

FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
JANUARY 9, 2002  
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 9<sup>th</sup> day of January 2002.

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

Commissioner John Lopez made motion to elect Commissioner John Witt as President for the year 2002; 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 2002.

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 2002.

Commissioner Lopez made motion to continue holding regular sessions of the Commission meeting on the first Wednesday after the first Monday of each month at 9:00 a.m.; the 15<sup>th</sup> of each month at 9:00 unless such dates 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 Wednesday of each month at 9:00 a.m. during the calendar year 2002. Commissioner Wender seconded. Motion carried.

Exonerations were approved and signed.

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

Office.

Commissioner Witt informed the Commissioners he would like for the County Clerk's Office to waive the fee for DD214 for veterans.

Commissioner Witt asked Kelvin Holliday, County Clerk, the cost of a copy of a DD214. Mr. Holliday informed the first copy is free, additional copies are \$5.00 each.

Commissioner Wender made a motion to waive the additional \$5.00 fee for veterans up to four copies. Commissioner Lopez seconded.

Ms. Holly informed the Commissioners that the tranquilizer gun used by the Dog Warden prior to the flood is working. Ms. Holly informed the Commissioners that James Perdue, Maintenance Supervisor had cleaned the gun, but the gun has not been fired. The Commissioners asked Ms. Holly to give to Everette Steele, Chief Deputy to test.

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

February 1, 2002	Friday	10:00 A.M.
February 6, 2002	Wednesday	1:00 P.M.
February 13, 2002	Wednesday	10:30 A.M.
February 15, 2002	Friday	1:00 P.M.
February 22, 2002	Friday	10:00 P.M.
February 28, 2002	Thursday	1:00 P.M.

Ms. Holly informed the Commissioners she did post notice informing of the Public hearing to realign boundaries of the New Haven, Valley and Plateau Magisterial Districts, scheduled for Monday, January 14, 2002 at 9:00 a.m. Ms. Holly informed the Commissioners that a letter has been prepared and forwarded to the Secretary of State Office.

Ms. Holly informed the Commissioners that an order and a date and time needs to be set to advertise for a public hearing regarding

the boundary and polling place changes before the Primary Election.

The Commissioner scheduled the public hearing for Thursday, February 28 at 10:00 a.m.

The Commissioners are to report at 6:30 p.m. on February 9, 2002 to open for the Special Excess Levy Election.

Commissioner Wender informed the Commissioners that Larry Parsons had asked him if the Commission would pay \$100.00 a month to Debbie Berry for her work with the DREAP Program. Commissioner Wender made a motion to supplement a \$100.00, contracted services retroactive from the start of the program a month for Debbie Berry work with the DREAP Program. Commissioner Lopez seconded.

Ms. Holly informed the Commissioners she had talked with Beverly Oxley with Jim Lively Insurance regarding the cost of insurance coverage to cover a leased bus to transport workers (not county employees) to work sites. Ms. Holly informed the Commissioners she did receive a response; St. Paul has agreed to add the DREAP Program to the policy as an additional insured but only as respects to the flood clean-up project. The additional charge will be a flat \$100.00 since the project will take an estimated six months.

Commissioner Wender asked Ms. Holly to check with Larry Parsons to see whether or not he still want the bus.

Commissioner Wender informed the Commissioners that he had contacted Jerry Keffer and he agreed to be appointed a member of the Arbuckle Public Service District. Commissioner Wender made a motion that Jerry Keffer be appointed a member of the Arbuckle Public Service District. Commissioner Lopez seconded. Unanimous.

Commissioner Witt informed the Commissioners he met with Scot Muir of Norfolk Southern Corporation regarding an offer to negotiate

an agreement with the County to address Environmental Condition 11 for mitigation of wayside train noise from Fola Mine to Deepwater and other receptor locations in Fayette County. Commissioner Witt informed the Commissioner that he was told that any home up to 70' to 75' from the railroad would be eligible for \$10,000.00 (approximately 40 homes). Commissioner Witt informed he thinks the County should settle with Norfolk Southern and not Norfolk Southern settling with the property owners. Commissioner Witt feels that Norfolk would offer less to the property owners. Commissioner Witt informed the Commission he would like to see the County get the money and give it back to the property owners.

Commissioner Witt suggested sending a certified letter requesting Norfolk Southern provide the County with the requested distance from the center of the track to a noise mitigation qualifying location.

Commissioner Lopez suggested asking the Assessor to check into the number of homes involved.

Commissioner Wender suggested getting Carl Harris, Assistant Prosecuting Attorney or Paul Blake, Prosecuting Attorney to put some language that acting as agent to distribute money to the homeowners.

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 January 2002.

Ms. Holly informed the Commissioners she received a letter from the Office of the State Treasurer informing the Commission they have assigned a four digit recur number for wiring instructions for the county various investment accounts.

The Commissioners received and reviewed bids for: (1) Records

Management System Sheriff Law Enforcement, (2) Replacement windows for the Memorial Building and (3) Election Tabulating Equipment and Services.

Bid 1: Ms. Holly informed the Commissioners that she did not have the bids, the Sheriff had requested estimates from vendors for this equipment but after receiving the estimates they were all over \$10,000.000 so he had to bid and each vendor asked that their estimate be used as their bid. The Commissioners approved for the Sheriff to review the bids.

Commissioner Wender made a motion to table for recommendation from Sheriff Laird until the next meeting. Commissioner Lopez seconded. Unanimous.

Bid 2: Ms. Holly presented to the Commissioners the bids she received for replacement windows at the Fayette County Memorial Building. The Commissioners received and reviewed bids from Fayette Awning and Glass, Inc. (29,750.00) and West Virginia Glass Company, Inc. (\$32,500.00). After reviewing, Commissioner Wender made a motion to accept lower bid (Fayette Awning & Glass) provided that the bid is reviewed by Dan Snead. Commissioner Lopez seconded. Unanimous.

Commissioner Wender suggested sending a letter to the Fayette County Board of Education requesting a contribution of no less than \$20,000.00 toward the cost of the replacement windows and demand that a lease for the Memorial Building be negotiated by the end of January 2002 between the Fayette County Commission and the Fayette County Board of Education.

Bid 3: Ms. Holly presented to the Commissioners the bid she received for the lease of automatic tabulator equipment for the

Primary and General Election. The Commissioners received and reviewed bid from Election Systems and Software, cost \$7,150.00 per election.

Commissioner Witt suggested checking with the Secretary of State Office to see if there are other company's bidding.

Commissioner Wender made a motion to accept bid of Election Systems and Software and request that Ms. Holly write a strong letter saying they insist on having someone qualified to be here to operate equipment. Commissioner Lopez seconded. Unanimous.

The Commissioners received a call from William Dickens informing he would not be able to attend scheduled appointment, car slid into a ditch.

Ms. Holly informed the Commissioners she did receive the PC's for the County Clerk's Office and the telephone system.

Ms. Holly presented an invoice from Fayette Awning and Glass, Inc. for courthouse doors, amount \$22,000.00 to be paid out of the Court Security Grant. Commissioner Wender made a motion to pay the invoice from Fayette Awning and Glass, Inc., amount \$22,000.00. Commissioner Lopez seconded. All approved.

Discussion was held regarding the front door. Commissioner Wender suggested tabling and have Mr. Atha contact Gauley Mountain Molding in Craigsville, contact person Matt Rollins.

Attorney Jamie Blankenship, Fiduciary Commissioner appeared before the Commissioners and presented Report of Claims in the Estate of Mamie Cooper. Also present were Carl Harris, Assistant Prosecuting Attorney, Ernest and Bonnie Cooper, one of the beneficiaries of the estate, Fred Jesser Attorney for the Co-Administrators did not appear due to a conflict in scheduling.

Attorney Blankenship informed the Commissioners that the Co-Administrators of the estate shall forthwith pay unto the persons set forth in the Report of Claims the amount of \$1,634.46.

Attorney Blankenship informed the Commissioners that the Co-Administrators shall present a final settlement to the Commission within thirty days from the date hereof and make final distribution of the remaining assets after the payment of attorneys' fees and the Fiduciary Commissioner's fee.

Ernest and Bonnie Cooper voiced their disagreement of the handling of the estate.

After reviewing the Report of Claims, Commissioner Witt made a motion to accept the Report of Claims as presented. Commissioner Lopez seconded. Unanimous.

Commissioner Wender made an additional motion to distribute to the heirs after payment of attorneys' fees and the Fiduciary Commissioner's fee. Commissioner Witt seconded. Vote passed by a vote of two.

Ms. Holly informed the Commissioners she received a call from Patti Payne, C-PAC, asking if Earl Pauley, Park Superintendent can scrap the parking lot at the Fayette County Animal Shelter on ongoing bases. The Commissioners approved.

