executive Director and Carl Moore, Senior director with the West Virginia Housing Development Fund and informed them they have hired William White as Fayette County Flood Relief Housing Coordinator.

The Commissioners signed appreciation letters to Joe Hatfield, Executive Director and Carl R. Moore, Senior Director with the West Virginia Development Office for their assistance in expediting and obtaining a grant in the amount of \$18,000 through the Special Needs Program of the West Virginia Housing Development Fund; the Commissioners informed they did advertise for the contract position of a Fayette County Flood Relief Housing Coordinator and selected William B. White.

Commissioner Wender made a motion to contract the position of Fayette County Flood Relief Coordinator to William B. White. Commissioner Lopez seconded. Unanimous.

Commissioner Wender suggested including in the contract for the Fayette County Flood Relief Housing Coordinator that a report of expenses be submitted twice a month and paying for telephone expenses.

The Commissioners signed letters to Senators John D. Rockefeller and Robert C. Byrd expressing their opposition to the legislation and

request their assistance to put a hold on Senate Bill 911 that would provide collective bargaining rights for public safety officers employed by states or their political subdivisions.

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

The Commissioners signed COPS More 2001 Program Grant for the Fayette County Sheriff's Department for \$90,000 for the purchase and installation of an automated records management system (software) and related computer hardware.

The Commissioners received and reviewed from Dave Pollard per the Commissioners request informing he had contacted the appropriate individuals requested by the Governor's Office to serve on the Flood Recovery Task Force—Steve Cruikshank, OES Director, Keith Spangler, Chamber of Commerce, Mike Cobb (still need to contact), DOH Supervisor, W. D. Smith, Regional Planning and Development Coordinator, Dave Pollard, Dave Pollard, Bill White, Gene Kistler.

Danny Martin former worker for C-PAC presented a bill for reimbursement of locks he purchased at Wal-Mart, amount \$19.33 to the Commissioners. Mr. Martin informed the Commissioners that C-PAC refused to reimburse him. Commissioner Witt suggested to the Commissioners to talk with Ralph Young, Attorney for C-PAC regarding the matter.

Ms. Holly informed the Commissioners she had talked with W. D. Smith, Executive Director, Region 4 Planning and Development Council regarding the Economic Development Authority funding of \$56,000. Mr. Smith informed the Commissioners he had talked with Phil a representative and he informed they would approve the grant and for the Commission to go ahead and sign documents.

The Commissioners signed a letter to Governor Bob Wise asking that he defer any decision to build a new regional airport.

The Commissioners received/reviewed and signed renewal of maintenance support for the Budgeting/Accounting and Payroll/Personnel for 12 month period commencing November 1, 2001 with ACS Government Systems, amount \$2,983.00.

Ms. Holly informed the Commissioners that their next Commission meeting is after the payroll period, and the Payroll Clerk has prepared October 30 payrolls to be approved today. Commissioner Lopez moved to approve the payroll for the full time employees for October 30. Commissioner Wender seconded. All approved.

The Commissioners received and reviewed a letter from the County Commissioners' Association of West Virginia informing that plans are underway for this year's 10 regional meetings to be held across the State to discuss the legislative priorities adapted by the CCA; Region 3 Legislative Roundtable meeting will be held in Nicholas County on October 31, 2001 at 1:00 p.m. to 3:00 p.m.

Ms. Holly informed the Commissioners she had asked James Perdue, Maintenance Supervisor to review the proposal from Casto technical Services for HVAC Maintenance for Courthouse and other building. Ms. Holly informed the Commissioners, Mr. Perdue feel that this proposal is overpriced for the service they are willing to provide. Ms. Holly informed the Commissioners she agree with Mr. Perdue. Commissioner Wender moved that Casto's proposal be denied. Commissioner Lopez seconded. All approved.

The Commissioners received and reviewed a letter from Page-Kincaid Public Service District regarding the Virgil Payne matter. Ms. Holly informed the Commissioners that on October 12, 2001 she had

given Mr. Payne a copy of this letter. After reviewing the letter the Commissioner informed that this complaint had been thoroughly investigated and the Commission considers the matter closed.

The Commissioners received and reviewed from Thelma Kincaid, Circuit Clerk notice requesting that the County Commission set a fixed rate for the Ballot Commissioners due to the new law that was passed. Ms. Kincaid informed the Commissioners the Ballot Commissioners are paid \$50.00 per day which average's \$250.00, Primary and General and \$125.00 Special Elections. The Commissioners approved to leave the rate at \$50.00 per day for Ballot Commissioners during the Primary and General and Special Elections.

Ms. Holly informed the Commissioners she received an invoice from the National Association of Counties (NACo) for 2002 Membership dues. Ms. Holly asked the Commissioners if they were going to renew membership. Commissioner Wender made a motion not renew membership this year. Commissioner Lopez seconded. Unanimous.

Ms. Holly informed the Commissioners that March Tucker did resign from the 911 Advisory Board; Ms. Holly informed the Commissioners she was waiting for a recommendation from Emergency Services.

The Commissioners received and reviewed a check in the amount of \$20,257.19 from the Public Service Commission representing a disbursement of Wireless E-911 subscriber fees for the months of May, June, and July 2001.

The Commissioners received and reviewed a check from Verizon in the amount of \$41,369.55 for the Emergency Telephone System Fee for the month of August 2001.

The Commissioners received and reviewed a check from Citizens

Telecommunication Company in the amount \$60.38 for 911 fees for the month of September 2001.

The Commissioners received and reviewed a check from Verizon in the amount of \$21.04 for commission for September 2001.

The Commissioner received and reviewed an accident report on Deputy Deanna J. Saxton cruiser.

The Commissioners received and reviewed a fax from the West Virginia Department of Environmental Protection for information regarding the Flood Advisory Committee overview. Copy forwarded to Dave Pollard, County Community Resource Coordinator.

The Commissioners received and reviewed a letter from Sheriff Bill Laird informing that the Fayette County Sheriff's Department is available to address any concerns that you may have about any mail that is received in the office that may be of suspicion or concern and also the deputy sheriff's will be conducting security walks throughout the courthouse and annex buildings following the closure of these buildings at 4:00 p.m. each day and at 7:00 a.m. in the morning.

The Commissioners received and reviewed a letter from the Secretary of State Office informing that due to the overwhelming amount of requests regarding the preliminary absentee voter training they will combine the upcoming task force meeting being held October 17 at Stonewall Jackson to outline absentee procedures including the new absentee changes as enacted by the 2001 Legislature.

The Commissioners received and reviewed pledges of securities from the Sun Trust Bank and Branch Banking and Trust Company (BB&T).

Ms. Holly informed the Commissioners she has scheduled Lightning, Inc. at 9:30 and Nuttall, LLC at 9:45 for hearings on

clerical error on appraisals.

Ms. Holly presented to the Commissioners a memo from David Neal, E911 Director informing that James T. Richardson has resigned as a part-time telecommunicator and request that Charles Bennett part-time be moved to full-time position. The Commissioners asked to delay decision on this request.

The Commissioners received and reviewed a letter from the Division of Motor Vehicles responding to their letter regarding administrative hearings being moved to the Beckley Regional Office.

The Commissioners received and reviewed Fayette County Shelter Rental Agreements for the Fayette County Park.

The Commissioners received and reviewed the 2000 Financial Audit from the Southern West Virginia Convention and Visitors Bureau.

The Commissioners approved and signed several requests to combine or divide and segregate land as submitted by the Assessor's Office. Commissioner Wender asked if Eddie Young could have these prepared during the exoneration schedule.

Ms. Holly reminded the Commissioners that Michael Dougherty, WVU Extension Specialist will be here on October 24, 2001 to conduct interviews with the employees.