Ms. Holly informed the Commissioners she received a message from Earl Pauley, Park Superintendent informing that Lawrence Jenkins resigned as of December 31, 2001 per doctor's orders; Mr. Pauley is requesting that Tom Coleman, part-time from the Park be moved to garage at \$5.15 per hour. The Commissioner approved.

Commissioner Witt informed the Commissioners he received a call from W. D. Smith, Director, Region 4 Planning and Development Council

requesting that the Commission be sponsors for the Midland Trail Association for their application for funding of a Visitors Center in the Hico area. Commissioner Witt informed the Commissioners he doesn't have enough information for the Commission to take any action at this time. Commissioner Wender suggested to Ms. Holly to consult with Dave Pollard, County Resource Coordinator regarding the matter. Commissioner Wender suggested to the Commission contingent upon that the county sponsor a Visitors Center within the county funding and finding external funding source for the funding and County Commission not be responsible for the match.

The Commissioners received and reviewed expenditures for the Fayette County Park and Central Garage for the months of November and December 2001.

The Commissioners received and reviewed Audit Report from Meadow Bridge Volunteer Fire Department for fiscal years ending June 30, 2000 and June 30, 2001.

Commissioner Witt informed the Commissioners he received a fax from the Central Appalachia Empowerment Zone requesting the Commission sign a Resolution for the construction of the access road to be extended to the new economic development in Mount Hope.

Commissioner Wender moved to approve Resolution for Central Appalachia Empowerment Zone for the construction of the access road to the new economic development in Mount Hope. Commissioner Lopez seconded. Unanimous.

Ms. Holly informed the Commissioners she received a notice of renewal from the Vision Service for the period February 1, 2002-January 31, 2003. Ms. Holly informed the Commissioners that the new rate for single would go from \$7.40 to \$7.96, family \$16.74 to



\$18.02. The Commissioners asked Ms. Holly to get other options. Discussion was held regarding keeping the 2-year plan. No discussion was made.

The Commissioners asked Kelvin Holliday, County Clerk to give explanation of his requests he presented to the Commission.

Commissioner Lopez asked if some of the request can wait until the next fiscal year. Mr. Holliday replied no.

Mr. Holliday requested an additional \$4,000.00 to his record book line item. Commissioner Wender made motion that an additional \$4,000.0 is added to the County Clerk's record book line item for this fiscal year. Commissioner Lopez seconded.

The Commissioners approved to transfer from Mr. Holliday's part-time help line item to his travel line item \$400.00 to cover his attendance at the February West Virginia Association of Counties Legislative meeting.

The Commissioners received and reviewed Mr. Holliday's recommendation to accept quote of Dayton Legal to purchase record books.

The Commissioners received and reviewed a letter from David Neal, E-911 Coordinator, informing that effective immediately Richard Peavy from the Ansted area and Joseph Brooks from Rainelle will begin the training process as Probationary Part-Time Communications Specialist at an hourly rate of \$6.50.

Ms. Holly informed the Commissioners she had talked with David Neal, was informed that he would like to move Charles Bennett from part-time to full-time as Communications Specialist. The Commissioners asked Ms. Holly to have David compile statistics reflecting various activity trends in the E-911 Center operations.

The Commissioners asked that Mr. Neal's request be tabled until they have time to review the report.

Commissioner Wender suggested that the Commission meeting scheduled for January 30 to review the budget and have David Neal come back in February.

The Commissioners received and reviewed Job Description from Michael Dougherty, WVU Extension Service.

Commissioner Wender suggested writing a letter to each elected official and department head and ask if they would serve on the committee or designate someone to serve on the committee to review job description manual. Commissioner Wender suggested Commissioner Witt be on the committee and designated Charlotte Holly if Commissioner Witt would not be able to attend.

The Commissioners received and reviewed a complete accounting of the vacation and sick days used for the period January 1, 2001 to December 31, 2001 from the Circuit Clerk and County Clerk Offices.

Ms. Holly informed the Commissioners that Ancil Schmidt and Yvonne Harp have resigned as Extension Agents, Patty Cook is on sick leave, the secretary is operating the office by herself.

The Commissioners received and reviewed a fax from David Neal, E-911 Coordinator, requesting purchase of a laptop computer to replace the current computer that has a defective display screen, approximately cost \$1,000.00.

Commissioner Wender made a motion to approve a laptop computer, not to exceed \$1,000 and as long as it comes out of the 911 budget. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from the West Virginia Department of Health and Human Resources informing that on

November 6, 2001, a sanitary survey of the Montgomery water system was conducted by district engineers, John C. Shufflebarger and Chris Farrish, of the Beckley District Office.

The Commissioners received and reviewed a letter from the State Tax Department informing that the Assessor is required to prepare a PVC Fund budget detailing the proposed use of the money.

Commissioner Wender requested that Tom Aiello, Assessor, explain the PVC budget and the process to the Commissioners at the next County Commission meeting on Monday, January 14, 2002.

The Commissioners received and reviewed a letter from the State Tax Department informing they received an amended Tax Year 2001 WV Oil and Gas Producer/Operator Return from Greenbrier Development Drilling Partners. The Commissioners approved these corrections.

The Commissioners received and reviewed recall notices from Brown Chevrolet on Law Enforcement vehicles. The original forwarded to Earl Pauley, Park Superintendent.

The Commissioners signed a letter to Whitney, Bailey, Cox and Magnani informing them they will hold an invoice dated December 19, 2001 and other future invoices until their firm fulfills contract obligations that have not been met on the Comprehensive Planning Grant.

The Commissioners received and reviewed a letter from Chris Moorehead with the Fayette County Deputy Sheriff's Civil Service Commission confirming the use of the County Commission meeting room for the purpose of administering a Promotional Examination to Detective Corporal Garland E. Burke on Thursday, January 17, 2002 at 9:00 a.m.

The Commissioners received and reviewed Quarterly liability

check to St. Paul Fire and Marine Insurance Company, amount \$45,834.50.

Ms. Holly informed the Commissioners she received a letter from Danny Stowers requesting a copy of the original tax lien receipt against Turkey Creek Hardwood, Inc. Ms. Holly informed the Commissioners that the original was forwarded to Kelvin Holliday, County Clerk.

The Commissioners received and reviewed response from Paul Blake, Prosecuting Attorney regarding the West Virginia American Water Company Industrial Development Revenue Bond.

The Commissioners received and reviewed a check from the Sheriff of Raleigh County reimbursement for Project 01-DC-11, TRIDENT overtime for Garland Burke for the month of October 2001.

The Commissioners received and reviewed a check from the Family Law Master for reimbursement of rent for the month of December 2001.

The Commissioners received and reviewed a check from Verizon in the amount of \$41,348.82 for the Emergency Telephone System Fee for the month of November 2001.

The Commissioners received and reviewed a check from AT&T Communications of WV in the amount of \$48.00 for E-911 fees for the month of November 2001.

The Commissioners received and reviewed check fees collected for users of the alarm monitoring system.

The Commissioners received and reviewed from the County Commission Association January Legislative interim schedule for January 6, 7, and 8, 2002.

The Commissioners received and reviewed acknowledgment of claim #GP09305710-097003 from St. Paul and Marine Insurance Company.

The Commissioners received and reviewed new Unemployment Compensation Rates from Acordia Employers Service.

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

The Commissioners received and reviewed a letter from Paul Blake, Prosecuting Attorney, requesting that a check be issued in the amount of \$2,400.00 payable out of the "Investigation and Detection of Crime" line item.

The Commissioners received and reviewed a letter from Thelma Kincaid, Circuit Clerk, informing that the Circuit Clerk's Office will be open Saturday, January 26, 2002 from 9:00 a.m. until 12:00 noon as the last day for filing for office; maintenance will need to have Courthouse doors open. Ms. Holly informed the Commissioners that a copy of this letter was forwarded to James Perdue, Maintenance Supervisor.

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

Ms. Holly informed the Commissioners she gave them a copy of the Emergency Situations/Inclement Weather Policy for them to review.

The Commissioners received and reviewed weekly fees collected at the Fayette County Animal Shelter.

The Commissioners received and reviewed Financial Report from C-PAC for the month of December 2001. The Commissioners approved allotment for January 2002, amount \$8,288.79.


The Commissioners received and reviewed a fax from the County Commissioners' Association informing that the National Association of Counties (NACo) annual Conference for 2002 will be held in New Orleans, Louisiana on July 12-16, 2002.

Commissioner Lopez made a motion to approve outstanding bills.  
Commissioner Wender seconded. Unanimous.

Ms. Holly informed the Commissioners she did receive a response from the Secretary of State Office informing that the request for an emergency precinct change is approved.

The Commissioners reviewed the request of Sheriff William Laird for travel advance for Extradition trip.

The meeting was adjourned at 12:32 p.m. The next scheduled meeting is January 14, 2002.



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FAYETTE COUNTY COMMISSION  
SPECIAL SESSION  
JANUARY 14, 2002  
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 14<sup>th</sup> day of January 2002.

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

Exonerations were approved and signed.

The Commissioners held a public hearing for the realignment of boundaries of New Haven, Valley, Plateau Magisterial Districts.

Ms. Holly informed the Commissioners that notices were posted at the Courthouse and public locations on December 13, 2001.

Ms. Holly informed the Commissioners that Valley District to include Beckwith, precinct 51, New Haven District to exclude Beckwith, precinct 51, no changes in the Plateau District, copies of map showing the realignment is attached.

Commissioner Lopez moved to accept realignment of boundary changes as presented to the Commissioners. Commissioner Wender seconded. Unanimous. Order signed.

Ms. Holly reminded the Commissioners that the hearing to revise our precinct boundaries and polling place changes is scheduled for February 28, 2001 at 10:00 a.m.

Ms. Holly informed the Commissioners the telephone equipment arrived Friday. Tate Communications should be here today. Ms. Holly asked the Commissioners if it would be okay with them if the cut over date would be February 1, 2002 that evening. The Commissioners approved February 1 as the cut over date for the telephone system.

The Commissioners approved two PC's for the County Clerk's Office and one PC for the telephone system.

The Commissioners received and reviewed from James Perdue, Maintenance Supervisor, a summary of the vacation and sick leave used for the year 2001.

The Commissioners signed a letter to Earl Pauley, Park Superintendent informing him that his request to transfer Tom Coleman from Park part-time to Central Garage part-time at \$5.15 per hour is approved. The Commission reminded Mr. Pauley about the Park's overtime expenditures.

The Commissioners discussed projects to be submitted to the Legislative Digest: Elevator top priority, windows in Courthouse. Commissioner Witt informed he would contact Tri-State as soon as possible if weather permits.

The Commissioners signed an order from Attorney James Blankenship regarding the Mamie Mae Cooper Estate.

The Commissioners received and reviewed invitation from the Sheriff's Office inviting the Commission to attend Rank Promotion Ceremony for Everette Steele, Charles D. Moses, Carl D. Dancy, Steve W. Kessler, Bernard L. Forren, and Donald W. Williams, Tuesday, January 15, 2002 at 10:00 a.m.

Commissioner Wender suggested that a letter be written to each deputy congratulating them on their promotion for the next meeting.

David Neal, E-911 Coordinator, appeared before the Commission. Mr. Neal asked the Commission to go into Executive Session to discuss 911 personnel positions. Commissioner Lopez made a motion to go into Executive Session with Mr. Neal to discuss 911 personnel positions. Commissioner Wender seconded. Unanimous.



Upon reconvening from the Executive Session, Commissioner Wender made a motion to advance Charles Bennett from Part-time Communications Specialist to Full-time Communications Specialist. Commissioner Lopez seconded. Unanimous.

Alice Hypes, Executive Director, Scenic Highway Association, Mayor Geoffrey Skaggs, Town of Ansted, appeared before the Commission to request that the Commission sponsor the application to construct a Midland Trail Visitors Center at Hico.

Mayor Skaggs informed the Commissioners that this 28-acre tract near the intersection of Hico would be used to establish a Tourist Welcome and Interpretative Center at the convergence of three important West Virginia roadways--the Midland Trail National Scenic Byway (Rt. 60), the Coal Heritage Trail NSB and Corridor L, Mountaineer Expressway (Rt. 19).

Sharon Cruikshank, Director, New River Convention and Visitors Bureau were present and presented a letter in support for the proposed Visitors Center and a museum to the Hico area by the Midland Trail Association to the Commissioners.

Commissioner Wender asked if they could check into using the Whipple Company Store for a project.

Commissioner Lopez made a motion for the Commission to be a sponsor for the Midland Trail Scenic Highway Association funding application project. Commissioner Wender seconded. Unanimous.

The Commissioners signed a letter to the Midland Trail scenic Highway Association to confirm agreement of the Fayette County Commission to act as sponsor for the Midland Trail Scenic Highway Association funding application to construct a visitor's center near U. S. Route 19 and Route 60, Hico.

Ann Skaggs thanked the Commissioners for their support for the clean-up on Route 61.

Sheriff William Laird appeared before the Commission to present the original bids received for the Records Management System Sheriff's Law Enforcement.

Sheriff Laird informed the Commissioners that based on their extensive review of all of the software systems bids received by the Department it is the unanimous recommendation of the Technology Committee that the software bid submitted by Visionaire be accepted at this time, cost \$64,321.00. Sheriff Laird informed the Commissioners that Visionaire did not have the lowest cost of the bids reviewed, but the software offered will best meet the needs of the Department. Sheriff Laird informed the Commissioners that Visionaire System is in place in Kanawha County.

Commissioner Wender offered a motion to accept the recommendation of the Sheriff to accept Visionaire Systems Proposal and to proceed with purchase of that system. Commissioner Lopez seconded. Unanimous.

Tom Aiello, Assessor, appeared before the Commission to give an explanation of the PVC Budget and process.

Mr. Aiello informed the Commissioners that the fund pay for maintenance of equipment, salaries (the bulk of his employees are not full-time), hardware/software training, laptop computers.

The Commissioners asked Ms. Holly to check into ways the County can purchase Berwind Properties.

The Commissioners informed Mr. Aiello that Berwind Land Company has approximately 1,000 acres of land suitable for an industrial business park for sale for \$1.2 million.

The Commissioners asked Ms. Holly to check into ways the County could purchase the property.

Commissioner Wender suggested borrowing the money to purchase the property for use as an industrial development park and repay the loan from the County funds allocated over a period of years. The Commissioners asked that a letter be written to the Prosecuting Attorney for their opinion regarding this matter.

Mr. Aiello informed the Commissioners that another option they could consider, the county can enter into an agreement with the property owner for property tax relief on other property over a period of years equal to the agreed price of the property in lieu of a cash payment for the property.

Commissioner Wender asked Mr. Aiello to look into for the Commissioners. Mr. Aiello informed the Commission that this is based on the information he received from Drema Evans and she received from Jerry Knight with the State Tax Department.

Mr. Aiello informed the Commissioners that on some of the mineral properties there has been a decrease for the upcoming year, he would like for the Commissioners to take the values which have been decreased and roll back to the values of tax year 2000.

Commissioner Wender made a motion to roll back the values which have been decreased and use the values of tax year 2000.

Commissioner Lopez seconded. All approved.

The Commissioners received and reviewed 2002 Legislative Lineup.

The Commissioners signed a letter to the Embassy Suites authorizing Paul Blake, Prosecuting Attorney, and his assistant's Carl Harris, Brian Parsons, and Christopher Morris to have their sleeping rooms, meals, room guarantees, guarantee for late arrival

and parking fees charged to the Fayette County Commission while they are attending the West Virginia Prosecuting Attorneys institute training seminar being held January 31 through February 2, 2002.

Steve Cruikshank presented to the Commissioners invoices to be paid. The Commissioners approved.

The Commissioners received and reviewed a letter from Branch Banking and Trust giving a list of securities pledged as of December 31, 2001 to secure the deposits of Fayette County Commission. Original forwarded to the County Clerk's Office.

The Commissioners received and reviewed a letter from the West Virginia Development Office informing they are unable to accommodate the Southern Appalachian Labor School Dormitory Annex request for the 2001 Small Cities Block Grant.

The Commissioners received and reviewed a report from C-PAC of the weekly fees collected for the week of January 4 - January 10, 2002.

Commissioner Witt asked to check with Steve Cruikshank to get a status report of the FEMA claim for the Animal Shelter.

Discussion was held regarding using the Knight of Columbia building for the election if the Boomer Volunteer Fire Department was unavailable.

The Commissioners asked to schedule January 30, 2002 at 9:00 a.m. to discuss overtime compensation for Steve Cruikshank, OES Director, and David Neal, E-911 Coordinator.

Commissioner Lopez asked the Commissioners if they would consider contributing to the Upper Kanawha Valley Community Center for their hot meal program.

Commissioner Wender made a motion to contribute \$1,500.00 to the Upper Kanawha valley Community Center to help initiate their hot meal

program for the Valley. Commissioner Lopez seconded. Check to be paid out of the Coal Severance Fund.

Ms. Holly informed the Commissioners she received a call from Linda Johnson informing they needed a room to issue supplies on February 6 and 7 for the Special Excess Levy Election. The Commissioners approved the use of the Fayette County Commission back office.

Ms. Holly informed the Commissioners she received a fax from the Claude Worthington Benedum Foundation informing that Gauneka Ruritan Club interim Report was past due. Ms. Holly informed the Commissioners that a copy of the fax has been forwarded to Brad Carelli.

The Commissioners received and reviewed a letter from the State Emergency Response Commission informing that grants to assist with the operation and administration of the Local Emergency Planning Commission's are available.

The Commissioners received and reviewed a fax from the West Virginia Association of Counties informing that Governor Bob Wise and Charlotte Herbert, the recently appointed Region III Director for the Federal Emergency Management Agency (FEMA) will speak at a public ceremony in Beckley on Tuesday, January 15, 2002.