The Commissioners received and reviewed a letter to Gary Hough, Principal, Fayetteville Middle School informing that the rental fee for the Country Music Show scheduled for October 13, 2001, sponsored by the Fayette County Deputy Sheriff's Association has been waived.

Ms. Holly presented to the Commissioners' information she received from Pete Hobb regarding IP Technology. The Commissioners asked that copies of everything be forwarded to Judge John Hatcher.

Commissioner Wender suggested that Pete Hobb, Alvin Kincaid, and

Ms. Holly get together and present written recommendations. The Commissioners asked Ms. Holly if she could have recommendations by Monday. The Commissioners scheduled a special meeting on October 22, 2001 at 9:30 to review recommendations.

The Commissioners received and reviewed quarterly a report from Boomer Volunteer Fire Department, Inc. for the period July 1, 2001 to September 30, 2001.

The Commissioners received and reviewed a letter from TLF Defense informing that the presentation and demonstration of HESCO Bastion Concertainer have been postponed but reschedule Monday, October 22 at 1:30 p.m. at Coonskin Armory. Original forwarded to Steve Cruikshank, OES Director.

The Commissioners received and reviewed from the Division of Criminal Justice Services a Court Security Fund-General Grant Information and Requirements Booklet and Grant Application. Copy forwarded to Sheriff William Laird.

The Commissioners received and reviewed a memo from 4-C Economic Development Authority inviting the Commission to attend the 4-C Economic Development Authority legislative planning meeting being held on October 29 at 6:00 p.m. at Pipestem.

The Commissioners received and reviewed information from the County Commissioner' Association of West Virginia regarding copies of the Redistricting bill for both Senate District and House District.

The Commissioners received and reviewed Expense Reports from C-PAC.

Ms. Holly informed the Commissioners she prepared reimbursement for October for the Fayette County Animal Shelter.

The Commissioners received and reviewed Unemployment and

Workers' Compensations letters.

The Commissioners received and reviewed invitation from the Southern Soil Conservation District inviting the Commission to their Annual Get Acquainted Legislative Meeting being held November 1, 2001.

Ms. Holly informed the Commissioners they received a check from Citizen Communications for \$58.42 for 911 fees which were receipted and deposited in the Fayette County General Fund, Ms. Holly informed the Commissioners that should have been receipted and deposited into the Emergency 911 Fund. Ms. Holly informed the Commissioners a check has been prepared to make the correction.

The Commissioners received and reviewed a letter from Tom Aiello, Assessor requesting that David Neal, E911 Director, attends as his representative the Governor's Disaster Committee training conference scheduled for October 10, 2001.

The Commissioners received and reviewed a letter from the Department of Health and Human Resources regarding the Kanawha Falls Water Treatment System.

The Commissioners received and reviewed Audit Report from Nuttall Volunteer Fire Department for fiscal year ending June 30, 2001.

The Commissioners received and reviewed a letter from Region 4 Planning and Development regarding an amendment to the scope of the Economic Development Authority Project #01-79-07596.

The Commissioners signed Zoning Hearing minutes of July 13, 2001.

The Commissioners received and reviewed FEMA Reports.

The Commissioners received and reviewed a copy of a letter to Julia A. Bolen, Auditor from Paul Blake, Prosecuting Attorney,

informing that his office is not presently providing legal consultation to or representation of the Fayette County Commission on any litigations pending at this time.

The Commissioners received and reviewed from the West Virginia Association of Counties copies of HB 510 Congressional Districts and HB 511 Senatorial Districts.

Ms. Holly informed the Commissioners that she is holding three checks from FEMA; asked Steve Cruikshank, OES Director, what the checks was for he has never responded.

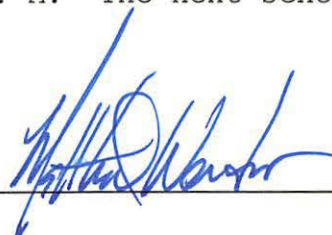
Commissioner Wender suggested to the Commissioners that since Steve has not responded to any of their request regarding the \$100,000 from FEMA he suggested pulling money down to reimburse the County for overtime and other expenses.

Commissioner Lopez offered a motion to pull money down to reimburse the County for overtime and other expenses; Commissioner Wender seconded. All approved.

Ms. Holly informed the Commissioners that David Neal, E911 Director, asked if Stanley Steamer to come in and clean the carpet at the 911 Center. The Commissioners approved, but asked Ms. Holly to send David a letter informing that eating be allowed only in the lunch room.

The meeting was adjourned at 1:50 p.m. The meeting was called back to order at 1:52 by a vote of 2-0 to approve outstanding bills.

The meeting was adjourned at 1:57 P. M. The next scheduled meeting is October 22, 2001.



FAYETTE COUNTY COMMISSION
SPECIAL SESSION
OCTOBER 22, 2001
COURTHOUSE
FAYETTEVILLE, WV 25840
MEMBERS Present: John L. Witt, John H. Lopez

The Fayette County Commission met in a special session on this 22nd day of October 2001.

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

The Commissioners met with Pete Hobb and Ms. Holly to discuss the award of the Courthouse Telephone System Bid.

Commissioner Lopez asked Mr. Hobb if they every figured out why one bid was so much higher than the other.

Mr. Hobbs informed no, both bids offered the same thing. Mr. Hobb informed as a former employee of Lucent Technology he would have like to have gone with Expanets but because of the tremendous price difference in the bid he knows the Commissioners could not justify to the citizens why they would accept Expanets bid. Mr. Hobb recommended to the Commissioners to go with Verizon bid.

Ms. Holly informed the Commissioners that Larry Williams, Expanets did a thorough job but explanation was not given as to the difference in the price. Ms. Holly recommendation to the Commissioners was Verizon.

Commissioner Lopez made a motion to accept Verizon the lower bid to replace the telephone system cost \$104,450.09 plus training. Commissioner Witt seconded. Commissioner Lopez informed the Commissioners he received a proxy from Commissioner Wender. All approved.

The Commissioners thanked Mr. Hobb for all his input and time and

asked if he had any mileage, phone calls or other expense to turn in to be reimbursed.

The Commissioners asked Ms. Holly to write a letter to Expanets informing that the Commission went with lower bid.

The Commissioners asked Ms. Holly if possible to get 36 month's lease with Verizon and asked that they do the cut over on weekends.

Discussion was held regarding hiring a Dog Warden. Commissioner Witt informed the Commission that Commissioner Wender asked that they schedule an Executive Session to discuss matter. Commissioner Witt and Commissioner Lopez informed they see no reason to go into Executive Session. Commissioner Lopez moved to appoint Bert Lawhorn as Dog Warden pending investigation of background check. Commissioner Witt seconded. All approved.

Commissioner Lopez discussed the Library Levy Fund; Commissioner Lopez informed the Commission that the City of Montgomery cut their budget and that Judy Guinsalis, Director of the Library Board had to pick up payment for the Montgomery Library out of the Library Levy Fund.

Commissioner Lopez suggested meeting with the Fire Department and Library members to see if they would consider giving the Library some assistance.

Commissioner Lopez asked Ms. Holly to get a list of all quarterly and annual reports.

Commissioner Witt informed the Commissioners he would like a list of all the purchases made by the Fire Department.

Commissioner Lopez informed he would talk with Tim Hannah, Chairman of the Firefighters Association regarding this matter.

Ms. Holly informed the Commissioners of what needed to be included in the Excess Levy Order.

Ms. Holly informed the Commissioners several years ago they had included in the order funding for the level election; informed the Commissioners that after this election there would be no fund to have future excess levy elections. Ms. Holly asked the Commissioners to think about the roll back language in the Levy Order. Discussion was held, Commissioner Lopez and Commissioner Witt suggested taking out the roll back language.

Commissioner Witt informed the Commissioners that during the Sunday Services for the event held on October 21 at the Memorial Building he found that the numbered and lettered folding chairs for the Memorial Building were missing and asked that a letter be written to Gary Hough, Principal, Fayetteville Middle School, directing that all of the folding chairs be returned to the Memorial Building and that no equipment including chairs be loaned in the future.

The meeting was adjourned at 11:09 a.m. The next scheduled meeting is October 31, 2001.



FAYETTE COUNTY COMMISSION
REGULAR SESSION
OCTOBER 31, 2001
COURTHOUSE

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

The Fayette County Commission met in a regular session on this 31st day of October 2001.

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

Exonerations were approved and signed.

Ms. Holly presented to the Commissioners minutes of the previous meetings. The Commissioners asked that they be referred to next meeting.

Ms. Holly presented a draft of the contract with William White, Flood Relief Housing Coordinator. Commissioner Lopez moved to approve and sign contract agreement between the Fayette County Commission and William White, Flood Relief Housing Coordinator. Commissioner Wender seconded. All approved.

Nirmal Gangopadhyay, with Lighting, Inc. appeared before the Commission to request reduction of the tax assessment on mineral tract numbers 10-02-9999-0620-1086-3002 and 10-02-9999-0619-0622 due to a clerical error from the State Tax Department. Present were Chuck Barlow and Forest Jones from the State Tax Department, Eddie Young from the Assessor's Office and Brian Parsons, Assistant Prosecuting Attorney.

The Commissioners asked Mr. Barlow for an explanation. Mr. Barlow informed it was just a clinch in the computer. Discussion was held, and Commissioner Lopez made motion to refer until November 7, 2001 the next Commission meeting for a decision. Commissioner Wender

seconded. Unanimous.

Attorney James Blankenship, with Nuttall, LLC appeared before the Commission to request reduction of the tax of the tax assessment on mineral tract number 1001-9999-0603-4720-0000 due to a clerical error by the State Tax Department.

Mr. Barlow informed the Commission that it was a computer error also.

Commissioner Lopez made a motion to refer until November 7, 2001 the next Commission meeting for a decision. Commissioner Wender seconded. Unanimous.

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

The Commissioners signed a letter to the Fayette County Health Department requesting they establish "Flu Shot Clinics" in various locations throughout Fayette County.

Commissioner Wender suggested asking a member of the Board of Health to attend a Commission meeting to inquire as to why the Board of Health can accumulate so many fees and to answer other questions. Commissioner Wender suggested sending e-mail to the County Commission Association regarding this matter.

Steve Cruikshank, OES Director appeared before the Commission and presented a report of the FEMA reimbursements.

Discussion was held regarding the shooting range, Boomer Ballfield, Fayette County Park swimming pool and the animal shelter.

Mr. Cruikshank informed the Commissioners that they will be

receiving a check from FEMA approximately \$14,000. Commissioner Wender suggested finding a window in which the County can speed the money and get specific guidelines on shelter. Commissioner Wender informed that FEMA would finish funding within 18months.

Ms. Holly asked Mr. Cruikshank if they could get reimbursed for number 9, 10, 11. Mr. Cruikshank informed the Commissioners he could approve the transfer of the funds but FEMA might come back and say you can't.

Commissioner Witt suggested seeing the process through and give Steve a little more time and asked him to come back with a report on November 15.

Ms. Holly informed the Commissioners she did receive FEMA reimbursement for Boomer Ballfield (\$6,395.92), Fayette County swimming pool (\$2,045.71), Fayette County Shooting Range (\$1,719.38) and Fayette County swimming pool (\$3,064.97).

The Commissioners received and reviewed a check from the West Virginia Housing Development Fund for \$18,000 for the Flood Relief Housing Coordinator Special Needs Program.

The Commissioners received/reviewed and signed Enforcement Grant (02-06) expenditures and final report information and reimbursement request for a DUI overtime enforcement grant.

The Commissioners signed a letter to Gary Hough, Principal, Fayetteville Middle School, requesting that the numbered and lettered folding chairs designated for use at the Memorial Building be returned immediately.

The Commissioners signed Proclamation proclaiming November 15, 2001, as West Virginia Recycle Day.

Commissioner Lopez made a motion to approve and authorize the adoptions of the Resolutions for the Fayette County Emergency Food Assistance Center and the Fayette County Weatherization Program. Commissioner Wender seconded. Unanimous.

The Commissioners signed Proclamation declaring October 21 through October 27 as National HOSA week.

The commissioners signed letters to Steve Cruikshank, OES Director and David Neal, E911 Director informing that effective immediately smoking will not be permitted inside the OES/911 Center and eating will be allowed in employees' kitchen/lounge only.

The Commissioners approved payment for contracted services and travel expenses for William White, Flood Relief Housing Coordinator.

The Commissioners received and reviewed corrections to the minutes of July 13, 2001.

The Commissioners received and reviewed notices of town meetings for the "Voluntary Buyout Program" being held throughout the County.

The Commissioners met with Steve Cruikshank, OES Director, Judy Gunsaulis, Library Board, Sheriff William Laird regarding the Special Excess Levy Election.

Discussion was held regarding the Library request for more money.

The Commissioners asked Steve and Sheriff Laird if they would consider lowering their rates to assist with an increase to the Library Levy rates to cover the increase.

Steve informed the Commissioners that the Fire Levy's money is earmarked. Steve informed the Commissioners of the cost of a fire burning facility for training and purchase of fire pumpers.

Commissioner Wender questioned Steve about how much money was

earmarked for the Firefighters Association.

Judy Gunsaulis suggested to the Commissioners to looking at in the next three years.

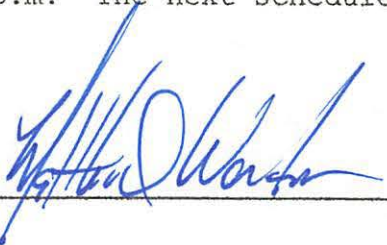
Sheriff Laird informed the Commissioners he was concerned regarding how the public would react regarding a change.

Ms. Holly informed the Commissioners of the time frame the order has to be prepared.

Commissioner Wender made a motion to postpone the Special Election from February 2, 2002 to February 9, 2002. Commissioner Lopez seconded. All approved.

Commissioner Wender asked Steve for a written report for the next Commission meeting to discuss the carry over. The Commissioner scheduled a special meeting on Monday, November 5, 2001 at 10:00 a.m. to discuss this matter further.

The meeting was adjourned at 12:20 p.m. The next scheduled meeting is November 5, 2001.



FAYETTE COUNTY COMMISSION

REGULAR SESSION

SEPTEMBER 5, 2001

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: John L. Witt, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in regular session on this 5th day of September, 2001.

Commissioner Witt called the meeting to order at 9:33 a.m.

Exonerations were approved and signed.

Commissioner Wender informed the Commissioners he received a recommendation to appoint Susan Woods to fill the unexpired term of Loretta Lively as a member of the Library Board of Directors.

Recommendation approved, order signed.

Kelvin Holliday, County Clerk, presented to the Commissioners bids from the West Virginia State Agency for Surplus property for a safe and file cabinets to be used for absentee voting. Commissioner Lopez made a motion to approve \$250 for the safe and two file cabinets. Commissioner Wender seconded. Unanimous. The Commissioners asked Kelvin to contact Earl Pauley, Park Superintendent, to check the equipment and purchase if it was satisfactory.

Ms. Holly informed the Commissioners she had contacted Judy Gunsaulis, Director, Fayette County Public Libraries, Steve Cruikshank, OES Director, and Sheriff William Laird regarding a date for conducting the Special Excess Levy Election. Ms. Holly informed the Commissioners that everyone recommended the first Saturday in February (February 2, 2002). Commissioner Wender made a motion that the Special Excess Levy Election be held on the first Saturday in

February, (February 2, 2002); Commissioner Lopez seconded. All approved.