The Commissioners approved to leave the Vision Service Plan (VSP) as is. The Commissioners signed agreement.

The Commissioners received and reviewed from Vivian Parsons, Executive Director, County Commissioners' Association, the West Virginia Courthouse Facilities Improvement Authority Report to the Legislature.

The Commissioners received and reviewed a letter from Stafford

Consultants, Inc. to Shelia Withrow regarding public water on Hawver Road.

The Commissioners signed the First Amendment to the Lease Agreement and the First Amendment and Supplement to the Bond Indenture and Security Agreement regarding the County Commission of Fayette County, West Virginia, Lease Revenue Bonds with (WV-American Water Company Project), 1999 Series A.

Ms. Holly presented a letter from the Upper Kanawha Community Economic Development Authority requesting allotment of \$5,000 for fiscal year 2002 to the Commissioners. Ms. Holly informed the Commissioners that this allocation has been paid.

The Commissioners received and reviewed correspondence from Harold Bragg regarding Commissioner Witt's decision not to run for reelection for the County Commission.

The meeting was adjourned at 12:10 p.m. The next scheduled meeting is January 30, 2002.



FAYETTE COUNTY COMMISSION

REGULAR SESSION

JANUARY 30, 2002

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 30<sup>th</sup> day of January 2002.

Commissioner Witt called the meeting to order at 9:02 a.m.

Exonerations were approved and signed.

Ms. Holly informed the Commissioners that the telephone training sessions that were scheduled for Monday and Tuesday, had to be rescheduled for Thursday and Friday, due to delay of the telephone equipment arrival. Ms. Holly asked the Commissioners if they had any objections to holding the County Commission meeting that's scheduled for February 1, 2002 in the Commission back office.

Commissioner Witt informed no problem post notice on the door informing the County Commission meeting has been moved to the back office.

Shelia Withrow appeared before the Commissioners and presented to the Commissioners letters petitioning water on Hawver Road.

Ms. Withrow informed the Commissioners that Senator Shirley Love proposed applying for a \$5,000 grant to put a tank in the area until other funding is available.

Dave Pollard, County Resource Coordinator informed the Commissioners they need to get the infrastructure approved.

Commissioner Witt asked Ms. Withrow to keep the pressure on our Legislatures for assistance.

Mr. Pollard informed that \$100 million is earmarked for

infrastructure development.

Commissioner Wender asked Ms. Withrow to write to Congressman Nick Rahall regarding the ARC funding.

Commissioner Witt informed Ms. Withrow they appreciate her coming and asked that she get with our Senators and House of Delegates for assistance.

Sheriff Laird presented a Local Law Enforcement Block Grant application to the Commissioners for the fiscal year 2001; application signed.

Sheriff Laird informed the Commissioners he would keep them informed regarding the security surveillance at the Courthouse.

The Commissioners received and reviewed a letter from the White Oak Public Service District requesting that Alfred Gannon be reappointed as a Commissioner.

Commissioner Wender made a motion to reappoint Alfred Gannon as a Commissioner of the White Oak Public Service District. Commissioner Lopez seconded. All approved.

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

The Commissioners signed congratulations' letters to Captain Everette Steele, Lieutenant Charles Moses, Sergeant Carl Dancy, Sergeant Steve Kessler, Corporal Donald Williams for their recent promotions in the Fayette County Sheriff's Department.

The Commissioners received and reviewed a copy of a letter from Sheriff William Laird informing that effective January 28, 2002, Bernard L. Forren is terminated as a Deputy Sheriff of Fayette County.

The Commissioners signed a letter to the Elected Officials and



Department Heads requesting that each office, prior to March 2, 2002 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.

The Commissioners received and reviewed a fax from the County Commissioners' Association of WV reminding the Commissioners to register for the County Commissioners' Association of WV Educational Training Session on February 3, 2002 at the Charleston Marriott.

Steve Cruikshank, OES Director informed the Commissioners he received a letter from the West Virginia Office of Emergency Services informing that FEMA has donated a large number of 29 and 30 foot travel trailers. Mr. Cruikshank asked the Commissioners if they would approve for the Office of Emergency Services to use the trailer for a mobile command center for Fayette County. Commissioner Witt asked about storing at the Fayette County Park. Commissioner Witt informed the County has to cover the insurance. Commissioner Lopez made a motion that Steve Cruikshank proceed with the purchase of the mobile trailer. Commissioner Wender seconded. All approved.

Commissioner Wender suggested addressing the mapping/addressing in Fayette County. Commissioner Wender asked that David Neal, E911 Director, response to the correspondence the Commission received from the West Virginia Statewide Addressing and Mapping Board regarding mapping/addressing.

Harold Bragg asked about the status of mapping.

The Commissioners signed a document from Pitney Bowes regarding the postage machine. Ms. Holly informed the Commissioners she forwarded to the Internal Revenue Service.

Ms. Holly informed the Commissioners she received a title from St. Paul agreeing to buy back the vehicle as salvage and that the Commissioners needed to sign to get a salvage title. The Commissioner signed title.

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 2002.

Ms. Holly informed the Commissioners that 2002 Budget Digest Request Form was sent to Senator Shirley Love for additional funding of the elevator at the courthouse; Ms. Holly informed the Commissioners she included architectural services in the request.

Ms. Holly informed the Commissioners they need to get cost on windows if they want to submit to the Legislative Digest.

The Commissioners talked about resubmitting repairs to the slate roof for the jail, scraping and painting exterior on the Courthouse; construction of a ramp, upgrading heating at the Courthouse and Annex.

Commissioner Wender suggested that a letter be sent prioritizing each request.

Attorney James Blankenship appeared before the Commission with a petition of the trustees of the Christian Revival Center, a religious organization to abandon an unnamed and unused alley.

Attorney Blankenship presented the Affidavit of Publication of the Notice of the hearing and the returned receipt to the Small Business Administration showing delivery of a copy of the Notice of Hearing.

Commissioner Lopez made a motion that based upon the foregoing findings of fact approved to abandon the unnamed and unused alleys.

Commissioner Wender seconded. All approved. Order signed.

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

The Commissioners received Loan Application Agreement from the West Virginia Housing Development Fund for Flood Service Program.

Commissioner Wender made a motion to sign and approve Loan Application Agreement. Commissioner Lopez seconded. All approved.

Tim Richardson, Zoning Officer presented to the Commissioners from the Planning and Zoning Commission By-Laws for the Commissioners to sign that was approved in the Planning Commission meeting Monday, January 28, 2002.

Commissioner Wender offered a motion to approve as submitted by the Planning Commission the By-Laws for the Planning and Zoning Commission. Commissioner Lopez seconded. All approved.

Mr. Richardson presented to the Commissioners two revised chapters that have been added to the Comprehensive Plan. Mr. Richardson informed the Commission that on the recommendation of Dave Pollard, County Resource Coordinator, that these revised chapters are approved. Mr. Pollard informed the Commissioners he has 34 copies of the revised Comprehensive Plan Updates in his office.

The Commissioners asked that this be tabled until February 13, 2002 at 10:00 a.m. so they can review updates.

The Commissioners received and reviewed several requests regarding putting the Sunday Hunting issue on the Primary Election.

Commissioner Wender made a motion that not because of the issue of Sunday Hunting, but because he believes the democratic process in this matter was flawed and the public should be allowed to express

their choice and asked that this be put on the Primary ballot.  
Commissioner Lopez seconded. All approved.

The Commissioners received and reviewed request from Earl Pauley, Park Superintendent to transfer money from the Park materials and supplies account to the Park salaries to cover the parks part-time extra help cost. Commissioner Lopez made a motion to transfer money from the Park materials/supplies to Park part-time extra salaries. Commissioner Wender seconded. All approved.

Discussion was held regarding paying Steve Cruikshank, OES Director and David Neal E911 Coordinator \$5,000.00 each bonus for the many hours they put in during the flood.

Commissioner Wender made a motion that subject to the approval of Steve Cruikshank and David Neal to pay each a bonus of \$5,000 for their extraordinary hours put in during the flood. Commissioner Lopez seconded.

Commissioner Wender made a motion to approve payroll and outstanding bills. Commissioner Lopez seconded. All approved.

The Commissioners received and reviewed a letter from the Department of the Army regarding the annual inspection of the Paint Creek Flood Protection Project at Pax.

Ms. Holly informed the Commissioners that a copy of the letter has been forwarded to Steve Cruikshank, OES Director and Larry Parsons, Litter Control Supervisor. The Commissioners asked to hold until the next week.

Commissioner Wender made a motion to allocate \$300.00 for two chain saws for the DREAP Program. Commissioner Lopez seconded. Commissioner Wender asked that whoever use these chain saws take training.

Leon Spencer, Surveyor, gave a status report of the magisterial and senatorial district maps that are subject to approval on February 28, 2002 at 10:00 a.m.