Ms. Holly presented to the Commissioners copies of the Annual Financial Statement and list of vendors for the period July 1, 2000 through June 30, 2001, and a comparative balance sheet and a schedule of fixed assets as of June 30, 2001. Commissioner Wender made a motion to approve the Annual Financial statement for the period July 1, 2000 thru June 30, 2001. Commissioner Lopez seconded. All approved.

Commissioner Witt presented a letter from Sheriff Bill Laird to Commissioner Roger Pritt with the Division of Motor Vehicles registering his displeasure and concern about the decision to have all future administrative hearings before the Department of Motor Vehicles transferred and removed from Fayette County to Raleigh County. Commissioner Wender made a motion to send a letter to Commissioner Roger Pritt informing him that the Commissioners hereby support the displeasures and concerns of Fayette County Sheriff Bill Laird; Commissioner Lopez seconded. Unanimous; letter signed. The Commissioners asked that a copy of the letter be sent to Senators Shirley Love and Mark Burnette and Delegates.

Dan Snead with J. D. Snead and Associates appeared before the Commissioners to discuss the elevator for the main courthouse. Commissioner Lopez asked Mr. Snead if he would try to include access to the 3rd floor. Mr. Snead explained the results of his prior review of the Courthouse and presented floor plans and gave options of what would be involved.

Commissioner Wender asked about doing the project in different phases so that the Commission would not lose Legislative Digest

money.

Mr. Snead informed the Commissioners he would take another look at the Courthouse.

Commissioner Wender asked how long it would take to come up with another set of plans.

Mr. Snead informed the later part of this week.

Commissioner Wender made a motion to change the Commission meeting of September 12th back to September 14th, 2001. Commissioner Lopez seconded. All approved.

Virgil Berry and Selina Vickers with the Fayette County Recovery Team appeared before the Commissioners to ask if they would write a letter to FEMA requesting an extension to register for assistance to apply for a SBA Loan packets.

Commissioner Wender made a motion that a letter be sent to Governor Wise, our Senators and Delegates asking for an additional 60 day extension. Commissioner Lopez seconded.

Attorney James Blankenship appeared before the Commissioners to request permission that Elanda Wright resign as Administratrix of the Estate of Jacob Harold Wright, Jr. Also present was Ms. Wright. Mr. Blankenship informed the Commissioners that this should have been held in Virginia. Commissioner Lopez made a motion that Elanda Wright be permitted to resign as Administratrix of the Estate of Jacob Harold Wright, Jr. and the surety, Brenda Wriston on the bond is hereby relieved and discharged as surety on the bond heretofore posted. Commissioner Wender seconded. All approved. Order signed; Mr. Blankenship is to inform the County Clerk to close this estate file for the reason that Fayette County is not the proper jurisdiction for the administration of this estate.

Bill Evans with B & M Towing appeared before the Commission to question why one towing company got most of the 9-1-1 calls. David Neal, E911 Director, informed the Commissioners that the 911 Center has a rotation list they go by and presented a copy of the list to the Commissioners. Mr. Neal informed the Commissioners that there are a dozen towing services in the Plateau area of Fayette County and there is one pending that is not in the 911 Center System. Mr. Neal estimated that the 9-1-1 Center has approximately 6 wrecker calls per day and the staff follows the policy (1) to rotate the calls according to the geographic area involved or (2) to follow the request of the owner or the officer on the scene.

There was a question as to why an officer would call for towing service. Mr. Neal stated the 9-1-1 staff cannot override a request from the officer on the scene because the officer on the scene is the most qualified since he can see the actual needs of the situation.

Mr. Neal informed the Commissioners that he had asked the towing companies to come together and make up some type of rules to present to the 911 Advisory Board. Mr. Neal informed nothing has been brought in as of this day.

Commissioner Lopez made a suggestion that the towing companies get with the 911 Advisory Board as soon as possible to address this problem. Commissioner Lopez informed that its not up to the Commissioners to make this decision.

The Commissioners asked David to report the 911 board's decision back to them.

Michael Dougherty, WVU Extension Service appeared before the Commission; Mr. Dougherty introduced Kasandra Kasten, intern, who will be working with him. The Elected Officials present were Thelma

Kincaid, Circuit Clerk and Kelvin Holliday, County Clerk.

Commissioner Wender informed he would like to have this completed by the end of the year and asked Mr. Dougherty to work with Charlotte Holly, County Administrator.

Ms. Kincaid questioned about the job analysis questionnaire.

The Commissioners asked how many counties in West Virginia have this employment book. Mr. Dougherty informed he could not answer that question but this is the third County he has worked with.

The Commissioners asked Ms. Holly to introduce Mr. Dougherty and Ms. Kasten to each elected official.

Ms. Holly informed the Commissioners that Steve Cruikshank, OES Director, had given her some Fire Department reimbursement invoices and asked the Commissioners to approve these so that Debbie Berry could prepare the checks.

The Commissioners received and reviewed a letter from Thelma Kincaid, Circuit Clerk requesting that the Commission take the steps necessary to acquire a tape of all West Virginia Division of Motor Vehicle drivers licensed in Fayette County (18) years of age and older, and a tape of the voters registration list for Fayette County. Commissioner Witt moved to approve request; Commissioner Lopez seconded. Ms. Holly to prepare letter.

David Pollard, of the Fayette Transition Team, presented letters to the Commissioners recommending that Keith Spangler, Ken Eskew, C. R. Hill, Jr., Cindy Martel, Cindy Whitlock, Melba White, Guy Dooley, Jr., Sherman Bobbitt, Mark Ehrnschwender, Kathryn Hoffman, Doug Proctor, Dennis McCutcheon, Lisa Goode, Bruce Novak, Cynthia Jones, and Carolyn Arritt be appointed as voting members of the Fayette Transition Team and that Ann Cavalier, Jim Lively, Jr., Dr. Harry

Hoffer (designate), Henry Law, Sharon Cruikshank, Selina Vickers, Gary Davis, Al Gannon, and Leon Cooper be appointed as non-voting members of the Fayette Transition Team. Commissioner Wender moved to appoint voting and non-voting members to the Fayette Transition Team. Commissioner Lopez seconded. All approved; letters signed.

Commissioner Wender discussed the request of Southern Appalachian Labor School (SALS) for funding in the amount of \$25,000 for the hiring of 2 Housing Specialists by the Southern Appalachian Labor School for 1 year.

The Commissioners postponed talking about the Animal Shelter until September 14, 2001.

The Commissioners asked Ms. Holly to notify John David that funding for these 2 housing specialists was approved for one year only from the Economic Development Authority grant with the provision that their work was to deal strictly with housing assistance related to the flood to Fayette County residents.

Commissioner Wender recommended that the Commissioners hire a Flood Relief Housing Coordinator at \$24,000 one year contract through an \$18,000 Special Needs Program Grant agreement with West Virginia Housing Development Fund and \$6,000 Economic Development Authority grant funding. The position would only be funded for one year. Grant agreement with the West Virginia Housing Development Fund signed.

After a brief discussion the Commissioners asked Ms. Holly to send a letter to W. D. Smith, Director of Region IV Planning and Development Council as a follow up to the August 22, 2001, approval of the grant in the amount of \$56,000 by the U. S. Department of Commerce Economic Development Administration requesting the drawdown

of these funds today and informing him of the proposed expenditures for the funds as follows: \$25,000 for 2 housing specialists for SALS, \$6,000 for Flood Relief Housing Coordinator, \$12,000 OES flood administrative assistant, and \$13,000 to be determined.

Commissioner Wender made a motion to hire a Flood Relief Housing Coordinator at \$24,000 contract for one year only. Commissioner Lopez seconded. All approved.

Commissioner Wender informed the Commissioners that the West Virginia Housing Authority recommended a name of an individual for the position and asked if the position should be advertised.

Ms. Holly informed the Commissioners they needed to advertise since the position was to be a contract position. The Commission directed Ms. Holly to advertise the position.

Commissioner Lopez suggested putting a cap on spending for awhile.

Commissioner Wender suggested making an inquiry to Steve Cruikshank, OES Director, on the status of our FEMA claims including the status of the application, reimbursement checks, amount spent, and amount getting back. Commissioner Wender informed he would ask Larry Parsons how much longer that he would need the part-time crew to work.

Commissioner Wender informed that a lot of litter is in the streams along the highways; Commissioner Lopez informed that the Division of Highways is responsible for the highways.

Commissioner Lopez made a motion to curtail any more spending dealing with the flood pending FEMA reimbursement of previous expenditures and to call Larry Parsons to find out how much longer that he needs the part-time crew. Commissioner Wender seconded.

Unanimous.

The Commissioners agreed that the \$25,000 to the Southern Appalachian Labor School would be paid as a grant to SALS.

The Commissioners received and reviewed a letter from Kelvin Holliday, County Clerk, about bids he received for record books needed for his office. The Commissioners informed that the money is in his budget and it is up to Kelvin to decide on what bid he would accept.

The Commissioners signed the Zoning minutes from the hearings held on August 29, 2001.

Commissioner Wender made a motion to approve the 4-C Economic and Development Authority as the local economic development organization in Fayette County for participation in the West Virginia Certified Development Community Program (CDC). Commissioner Witt seconded. Unanimous; resolution signed.

The Commissioners received and reviewed a letter from the Hilltop Family Production, LLC informing of the event that is scheduled for October 20, 2001 at the Memorial Building.

Commissioner Witt made a motion that a letter be written to Gary Hough informing that the Commissioners unanimously agreed that all activities being held indoors at the Memorial Building that damage the interior of the building (i.e. softball and soccer) shall cease immediately and shall not be permitted in the future. Commissioner Wender seconded.

The Commissioners received and reviewed a flood recovery efforts report from FEMA.

The Commissioners received and reviewed an accident report for Deputy James W. Fitzwater.

The Commissioners received and reviewed a copy of the 2000 Income Tax Return for the New River Convention and Visitors Bureau, Inc.

The Commissioners received and reviewed a letter from the State Tax Department regarding a correction of an error for Tax Year 2001 for Lightning, Inc.

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

The Commissioners received and reviewed a letter from Charter Communications informing of channel line-up changes effective September 29, 2001.

The Commissioners received and reviewed letters from Steptoe and Johnson regarding lawsuits.

The Commissioners received and reviewed C-PAC weekly deposits collected.

The Commissioners received and reviewed a letter from the Division of Highways informing of a Recreational Trails Grant Program. Original forwarded to Dave Pollard, Community Resource Coordinator.

The Commissioners received and reviewed a letter from New River Engineering, Inc. regarding its Community Impact Statement application. Original forwarded to Tim Richardson, Zoning Officer.

The Commissioners asked that Tim Richardson and Dave Pollard attend the September 26th County Commission meeting to discuss operating hours and a working schedule for the Zoning office.

Outstanding bills were approved.

The Commissioners received a message from Selina Vickers that the deadline had been extended for the FEMA registration and that the

Commission would not need to write a letter as requested earlier today.

The meeting was adjourned at 1:35 p.m. The next scheduled meeting is September 14, 2001.

John S. Witt

FAYETTE COUNTY COMMISSION

REGULAR SESSION

SEPTEMBER 14, 2001

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: John L. Witt, John H. Lopez, Matthew D. Wender

Commissioner Witt asked that a memorandum be sent to all Elected Officials requesting that they close their offices at 12:00 noon today to allow them and their staff to participate in the services being held on the Fayette County Courthouse steps to pay tribute to all the fallen people who were killed during the horrific acts that were carried out against our country.

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

Exonerations were approved and signed.

Mr. Young presented a request from the State Tax Department regarding a clerical error that was made for Tax year 2001 on Lightning, Inc. Mr. Young informed the Commissioners of the State Tax Department's recommendation to make the correction. After reviewing and discussing the State's recommendation, Commissioner Wender made a motion to deny the State Tax Department's recommendation, then withdrew the motion and made a motion to table the recommendation from the State Tax Department regarding the clerical error pending a request for a hearing from the taxpayer. Commissioner Lopez seconded. All approved.

Commissioner Lopez made a motion that the payroll and invoices be approved and released. Commissioner Wender seconded. All approved.

The Commissioners received and reviewed request from NACo and the County Commissioners Association of WV to offer a resolution in

support of the President of the United States as he works with his national security team to defend against additional attacks and find the perpetrators to bring them to justice. Commissioner Lopez moved to approve and sign the resolution. Commissioner Wender seconded. All approved. Resolution signed. The Commissioners asked that copies be sent to our Senators, Congressman, and Governor. Commissioner Wender requested that the resolution be posted at the courthouse front door.

Commissioner Wender asked that a letter of well wishes be written to J. "Mickey" Protan, Boone County Commissioner.

Ms. Holly informed the Commissioners that she had advertised for bids for the telephone system; bids are due by 10:00 a.m. September 26, 2001.

Ms. Holly informed the Commissioners that she had advertised for HVAC Maintenance Bids; bids are due by 10:00 a.m. September 26. Commissioner Lopez asked about local representatives.

Ms. Holly informed the Commissioners of the telephone system problems and the Circuit Clerk's computer problems she had to deal with this week.

Ms. Holly presented a letter from Upper Kanawha Valley Economic Development Council (UKVEDC) requesting a letter of support for Round III Empowerment Zone Designation and she presented a copy of the Commission's previous letter of support dated May 29, 2001. Commissioner Lopez requested that the request be tabled until he found out more information from UKVEDC.

The Commissioners signed a letter to the West Virginia Department of Health and Human Resources, Office of Emergency Medical Services, requesting written authorization to dispose of a 1985 Ford

Ambulance, serial number 1FTHS34LXFHB60965 and a 1986 Ford Ambulance, serial number 1FDHS34LXGHCO7540.

Commissioner Wender made a motion that subject to the approval of the Assessor, that Hobart Patterson be afforded tax relief for tax year 2000 in the total amount of \$489.14 in the form of a credit of \$489.14 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. Commissioner Lopez seconded. Unanimous; order signed.

The Commissioners signed a letter to the West Virginia Development office requesting the second drawdown for the Gauneka Ruritan's Building, Grant #00-348, amount \$1,557.65.

The Commissioners signed letters to the Princes Theater, Fayette County Sheriff's Department, Fayette County Emergency Food Assistance Center, REACT, Fayette County Chamber of Commerce, Fayette County Weatherization, Christians Helping Others Food Pantry, and Youth Soccer Association enclosing a Legislative Digest Information Sheet for Fiscal year 2002 for each project. The Commission asked that they complete and return the information sheets to the Commission to be forwarded to the West Virginia Development Office.

The Commissioners signed an order reappointing Kenneth Fox a member of the Page-Kincaid Public Service District, term to expire October 1, 2007.

The Commissioners discussed with Tim Richardson, Zoning Officer, that he be in the Zoning Office from 8:00 to 12:00 and for him to check with Dave Pollard to see if he would be available in the afternoon to take care of the citizens while Tim does field work.

Mayor Shirley Roberts appeared before the Commissioners with a request for the annual allocation of \$1,000 for flood control for Pax

for Fiscal year 2002. Ms. Roberts also asked for an increase in the yearly allotment. Commissioner Witt informed Ms. Roberts that the Commission is not in any position to commit any more money at this time. Commissioner Lopez informed Ms. Roberts they were meeting with Steve Cruikshank, OES Director, this afternoon and would ask him about the cleaning of the creek.