The Commissioners received and reviewed a letter from Carol Learmonth requesting permission to use the Memorial Building for softball practice.

Commissioner Witt informed he was against practicing softball, soccer etal in the Memorial Building.

Commissioner Wender informed he see no problem as long as they use the cage.

After a brief Discussion, Commissioner Wender made a motion to approve request of Carol Learmonth to use the Memorial Building for softball practice on the conditions that the head coach be present for entire practice and is responsible for any damage or destruction to the building, no pitching allowed inside facility and batting is allowed in the cage only. Commissioner Lopez seconded; Commissioner Witt voted no. Vote passed 2-1.

The Commissioner received and reviewed from Earl Pauley, Park Superintendent requesting that Tammy Gill and Peggy Bennett attend a Certified Pool operator Course at South Charleston Community Center on March 11 and 12; Certified Pool Operator is good for five years.

The Commissioners asked Ms. Holly to schedule Mr. Pauley at the next Commission meeting at 9:30 to discuss.

Commissioner Lopez made a motion to accept Fayette Awning bid for replacement of windows at the Memorial Building. Commissioner Wender seconded. All approved.

The Commissioners signed a letter to Paul Blake, Prosecuting Attorney, asking for his opinion regarding deputy sheriffs to accrue

annual or sick leave, with which they may purchase health insurance from PEIA once that deputy reaches the age of fifty-five.

Ms. Holly informed the Commissioners that she hasn't heard anything from Steve Cruikshank, OES Director, regarding the update on the FEMA claims for the Animal Shelter and that she is still holding three FEMA checks.

Ms. Holly informed the Commissioners that she had talked with Jennifer of the County Commissioners' Association of WV regarding the registration fee for attendance at the County Commissioners' Legislation Association meeting. Ms. Holly informed the Commissioners that the cost is \$60.00 per person. The Commissioners approved.

The Commissioners discussed how they could acquire the Berwind Property.

The Commissioners received and reviewed a letter from Judge John Hatcher informing he had discovered a roof leak in the catwalk from the courtroom to the jail.

The Commissioners received and reviewed notice from the West Virginia Division of Culture and History informing that the Historic Preservation Development grants are available.

Discussion was held, the Commissioners asked Ms. Holly to get in touch with Linda Heirbust and ask for a statement of assessments of what is needed throughout the State. The Commissioners asked Ms. Holly to give Ms. Heirbust a call back in 60 days.

Commissioner Witt informed the Commissioners that Scot Muier Norfolk Southern Corporation informed him that their might be four to six homes eligible to qualify for mitigation of wayside train noise under Environmental Condition 11. The Commissioners received a

letter from Norfolk Southern regarding Conrail Acquisition STB Environmental Condition 11.

The Commissioners received resignation of Bert Lawhorn as Dog Warden on January 15, 2002 but he rescinded as of January 18, 2002.

The Commissioners received and reviewed Accident Report of Deputy Sheriff Jack Micah Feltner cruiser.

Ms. Holly presented a copy of the County expenditures as of December 30, 2001 to the Commissioners. The Commissioners informed they would look over before Friday.

Ms. Holly informed the Commissioners that the telephone would be switched over after 4:00 p.m. on Friday.

Ms. Holly informed the Commissioners that with the new telephone system in their back office each desk would have a telephone line. Ms. Holly asked the Commissioner if they wanted to keep the one line or go with the three lines. The Commissioner approved to have the three lines in the back office. Ms. Holly informed the Commissioners that Tate Communications will take the old telephones.

Commissioner Lopez informed the Commissioners that he and Steve Cruikshank checked the Boomer Volunteer Fire Department building for the Special Election; Commissioner Lopez informed that he sees no problem with the building, the structural is sound and the Special Excess Levy Election could be held there, but if any problems come up he has asked the Knights of Columbia if the Commission could use their building for the Special Excess Levy Election.

Commissioner Lopez asked the Commissioners if they would approve to pay \$50.00 to the Knights of Columbia even if the building is not used. The Commission approved.

The Commissioners received and reviewed a fax update from the

County Commissioners' Association.

The Commissioners received and reviewed a letter from the Fayette County Board of Education approving the release of \$20,000 for the window replacement at the Fayette County Memorial Building.

The Commissioners received and reviewed letters from Southern Appalachian Labor School they received from the Assessor's Office informing that the properties they purchased are non-profit educational organization.

The Commissioners received and reviewed a letter from Southern Appalachian Labor School regarding the rail noise in Page.

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

The Commissioners received and reviewed Audit Report from Gauley River Public Service District as of June 30, 2001 to June 2001.

The Commissioners received and reviewed a copy of a letter to the Assessor's office from Michael Smolinski informing that the notice of Increase in Assessment was incorrectly sent to the wrong address.

The Commissioners received and reviewed a letter from the Social Security Administration acknowledging request for a password to use the Social Security Administration (SSA) Employer Services Online.

The Commissioners received and reviewed from SunTrust Bank a list of securities pledged to the Fayette County Commission as of December 31, 2001.

The Commissioners received and reviewed a letter from the Department of Health and Human Resources informing that a sanitary survey of the Hawks Nest State Park Water Treatment Distribution System was conducted on November 29, 2001.



The Commissioners received and reviewed from St. Paul Fire and Marine Insurance Company the premium payment for 1<sup>st</sup> quarter (\$45,015.39).

The Commissioners received and reviewed from David Neal, E911 Coordinator 911 Response statistics for the year 2001.

The Commissioners received and reviewed shelter fees collected for the Animal Shelter.

The Commissioners received and reviewed resumes of Vickie Bair and Alice Scarafino.

The Commissioners received and reviewed a response from the Public Service Commission of their response concerning Eleanor Huddleston's request for water service on Bell Creek Road.

The Commissioners received and reviewed from Verizon a check in the amount of \$41,092.02 for the Emergency Telephone System for the month of December 2001.

The Commissioners received and reviewed checks from Citizens Communications for the month of December (\$62.08), Metro-Teleconnect (for the months of November and December 4109.76), AT&T Communications for the Month of December (\$48.00) for 911 fees.

The Commissioners received and reviewed a check in the amount of \$26,444.57 representing a disbursement of Wireless E911 subscriber fees for the months of August, September, and October 2001.

The Commissioners received and reviewed a check from the Wooten Law Fire (2000) for tapes received from the 911 Center.

The Commissioners received and reviewed from the Tourism Division West Virginia Development Office reimbursement to David Neal, E911 Coordinator, for the Championship Whitewater Rafting event.

The Commissioners received and reviewed a reimbursement check from Tourism Division, West Virginia Development Office for Sheriff's overtime during the Whitewater Rafting Event.

The meeting was adjourned at 12:55 p.m. The next scheduled meeting is February 1, 2002.



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FAYETTE COUNTY COMMISSION  
SPECIAL SESSION & BOARD OF  
EQUALIZATION AND REVIEW  
FEBRUARY 1, 2002  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS Present: John H. Lopez, Matthew D. Wender

The Fayette County Commission met in a special session on this 1<sup>st</sup> day of February 2002.

The meeting was called to order at 9:30 a.m.

The Commissioners approved for Tammy Gill and Peggy Bennett to attend a Certified Pool Operator Course at \$190.00 each.

Earl Pauley appeared before the Commission to give an explanation why Tammy Gill and Peggy Bennett needed to attend. Mr. Pauley informed the Commissioners according to the new regulations they need a certified person to police the pool at all times, by sending both girls if one girl is off sick or on vacation the other person police the pool; the pool would be open from June 8 through August 25.

The Commissioners signed a letter to Earl Pauley, Park Superintendent approving his request to transfer budgeted funds in the amount of \$16,598 from Park Materials and Supplies to Parks Extra help. The Commissioners advised Mr. Pauley that he is expected to operate within his budget.

The Commissioners discussed addressing schedule, vacation and sick leave of David Pollard, County Resource Coordinator and who he was to report to.

The Commission meeting was adjourned at 10:00 a.m.

The Commission reconvened as a Board of Equalization and Review at 10:00 a.m.

Commissioner Wender called the Board of Equalization and Review to order.

Tom Aiello, Assessor, informed the Commissioners that the land books for the ensuing year have been prepared and are available for inspection.

Mr. Aiello asked the Commission if they would give him 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 28<sup>th</sup> day of February 2002.

Commissioner Lopez made a motion to approve Mr. Aiello request 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 be corrected before February 28, 2002. Commissioner Wender seconded. All approved. Order signed.

Mr. Aiello informed the Commissioners that it has come to his attention that the Department of Tax and Revenue have problems with the values being placed on mineral properties.

Mr. Aiello informed the Commissioners that Raleigh and Tyler Counties had appeared before the PVC Board asking approval to roll back to last years values.