Commissioner Wender informed Ms. Roberts that members of the Pax Regional Community Center had talked with him about insurance on the building, and informed her that he had talked with Mike Lively, Agent, and was told that it would be a minimum premium. Commissioner Wender asked Ms. Roberts if Pax would consider paying the insurance on the building. Ms. Roberts informed the Commissioners that the Town of Pax had leased the building for one year to the Pax Regional Community Center; Ms. Roberts told the Commissioners that the building is not in good condition and the Town of Pax would not consider the request.

Randall Boyd, with the Upper Kanawha Valley Economic Development appeared before the Commissioners to give an update on the different projects in the Valley.

The Commissioners received and reviewed from C-PAC a list of calls answered and monthly fees collected for the last week in August.

Ms. Holly informed the Commissioners she had prepared C-PAC's allotment check for the month of August (\$9,740.55) but she had deducted the amount of \$4,287.25 that was advanced to them on August 29, 2001. Approved.

Ms. Holly informed the Commissioners she received bids for a freezer from Patty Adkins for C-PAC. The Commissioners approved for

C-PAC to purchase the freezer and submit the invoice to the Commission with the understanding that C-PAC would reimburse the County if FEMA paid C-PAC for replacement of the freezer lost in the flood.

The Commissioners asked that a copy of the Resolution regarding the World Trade Center and the Pentagon be sent to the National Association of Counties (NACo) and the County Commissioners Association of West Virginia.

The Commissioners received and reviewed a memo from the National Association of Counties and the County Commissioners Association of West Virginia informing that President George Bush has proclaimed Friday, September 14, 2001, as a National Day of Prayer and Remembrance for the Victims of the Terrorist Attack.

The Commissioners asked Steve Cruikshank, OES Director, about the creek in Pax; Steve stated that he was told that they had worked the creek. Mr. Cruikshank informed that he was to meet with a gentlemen this afternoon regarding updates on the creek clean-ups.

Ms. Holly informed the Commissioners she received another fax from Ben Newhouse asking that a letter of support for the Round III Empowerment Zone/Enterprise Community application be sent.

Ms. Holly informed the Commissioners that they had signed a letter of support on May 29, 2001, but in the fax they wanted the Commissioners to add a commitment clause. The Commissioners asked to hold the letter.

Steve Cruikshank and Tom Woodrum appeared before the Commissioners to report County flood related expenses that have occurred as a result of the flood. Mr. Woodrum presented to the Commissioners a total of the costs he had received. Steve reported

that the animal shelter funding had been approved at approximately \$93,000 which included \$5,500 for slope correction and \$9,000 for demolition; this would leave approximately \$76,500 for a new shelter.

Ms. Holly informed the Commissioners she received a reimbursement check in the amount of \$8,892.81 from FEMA for the temporary animal shelter; this check included \$6,000 for rent for 6 months, vinyl floor, plywood for the floor, and plastic on the walls according to Steve Cruikshank.

Steve informed the Commissioners they would receive additional money, on-going up to 18 months for the temporary animal shelter. Steve informed this is 100% funding for as long as allowable expense are reported.

Commissioner Lopez asked Steve Cruikshank about the \$100,000 FEMA advance for immediate needs that the Commission received and whether they could use this money to reimburse some of the flood related expenses and overtime for the Sheriff's Department, animal shelter, Larry Parson's crew, 9-1-1, etc. The Commissioners received no answer from Steve.

Commissioner Lopez asked Steve about the contributions that were received for flood relief. State stated that these funds were in a separate account and had not been spent.

Commissioner Wender made a motion that Ms. Holly write a formal letter to Steve Cruikshank requesting reimbursement to the various County funds from the \$100,000 received from FEMA for County emergency advance funding for all employees' overtime wages, part-time wages, and all related benefits expended to date by the Fayette County Commission for hours worked related to the July, 2001 floods. Commissioner Lopez seconded. Unanimous.

Mr. Cruikshank stated that he had two FEMA applications for the County-1) for emergency services and emergency actions including debris removal and 2) for loss of Fayette County assets.

The Commissioners asked Steve Cruikshank to attend their meeting on September 26, 2001 with additional information.

The Commissioners received and reviewed updates from FEMA and a notice informing that a Disaster Recovery Center will be open on September 17, 2001 through Friday, September 21, 2001 at the Fayette County Public Library-Oak Hill Branch.

The Commissioners received and reviewed a letter from Judge John Hatcher informing he had no objection to Ms. Judith Taylor using the Courtroom on September 28, 2001 from 7:00 p.m. to 9:00 p.m for a meeting concerning utility rates. The Commissioners asked that this be tabled until more information is received.

Ms. Holly informed the Commissioners that the Sheriff had received a response from the West Virginia Department of Culture and History that they had no objection to the proposed replacement of the Courthouse doors but suggested that the Fayette County Historical Society be contacted.

Commissioner Wender suggested that Gauley Mountain Molding Company in Craigsville look at the doors and give estimates.

A discussion was held regarding the overtime worked during the July, 2001 floods by Steve Cruikshank, OES Director, and David Neal, E911 Director. Ms. Holly presented the Commissioners with the documentation of the way they were paid during the blizzard of 1998. The Commissioners informed they would review this matter after the County's employees' handbook is written and apply this policy retroactively to Steve and David's overtime for the flood.

Ms. Holly informed the Commissioners that she received a letter from the Courthouse Facilities Improvement Authority asking that the Commission send a priority list of needs for the Courthouse. The Commissioners asked Ms. Holly to send a priority list of needs and cost estimates for the following projects: installation of an elevator, restoration of a slate roof of the historic Fayette County Jail, replacement of 2 flat roof areas of the Sheriff's Road Office, scrape and paint the exterior woodwork of the Fayette County Courthouse, upgrade and replacement of the annex heating, ventilating and air conditioning, construction of a ramp to improve accessibility to the Fayette County Courthouse, renovation of the third floor, replacement of the deteriorated windows of the Fayette County Courthouse, and replacement of the deteriorated windows of the Memorial Building.

The Commissioners received and reviewed letters from the State Tax Department regarding corrections made on mineral appraisal properties.

The Commissioners received and reviewed an invitation from Southern Soil Conservation District inviting the Commissioners to attend the Annual Awards Banquet on October 1, 2001 at the Raleigh County Armory.

The Commissioners received and reviewed a copy of a letter from Kelvin Holliday, County Clerk to Earl Pauley, Park Superintendent, regarding purchasing of two file cabinets and a safe that the Commissioners approved to purchase through the West Virginia Surplus Property.

The Commissioners received and reviewed a notice from Kelvin Holliday that Pauline Crouch and Carol Adkins will be attending the

training seminar on September 17-18, 2001.

The Commissioners received and reviewed a list of the Fayette Transition Team voting members and non-voting members.

The Commissioners recessed at 11:58 a.m. for a memorial service to pay tribute to the victims of the attack on the U. S. on September 11, 2001.

Upon reconvening at 1:00 p.m., Ms. Holly informed the Commissioners that a representative from the Saint Paul Insurance Company came by last week for a routine liability inspection.

Ms. Holly informed the Commissioners that Saint Paul Insurance Company is sponsoring a loss control seminar on October 2, 2001 at the Charleston Civic Center.

The Commissioners received and reviewed a newspaper article regarding redistricting received from Vivian Parsons, Director of the West Virginia County Commissioners Association.

Ms. Holly informed the Commissioners that she advertised for a Flood Relief Housing Coordinator; resumes are due on September 21, 2001, for the Commissioners to review on September 26, 2001. Commissioner Lopez asked where the Coordinator would work.

The Commissioners received and reviewed the Fayette County Park and Garage Reports for the month of August.

The Commissioners received and reviewed a letter from Mountain Resource Conservation and Development Area, Inc. informing of their Annual meeting and Open House at Oak Hill.

The Commissioners received and reviewed a letter from Specialty Risk Services acknowledging receipt of an insurance claim regarding an auto accident (Deputy James Fitzwater).

The Commissioners received and reviewed securities held by

Branch Banking and Trust Company (BB&T). Original given to the County Clerk.

The Commissioners received and reviewed several Shelter Rental Agreements from the Fayette County Park.

The Commissioners received and reviewed Workers' Compensation claims.

The Commissioners received and reviewed a copy of a letter from Delegate David Perry to the West Virginia Department of Transportation regarding their decision to relocate the Department of Motor Vehicle Administrative hearings from Fayette County.

The Commissioners received and reviewed from Metro-Teleconnect Companies a check in the amount of \$84.28 for 911 fees for the month of July.

The Commissioners received and reviewed from Patty Payne, C-PAC, a statement certifying that she returned two guns that were at the Fayette County Animal Shelter in the mobile home on Laurel Creek to the Fayette County Sheriff's Office.

The Commissioners received and reviewed a letter from Casto Technical Services informing of the available Leasing Program for replacement heating, ventilating and air conditioning (HVAC) Equipment and Service at the Courthouse Annex.

The Commissioners received and reviewed a complaint from Virgil Payne to the Public Service Commission regarding Kenneth Fox and the Page-Kincaid Public Service District.

Commissioner Wender asked Ms. Holly to have Patty Adkins and Constance Daniels, C-PAC, come in at 8:00 a.m. on Monday, September 17, 2001 to meet with him and Ms. Holly.

Commissioner Lopez asked Ms. Holly to check how long the

Commission is obligated to pay \$1,000 to Pax for flood control under the Corp of Engineers Paint Creek Project and asked Ms. Holly to check whether they can terminate this payment.

Commissioner Witt informed that he had heard through Keith Spangler that Ms. Abbot has offered the old humane society's shelter at Glen Jean to the Commission. Commissioner Wender asked if any other discussions with Keith regarding the shelter had occurred.

The Commissioners signed a letter to the Public Service Districts asking if they would consider granting credit to their customers after the July 8, 2001 flood.

The meeting was adjourned at 1:35 p.m. The next scheduled meeting is September 26, 2001.

John L. Witt

FAYETTE COUNTY COMMISSION
REGULAR SESSION
SEPTEMBER 26, 2001
COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: John L. Witt, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in regular session on this 26th day of September, 2001.

Commissioner Witt called the meeting to order.

Exonerations were approved and signed.

The Commissioners received and reviewed a letter from the Danese Public Service District board members informing that Sterley C. Flanagan, Jr. had resigned as a member of the board; the board recommended that Richard E. Kinder fill the unexpired term ending March 30, 2002. The Commissioners approved Richard Kinder to replace Sterley C. Flanagan, Jr.

The Commissioners received and reviewed a report from C-PAC on calls they received and answered.

Commissioner Lopez offered a motion to sign a Bridge Day resolution that the Fayette County Commission supported the Fayette County New River Gorge Bridge Day Commission to continue Bridge Day activities on October 20, 2001; Commissioner Wender seconded. All approved.

Ms. Holly informed the Commissioners she received a complaint from Virgil Payne regarding Page-Kincaid Public Service District. The Commissioners asked Ms. Holly to send a letter to Page-Kincaid Public Service District regarding the complaint and asking that they address these complaints and advise the Commission in writing of their findings.

Ms. Holly informed the Commissioners she received an e-mail from Michael Dougherty, WVU Extension who is working on the job descriptions and study of pay scales project, giving available dates to do employees' interviews. Ms. Holly informed the Commissioners she had prepared letters to the Elected Officials informing that Mr. Dougherty would like to schedule the employees' interviews in October; available dates are October 10, 11, 12, 24, or 31. Letter signed.

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

Commissioner Witt asked the Commission if they would give him permission to purchase a flagpole for the Courthouse Annex.

Commissioner Lopez made a motion to give Commissioner Witt permission to purchase a flagpole for the Courthouse Annex; Commissioner Wender seconded. Unanimous.

Payroll was approved to be released Friday.

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 October, 2001.

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

The Commissioners signed a letter of best wishes for a speedy and full recovery to J. M. "Mickey" Protan, Commissioner of Boone

County.

Commissioner Wender suggested sending a letter of condolences to Mrs. Johnnie Ferri and family in the recent death of Johnnie.

The Commissioners received and reviewed a letter from the National Association of Counties (NACo) asking that Fayette County support the President of the United States Vigilant, but not Vigilantes Resolution; Commissioner Wender made a motion to support the Vigilant, but not Vigilantes Resolution; Commissioner Lopez seconded. All approved. Resolution signed.

Ms. Holly informed the Commissioners that she received one bid from Casto Technical, for the HVAC maintenance in the Annex and one bid for all other Courthouse complex HVAC units. The Commissioners asked Ms. Holly to review the bids and present her recommendation at the next Commission meeting on October 3, 2001.

Ms. Holly informed the Commissioners she received two bids, Verizon and Expanets, for the replacement of the telephone system at the Courthouse. The Commissioners informed they would review the bids and make a decision later. Commissioner Wender suggested having someone who has the technical knowledge to give advice on the two proposals; the Commissioners suggested Pete Hobbs, Bob Smithson and Alvin Kincaid. The Commission scheduled a Special Meeting for October 1, 2001 at 10:00 a.m. to discuss the bids with the vendors.

Ms. Holly informed the Commissioners she received one application for the Flood Relief Housing Coordinator. Commissioner Wender made a motion to approve William White as the Flood Relief Housing Coordinator for a one-year \$24,000 annual contract related to the July, 2001 flood, to start as soon as possible; Commissioner Lopez seconded. All approved.

John David and Jackie Asbury with Southern Appalachian Labor School appeared before the Commissioners to give an update for the Souther Appalachian Labor School (SALS) housing specialists. SALS was awarded \$30 million in a revolving fund grant for the flood victims who lost their homes and received a \$46,000 tax credit. Dr. David informed that he met with Pocahontas Land to ask if they would donate property.

Ms. Holly informed the Commissioners she had talked with Tom Aiello, Assessor and he informed her that he did not have the time to coordinate a meeting of property owners that have large tracts of property in Fayette County.

Commissioner Wender made a motion that Eddie Young from the Assessor's Office and David Pollard, Community Resource Coordinator, meet with Bill White, Flood Relief Housing Coordinator, to get some names together and arrange a meeting. Commissioner Lopez seconded; Commissioner Wender suggested asking Randy Boyd.

John David asked the Commission if they had checked into getting an endloader for the Southern Appalachian Labor School.

Commissioner Wender asked Ms. Holly to contact Earl Pauley, Park Superintendent, about getting an endloader for Southern Appalachian Labor School to use.

The Commissioners asked Ms. Holly to check the status of the Komatsu and to check with Larry Parsons to see if he can get one.

Kelvin Holliday, County Clerk appeared before the Commission with Ron Pugh from Dayton Legal Blank.

Mr. Pugh presented to the Commissioners a proposal to develop and deliver a program for up to ten forms for the price of \$900.00 for the installation of a Probate Forms Program.

Commissioner Wender asked Mr. Pugh that once the program is installed for Fayette County can the County be rebated in anyway if other counties wanted to purchase or use it. Mr. Pugh informed it would be up to the Commission.

Commissioner Lopez moved to accept the proposal; Commissioner Wender seconded with the request that a clause to rebate the County be incorporated into the agreements. All approved.