Mr. Aiello informed the Commissioners that the PVC Board felt it would be appropriate for Raleigh and Tyler Counties to roll back their 2001 tax year level. Mr. Aiello informed the Commissioners he would get back with the Commission once he gets the values and information from the State Tax Department, but proposed to the Commissioners that they return values to their 2001 tax year level on reserve coal only,

the Commission has to inspect books after inspecting books the Commission may order that the values be rolled back to last year values, if value reflect an increase of 10% the property owner must be notified by certified mail to give the property owner the opportunity to contest the values if he or she not satisfied.

Commissioner Wender suggested to the Commissioners to meet at 9:00 a.m. on February 27 for County Commission meeting and as Board of Equalization and Review at 10:00 a.m., and meet on February 28 at 9:00 a.m. for County Commission meeting and Board of Equalization and Review at 1:00 p.m. this would give Mr. Aiello a chance to get information to us.

The Commissioners received and reviewed from the State Tax Department Administrative notices for the Board of Equalization and Review hearings.

The Commissioners reconvened as County Commission meeting.

The Commissioners signed a letter to Carol Learmonth, Fayetteville High School Girl's Softball Coach informing her request to use the Memorial Building for practices for this year is approved with these conditions-1. Head coach must be present for entire practice and is responsible for any damage or destruction to the building.-2. No pitching allowed inside the facility.-3. Batting allowed in the cage only. The Commissioner asked that approval with conditions will extend to the Fayetteville High School baseball coach and team.

The Commissioners signed a letter to David Neal, E911 Coordinator, forwarding a copy of a letter from West Virginia Statewide Addressing and Mapping Board asking that he respond to the

Commission regarding the effect of the letter relative to the Fayette County mapping and addressing project.

The Commissioners signed a letter to Paul Blake, Prosecuting Attorney, informing they have approved placing the "Sunday Hunting" option on the May 2002 Primary ballot as a local option issue and asked that the Prosecuting Attorney advise them of the statutory procedure to follow to place the issue on the ballot.

The Commissioners received and reviewed a memo from Judge Charles Vickers regarding access code for the telephone system. The Commission approved to hold off decision of access codes until February 6, 2002.

Ms. Holly informed the Commissioners that there is a problem with the software for the Voice Mail. Ms. Holly informed the Commissioners that notices have been sent to the Elected officials and Department heads informing that the cut over dates has been changed to February 15 and February 16, 2002.

Ms. Holly informed the Commissioners she got a hold of Brad Carelli to discuss the Gauneka-Ruritan Grant.

The meeting was adjourned at 11:48 a.m. The next scheduled meeting is February 6, 2002.



FAYETTE COUNTY COMMISSION  
REGULAR SESSION AND BOARD  
OF EQUALIZATION AND REVIEW  
FEBRUARY 6, 2002  
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 6<sup>th</sup> day of February 2002.

Commissioner Witt called the meeting to order at 9:09 a.m.

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 Danese Public Service District requesting that Richard Kinder be reappointed as a board member for another term on the Danese Public Service District.

Commissioner Lopez made a motion that Richard Kinder be reappointed to the Danese Public Service District. Commissioner Wender seconded. All approved.

Commissioner Witt informed the Commissioners he received a letter from the Governor's Office expressing Implementing a program called West Virginia Watch and they recommended Jeffrey Thompson. Commissioner Witt recommended that Virgil Berry be considered.

The Commissioners received and reviewed a letter from the New River Convention and Visitors Bureau requesting permission to use the courthouse property for the 27<sup>th</sup> Annual Captain Thurmond's Challenge and to use the lawn, parking lots and main entrance. The Commissioners approved with the stipulation that no motor vehicles are allowed on the grounds. Commissioner Witt to notify to the New River

Convention and Visitors Bureau of the Commissioner's decision. Letter signed.

The Commissioners received and reviewed a letter from Charter Communications informing that a clerical mistake had been made regarding a rate adjustment increase to the Expanded Basic should be \$25.40 instead of \$25.45.

Ms. Holly informed the Commissioners she received confirmation from the Internal Revenue Service giving number and password for reporting W-2 needs on the website.

The Commissioners received and reviewed updates from the 2002 Legislative Session.

Ms. Holly informed the Commissioners she received a fax today from Vivian Parson, Executive Director of the County Commissioners' Association regarding an increase in the Hotel/Motel Tax rate from 3% up to 7% maximum. The Commissioners asked Ms. Holly to write a letter to Sharon Cruikshank, Director, New River Convention and Visitors Bureau for her opinion and asked Ms. Holly to contact the rafting companies. Letter signed.

The Commissioners signed order to notify the Executive Committee of the number of workers needed in the Primary Election.

Ms. Holly informed the Commissioners that Kelvin Holliday, County Clerk need your list of workers for the Special Levy Election being held Saturday, February 9, 2002.

Commissioner Wender suggested that a letter be sent to Darrell and Imogene Pennington requesting approval to grant an extension on the lease of their property to the County as a temporary animal shelter location until December 2002. Letter signed.



Discussion was held regarding location for the new animal shelter. Commissioner Wender suggested getting a map of the 4-H Camp and Camp Abbot Properties to review and find out about the utility and gas lines.

Commissioner Lopez suggested scheduling Earl Pauley, Park Superintendent to come in to discuss the access to Camp Abbot Property on February 13, 2002 at 10:15 a.m. and arrange to ride down on the 15<sup>th</sup> to review.

The Commissioners received and reviewed a letter from Arliss and Emma Smith regarding the appraisal value of his property. Ms. Holly informed the Commissioners that a copy of the letter had been forwarded to the Assessor's Office.

The Commissioners received and reviewed from the Workers' Compensation Division a list of Employer Loss Activity Statement for the period July 1, 1998 to December 31, 2001.

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

The Commissioners received and reviewed a letter from the Raleigh General Hospital asking for their support of the proposed Cardiac surgery State Health Plan Standards.

The Commissioners signed letters to Plateau Medical Center and Montgomery General Hospitals asking for their comments and opinion regarding the need for the establishment of advanced cardiac surgery and services in southern West Virginia.

Commissioner Wender informed the Commissioner's he received a letter from Vicki Lagos informing RESA IV is submitting a grant to the Division of Criminal Justice Services for projects to stop underage

drinking (Enforcing the Underage Drinking Laws Grant Program) and asking that the Commission pass a resolution to support this endeavor.

Commissioner Wender made a motion to sign resolution in support of the project. Commissioner Lopez seconded. Unanimous.

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

The Commissioners received and reviewed a letter from St. Paul Fire and Marine Insurance Company acknowledging receipt of a claim.

The Commissioners received and reviewed a check (\$250.00) from the Hartford for Deputy Mark Webb's cruiser.

The Commissioners received and reviewed Employment Application from Alice Scarafino.

The Commissioners received and reviewed checks from Charter Communications for franchise fees for the Quarterly period July 1, 2001 to September 30, 2001 and the Annual period from January 1, 2001 to December 31, 2001, amount \$14,076.59.

The Commissioners received and reviewed annual rate justification filing for 2002 from Charter Communication ("Charter").

The Commissioners received and reviewed from the Fayette County Animal Shelter weekly fees collected for January 25 through January 31, 2002; activity report and allotment expenses for the month of February, amount \$10,604.56.

Commissioner Witt informed the Commissioners he thinks Patti Payne is doing a good job for C-PAC.

Shirley Roberts, Mayor of Pax and Steve Cruikshank appeared before the Commission to discuss the cleanup of the Paint Creek Flood Protection Project.

Ms. Roberts informed the Commissioners she had checked on the cost of maintenance of the creek, she was told it would cost \$65,000. Ms. Roberts informed the Commissioners she was told to talk one on one with the Governor to see if she could get assistance.

Ms. Roberts informed the Commissioners that Jimmy Toney used the backhoe and cleaned up approximately two miles of the creek.

Ms. Roberts informed the Commissioners that if she had \$4,000 she could do the rest of the work.

Larry Parsons suggested to Ms. Roberts to get with the Upper and Lower Paint Creek Watershed.

Commissioner Wender suggested tabling until February 13 but suggested to Ms. Robert to have a meeting with the Upper Paint Creek Watershed Association.

Steve Cruikshank, OES Director informed the Commissioners he would respond to the Army Corp. inspection of August 24, 2001.

Ms. Holly informed the Commissioners she received two additional bids for the Records Management System Hardware for the Sheriff's Law Enforcement.

The Commissioners accepted the two additional bids but to defer action for the Sheriff to review.

Commissioner Wender made a motion to open and accept bids but withhold any action until they receive recommendation from the Sheriff.

Tammy Barr, Director, Retired and Senior Volunteer Program (RSVP) appeared before the Commissioners to request \$1,000 funding for the fiscal year 2002-2003. The Commissioners informed Ms. Barr they will take her request under consideration during the budget session.

The Commissioners received and reviewed a letter from Judge John Hatcher voicing his concerns about the confidentiality on deleting messages from their voice mail. Ms. Holly informed the Commissioners she had talked with a representative from Tate Communications regarding this matter.