Attorney Phil Tissue appeared before the Commission and presented a Petition for Thomas N. Broach, Jr. to file an Amended Final Settlement in the estate of Clara M. Broach. Attorney Tissue informed the Commissioners that after the final settlement was approved on May 9, 2001, the executor determined that he had inadvertently omitted certain expenses that should have been included on the previously filed final settlement.

Commissioner Wender made a motion to approve filing an amended final settlement. Commissioner Lopez seconded. All approved; order signed.

Dan Snead, with J. Dan Snead and Associates appeared before the Commissioners to discuss a location for an elevator for the Courthouse.

After a brief discussion it was decided that the elevator be located on the main floor beside the County Commission office taking part of the lounge on the second floor. The Commissioners asked Mr. Snead if the work could be done after work hours. Mr. Snead informed yes.

The Commissioners asked Mr. Snead to talk with Judge John Hatcher regarding the location.

Commissioner Witt asked the Commission if they would give him

permission to get proposals to light the tower of the Courthouse. The Commissioners approved getting estimates.

The Commissioners signed a letter to the Courthouse Facilities Improvement Authority submitting priority list of needs with cost estimates for the Fayette County Courthouse.

Commissioner Witt informed the Commission of Judith Taylor's request to use the courtroom on September 28, 2001 to discuss lowering of gas rates. Commissioner Witt informed that Ms. Taylor does not represent any organization. Commissioner Witt asked Ms. Holly to inform her that as long as she provides a written confirmation that someone with the Public Service Commission will attend the meeting he has no problem with her using the courtroom.

Ms. Holly informed the Commissioners she had advised Steve Cruikshank, OES Director, that the Emergency Disaster Funds needed to go through the Sheriff's Office as County funds.

Ms. Holly presented signature cards to the Commissioners to be signed to set up the new accounts for FEMA and the Disaster Relief Funds. Commissioner Witt and Kelvin Holliday, County Clerk, signed the cards.

The Commissioners received and reviewed from Ms. Holly the draft of the Internal Control Document for C-PAC.

The Commissioners received and reviewed the renewal policy from Jim Lively Insurance Company.

The Commissioners received and reviewed the 2001 Edition of the West Virginia Election Laws and Reference manual.

The Commissioners received and reviewed minutes of August and September from Page-Kincaid Public Service District.

The Commissioners received and reviewed a letter from the United

States Department of the Interior, Bureau of Land Management, notifying the Commission that their Fiscal Year 2001 payment under the Payment in Lieu of Tax (PILT) Act will be sent by Electronic Funds Transfer(EFT).

Ms. Holly informed the Commissioners she received a check from the St. Paul Insurance Company for \$7,711.03 for the accident of Deputy James Fitzwater's 2001 Ford Crown cruiser (2FAFP71W81X198496).

The Commissioners received and reviewed from Gauneka Ruritan Club a report of the Claude Worthington Benedum Foundation Grant.

The Commissioners received and reviewed a memorandum from Sheriff William Laird and a copy of the invoices he forwarded to the West Virginia Division of Tourism for reimbursement of overtime services provided in support of the 2001 World Rafting Championships held in Fayette County, amount \$2,712.91.

The Commissioners received and reviewed an invitation to attend a retirement party for Sergeant Lawrence E. Washington.

The Commissioners received and reviewed minutes and the Financial Report for the month of August, 2001 from the Fayette County Solid Waste Authority.

The Commissioners received and reviewed a response from the Natural Resources Conservation Service regarding reactivation of the Dunloup Creek Watershed project. The Commissioners asked Ms. Holly to have David Pollard, Resource Coordinator, redirect this information to the West Virginia Soil Conservation Agency.

Ms. Holly informed the Commissioners that David Neal informed her that National Fire Prevention Week is this month and he wanted permission to purchase educational 911 booklets; the cost would be \$1,700.00 to be taken out of the 911 Fund; the Commissioners asked

Ms. Holly to have David check with the Fire Fighters Association to see if they would purchase the booklets from the Fire Levy.

The Commissioners signed a letter to Steve Cruikshanks, OES Director, requesting him to reimburse the various County funds from the \$100,000 FEMA emergency advance funding for all employees' overtime wages, part-time help wages, and all related benefits expended to date by Fayette County for hours worked related to the July, 2001 floods.

The Commissioners received and reviewed Workers' Compensation and Unemployment Compensation Reports.

The Commissioners received and reviewed C-PAC weekly deposits collected.

The Commissioners received and reviewed a letter from W. D. Smith, Executive Director, Region 4 Planning and Development Council, acknowledging the receipt of the Economic Development Authority application for Flood Recovery Efforts.

The Commissioners received and reviewed a letter from Steptoe and Johnson regarding the Michelle Lynn O'Dell v. Jack L. Brown lawsuit.

The Commissioners received and reviewed September's Legislative Interim Schedule from the County Commissioners Association.

The Commissioners received and reviewed a Sanitation Inspection Report from the Fayette County Health Department for the Fayette County Park.

The Commissioners received and reviewed a recall notice from Chevrolet, serial #1GCEK19T1YE365269. Original forwarded to Earl Pauley, Park Superintendent.

The Commissioners signed a memorandum to all Elected Officials

and Department Heads at the main Courthouse informing that due to numerous complaints regarding the ventilation of second hand smoke from the front porch to other areas of the building that smoking shall be permitted only on the Maple Avenue side porch of the Courthouse effective immediately.

The Commissioners received and reviewed a Public Notice of Blasting Operations informing that Powellton Coal Company will be conducting surface mine blasting activities. Original forwarded to Tim Richardson, Zoning Officer.

The Commissioners received and reviewed a letter from the Child Welfare League of America, Inc. Original was forwarded to the Probation Office.

The Commissioners received and reviewed Flood Reports from FEMA.

The Commissioners recessed for lunch at 12:30 p.m.

Upon reconvening at 1:40; the Commissioners met with Judge John Hatcher, Mark Smith, Computer and Communications Specialist and Technician for the West Virginia Supreme Court of Appeals,, Chad Stepp and Marc Coleman of Cornerstone Technologies to discuss an IP telephony telephone system for the Courthouse.

Judge Hatcher gave a brief summary as to why they were here; he asked each individual to stand and introduce himself.

Larry Williams with Expanets was also present.

Mr. Smith informed the Commissioners of the telephone technology the Supreme Court of Appeals is offering statewide to all county court employees. Mr. Smith informed that it is all Cisco equipment and includes voice, data, video, and networking to be able to make local calls throughout the state.

The Commissioners asked Mr. Smith if the Court of Appeals would

pay part of the cost for this equipment.

Judge Hatcher informed the Commissioners that Mr. Smith cannot answer that question.

Mr. Smith suggested that the Commission write a letter to the Supreme Court of Appeals asking if they would consider giving financial assistance for this system.

Judge Hatcher informed the Commissioners that the system would be installed in both Judges' offices, Magistrate Court, and the Probation Office even if the Commission would not consider the IP system.

Larry Williams with Expanets informed the Commissioners that the Lucent equipment would be compatible with the Cisco System.

Mr. Smith informed the Commissioners that the Supreme Court of Appeals would only use Cisco equipment.

Commissioner Wender asked if this would interface with the system the Courthouse has in place now. Mr. Smith answered yes.

Mr. Smith informed they were here so that the County could take advantage of this opportunity.

The Commission suggested meeting with Verizon, Expanets and Mark Smith on Monday, October 1 at 10:00 a.m. to discuss the telephone system proposals.

Mr. Smith informed he had a meeting about IP telephony on Monday and invited the Commissioners to attend. The Commission asked Ms. Holly to attend.

Commissioner Wender suggested cancelling Monday's Commission meeting and rescheduling it for Wednesday, October 3 at 1:30 p.m. Approved.

The meeting was adjourned at 2:30 p.m. The next scheduled

meeting is October 3, 2001.

John G. Witt