Commissioner Lopez suggested to the Commissioners to ask Earl Pauley, Park Superintendent about including in the camp rental agreement that anyone renting a shelter for this coming year is required to pay a non-refundable retainer fee by January 1, 2003. No decision was made.

The Commissioners received and reviewed a letter from Betty Dummitt, Clerk, informing that the Session of Kesler Memorial Presbyterian Church object to hunting on Sunday.

The Commissioners received and reviewed from the Prosecuting Attorney a copy of a letter to Attorney General Darrell McGraw requesting an official opinion as to whether or not West Virginia Code 7-14D-10 would require the County Commission to permit deputy sheriffs to accrue annual or sick leave, with which they may purchase health insurance from PEIA once that deputy reaches the age of fifty-five.

The Commissioners received and reviewed a letter from the Governor inviting the Commissioners to attend the 17<sup>th</sup> Annual Governor's Conference on Environmental Education and Litter Control being held March 17-19, 2002, at Pipestem Resort State Park.

Ms. Holly informed the Commissioners' she received a call from Delegate John Pino informing the fiscal year 2002 application to the Governor's Community Partnership Grant has approved the Princess Theatre request in the amount of \$10,000 to purchase and install a new

lighting control panel.

Commissioner Wender made a motion to approve the outstanding bills. Commissioner Witt seconded. All approved.

The Commissioners received and reviewed a letter and a copy of a resolution from the County of Washington, Pennsylvania informing that on January 17, 2002 they passed a resolution in support of House Joint Resolution 81 which proposes an amendment to the Constitution of the U. S. restoring our freedom to pray. No decision was made.

Bert Lawhorn, Dog Warden, appeared before the Commission with a request that he be appointed as a Humane Officer.

Commissioner Witt asked Sheriff Laird if he could get a frequency for Mr. Lawhorn's radio. Sheriff Laird informed the Commissioners he would have to check with David Neal, E911 Director or Steve Cruiskank, OES Director.

Commissioner Lopez asked Mr. Lawhorn if he would patrol the areas of Adena Village and Armstrong Creek.

Sheriff Laird informed the Commissioners that he has no problem with appointing Bert Lawhorn as an additional Humane Officer.

Sheriff Laird presented a letter to the Commissioners informing them of the numerous animal control complaints his office receives. Commissioner Wender informed Sheriff Laird he would call C-PAC and inquire about the matter.

Dave Pollard, County Resource Coordinator presented a Citizen Participation Plan Resolution for future Small Cities Community Development Block Grants.

Commissioner Wender made a motion to approve and authorize the adoption of the Resolution. Commissioner Lopez seconded. Unanimous.

Mr. Pollard presented to the Commissioners from the West Virginia Development Office, Fiscal Year 2001 Small Cities Block Grant Program-Fayette County Commission-Paint Creek/Plum Orchard Water Extension, Project #01SCBG0041X grant agreement to be executed.

The Commissioners received and reviewed notice from the Deep Water Public Service District informing they have accepted the resignation of Leon Newman as a Board member of the Deep Water Public Service District, effective February 5, 2002.

The Commissioners received and reviewed a letter from the Danese Public Service District informing that effective February 5, 2002 Lawrence Boley resigned as a member of the Danese Public Service District. The members informed the Commissioners they are not prepared to recommend a replacement at this time.

The Commissioners signed agreement from the West Virginia Development Office for the Princess Theatre. Ms. Holly informed the Commissioners the Resolution was signed in December 2001.

The County Commission meeting was adjourned at 12:04 p.m.

The Commissioners reconvened at 1:00 p.m. as the Board of Equalization and Review. Gregg Cook for J. C. Hamer Company was scheduled to appear but was a no show. Commissioner Lopez made a motion to adjourn as Board of Equalization and Review. Commissioner Wender seconded.

The Commissioners reconvened for a regular County Commission meeting.

The Commissioners received and reviewed a check from the Fayette County Board of Education for the Memorial Building windows, amount \$20,000.00.

The Commissioners received/reviewed and signed an order from Sheriff Laird designating Deputy Sheriff Mike Fridley to serve as Humane Officer for Fayette County and Bert Lawhorn with the consent and agreement of the Fayette County Commission to serve as an additional Humane Officer for Fayette County.

Earl Pauley, Park Superintendent, appeared before the Commission and presented maps of Camp Abbot for them to review to discuss a location for the animal shelter. The Commissioners asked that this be scheduled for February 15, 2002 at 1:15 p.m.

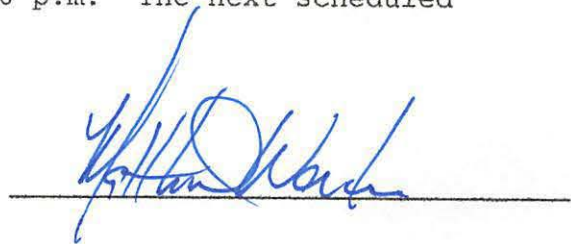
Ms. Holly informed the Commissioners she received a call from Earl Pauley informing her of a call he received from Patty Adkins.

The Commissioners discussed asking for a reservation fee of \$250.00 by January 1, 2003 for anyone wanting to rent shelter at the Fayette County Park.

The Commissioners received and reviewed a fax from Dr. Donald Newell regarding private sewer systems. The Commissioners asked that this be forwarded to Tim Richardson, Zoning Officer and advise the Commission whether this is included in the ordinance, if not advise of status.

The Commissioners received and reviewed from the National Association of Counties asking that counties organize a site or register individually for a critically important satellite and web broadcast for First Responders Combat Bio-Terrorism threats.

The meeting was adjourned at 2:00 p.m. The next scheduled meeting is February 13, 2002.



FAYETTE COUNTY COMMISSION  
SPECIAL SESSION & BOARD OF  
EQUALIZATION AND REVIEW  
FEBRUARY 13, 2002  
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 13<sup>th</sup> day of February 2002.

Commissioner Witt called the meeting to order at 9:07 a.m.

Exonerations were approved and signed.

Commissioner Witt suggested to the Commissioners not to take any action regarding negotiating an agreement to address Environmental Condition 11 with CSX Norfolk Southern Corporation to let them take care of on their own.

Dana Nicholas, Patti Payne with C-PAC appeared before the Commission with request that Patti Payne and Bert Lawhorn be sent to the Law Enforcement School for dealing with animals and the Euthanization Class.

Ms. Nicholas informed the Commissioners that C-PAC would be paying for her to attend.

Commissioner Witt informed that he wouldn't be happy sending Mr. Lawhorn due to the fact that he has resigned twice.

Commissioner Wender suggested scheduling Ms. Payne for the earlier classes and to schedule Mr. Lawhorn for the later classes.

Commissioner Wender made a motion to send Pattie Payne and Bert Lawhorn to the Law Enforcement School and Euthanization Class and let C-PAC and the Animal Control decide who to go first. Commissioner Lopez seconded. All approved.

Tom Aiello, Assessor appeared before the Commissioner with a



copy of a letter that's being sent to taxpayers relating to reserve coal. Mr. Aiello informed the Commissioners the letter should request that they use last year's values for reserve coal and minerals.

Commissioner Wender asked Mr. Aiello if the Commission should have someone to come up and explain the discrepancy.

Mr. Aiello informed the Commissioners that this should be an Association decision and suggested to the Commissioners to write Jerry Knight, Director, Property Tax Division and have him give an explanation regarding the discrepancy.

The Commissioners received and reviewed bids for the Courthouse Security upgrade. Ms. Holly presented to the Commissioners copies of the legal ad. Ms. Holly recommended to the Commission to forward the bids to the Sheriff for him to review and give his recommendation.

Commissioner Witt asked that the Commissioners accept bids submitted and suggested forwarding to the Sheriff for his review and recommendation.

Commissioner Witt told the Commissioners he received a fax from Michael Martin requesting that a public notice be run announcing a public hearing will be held on Thursday, February 28, 2002 at 7:00 p.m. at the Mount Hope Housing Community Room to elect a Board Member for Census Tract 205 of Fayette County for the Central Appalachian Empowerment Zone of West Virginia (CAEZ).

Commissioner Lopez asked Ms. Holly if the County would lose the money for the Courthouse elevator if not used by June 30, 2002. Mr. Holly replied yes.

The Commissioners asked Ms. Holly to contact Dan Snead.

Commissioner Witt informed the Commissioners he received a

letter from the West Virginia Development Office informing that a grant has been awarded in the amount of \$10,000 to the Commission for the Fayette County Chamber of Commerce for the development of an Economic Feasibility Plan for the Annual Bridge Day Celebration. Resolution signed. Copy forwarded to Keith Spangler, Director, Fayette County Chamber of Commerce.

The Commissioners signed order for Notice of Local Option Election to approve or disapprove authorization of Sunday Hunting in Fayette County to the Voters of Fayette County. Ms. Holly informed the Commissioners that copies had been forwarded to the Prosecuting Attorney's Office for him to review and he concurs with the Order, copy was forwarded to Patti Hamilton and she feels order is appropriate. Ms. Holly informed the Commissioners she sent a copy to the Secretary of State office but have not received a response.

The Commissioners received and reviewed weekly deposit for February 1, 2002 to February 7, 2002 from the Fayette County Animal Shelter.

The Commissioners received and reviewed a letter from Branch Banking and Trust Company (BB&T) informing that as of January 31, 2002 the pledges secured as collateral to secure the deposits of the Commission.

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

The Commissioners received and reviewed reimbursement from the Sheriff of Raleigh County for the Trident overtime for Garland Burke, Project #01-DC-11, amount \$260.42.

The Commissioners received and reviewed correspondence from the West Virginia Credit Union.

The Commissioners received and reviewed a letter from the Division of Criminal Justice Services acknowledging receipt of an application for Fiscal Year 2001 Local Law Enforcement Block Grant (LLEBG).

The Commissioners received and reviewed from Earl Pauley, Park Superintendent, Cabin Rental Agreement for the Commissioners to review.

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

The Commissioners received and reviewed faxes and Legislative updates from the County Commissioners' Association of WV.

The Commissioners received and reviewed correspondence from Carl Harris, Assistant Prosecuting Attorney regarding Lawrence Washington insurance request.

The Commissioners received and reviewed a fax from the West Virginia Department of Environmental Protection Agency a public outreach effort to educating citizens about the new anti-degradation implementation policy regarding the water quality of area streams.

The commissioners received and reviewed correspondence from Steptoe and Johnson regarding ongoing law suits.

The Commissioners received and reviewed a copy of a letter from the Public Service Commission to Senator John D. Rockefeller informing that regarding Deidre Sizemore request for fire protection on Turkey Creek near the Town of Ansted has been referred to the Water and Wastewater Division.

The Commissioners received and reviewed information from the County Commissioners' Association regarding Tier 2.5 Stream Information.

Ms. Holly reminded the Commissioners that Canvass for the Special Excess Levy Election is scheduled for Friday, February 15, 2002 at 9:00 a.m.

The Commission meeting was adjourned.

The Commissioners reconvened at 10:30 a.m. for the Board of Equalization and Review.

Greg Cook, Forester with Jim C. Hamer Company appeared before the Commission with an application for Review of Property Assessment. Eddie Young from the Assessor's Office was present. Mr. Cook was sworn in.

Mr. Cook questioned the Commissioners as to why part of his property was valued as managed timberland and not all of it. Eddie Young presented to the Commissioners a comparison of the assessment from the surrounding area and informed the Commissioners that the value should stand.

After a brief discussion, the Commissioners informed Mr. Cook 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 Commissioners reconvened for County Commission meeting.

Commissioner Wender made a motion to approve payroll and outstanding bills. Commissioner Lopez seconded. All approved.

Commissioner Witt informed the Commissioners he would like a motion to be made that the Fayette County Commission would not negotiate an agreement with Norfolk Southern Corporation to address Environmental Condition 11.

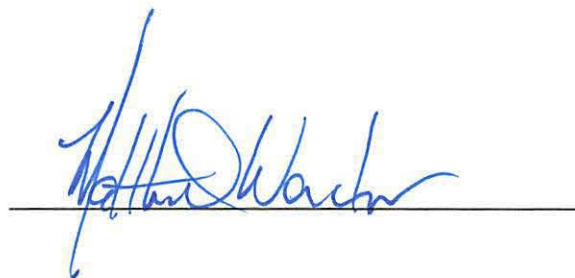
Commissioner Wender offered a motion that the County Commission

will not negotiate an agreement with Norfolk Southern Corporation.  
Commissioner Lopez seconded. All approved.

The Commissioners signed a letter to Senator Robert C. Byrd regarding the elimination of Federal Funding for enterprises communities like Upper Kanawha Valley Economic Corporation and requesting any assistance he can offer regarding the support of federal assistance for programs like the Upper Kanawha Valley Economic Community.

The Commissioners received and reviewed the West Virginia Rural Recreation Program Community Information booklet.

The meeting was adjourned at 11:05 a.m. The next scheduled meeting is February 15, 2002.

A handwritten signature in blue ink is written over a horizontal line. The signature is cursive and appears to read "William D. ...".

FAYETTE COUNTY COMMISSION  
SPECIAL SESSION & BOARD OF  
EQUALIZATION AND REVIEW  
FEBRUARY 15, 2002  
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a special session on this 15<sup>th</sup> day of February 2002 at 9:00 a.m. to conduct the canvass for the Special Excess Levy Election held on February 9, 2002.

The Commission adjourned as canvass board.

The Commission reconvened as Board of Equalization and Review.

Commissioner Witt declared the Fayette County Commission in session for the Board of Equalization at 1:00 p.m.

Since there were no hearings scheduled, Commissioner Witt asked that the Board of Equalization and Review be adjourned. The meeting was adjourned at 1:10 p.m.

The Commissioners reconvened for a special County Commission meeting.

Ms. Holly informed the Commissioners she would check the code dealing with election results, but informed the Commissioners she has scheduled Wednesday, February 22, 2002 at 9:00 a.m. to certify the canvass since a special Commission meeting was already scheduled.

Outstanding bills were approved.

The Commissioners and the Central Appalachian Empowerment Zone announced there would be a Public Hearing on Thursday, February 28, 2002 at 7:00 p.m. at the Mount Hope Housing Authority Community Room to elect a Board Member for Census Tract 205.

The Commissioners signed a letter to Barbara Baxter, Director, Family Law Masters for reimbursement for rent in the amount of

\$1,500.00 for the month of March.

Commissioner Witt suggested getting a Building Inspector for the County to the Commissioners.

The meeting was adjourned at 1:25 p.m. The next scheduled meeting is February 22, 2002.



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FAYETTE COUNTY COMMISSION  
SPECIAL SESSION AND BOARD  
OF EQUALIZATION AND REVIEW  
FEBRUARY 22, 2002  
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a special session on this 22<sup>nd</sup> day of February 2002.

Commissioner Witt called the meeting to order at 9:06 a.m.

Exonerations were approved and signed.

Ms. Holly presented the Abstract by Voting Precincts to the Commissioners to review.

Commissioner Lopez made a motion that the Special Excess Levy Election is certified. Commissioner Witt seconded. By a vote of two the motion passed.

The Commissioners signed orders certifying the results of the canvass for the Special Excess Levy Election. A letter and orders signed and forwarded to the Secretary of State and Auditor's Office.

Commissioner Witt called the meeting to the Board of Equalization and Review 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 as special County Commission meeting.

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 Lawrence Washington informing him that they have requested Paul Blake, Prosecuting



Attorney to seek an opinion from the West Virginia Attorney General for a clarification of West Virginia Code 7-14D-10 regarding whether or not the County Commission must statutorily allow deputy sheriffs to accrue annual or sick leave to purchase health insurance from the public employees' insurance agency once a member reaches the age of 55. A letter sent certified.

The Commissioners signed a letter to the Division of Highways informing them of the Transporting Enhancement Grant Projects they strongly support (Ansted Greenspace (\$36,593), Gauley Bridge Depot Roof (424,600), Hico Welcome Center (\$962.92), and Oak Hill Sidewalks (\$144,000).

The Commissioners signed a letter to 4-C Economic Development Authority in support of the New Tourism Related Operation given by Bridge Climb U.S.A. to provide escorted tours of the New River Gorge Bridge via the catwalk.

Commissioner Lopez discussed charging a user fee for cabin rental at the Fayette County Park. Commissioner Lopez suggested that a user fee of \$250.00 non-refundable within 90 days of the rental date must be paid in advance.

The Commissioners received and reviewed a letter from Judge John Hatcher suggesting that the Commission send a letter and oath to all the presently appointed committee and board members appointed by the Commission.

Commissioner Witt presented to the Commissioners a proposal from Fayette Awning to replace the aluminum door ordered for the front door of the Courthouse and install a solid oak door with glass in the center for the front door of the Courthouse. The estimated additional cost would be \$7,000. Commissioner Witt asked the

Commissioners if they would approve the additional cost.

Commissioner Lopez made a motion to approve the additional cost of \$7,000.00 to install a solid oak door with glass in the center for the front door of the Courthouse. Commissioner Wender seconded. All approved.

Commissioner Witt informed the Commissioners that Fayette Awning will be installing windows at the Memorial Building on March 15, 2002.

Tom Aiello, Assessor, appeared before the Commission to inform them that he had talked with Scott Burgess from the State Tax Department and he informed him that there has been a considerable change in the mineral value.

Mr. Aiello informed the Commission that Mr. Burgess suggested that the Commission send letters to roll back the value to 2001 tax year levels on reserve coal only for Devon Energy Corporation, Bellwood Corporation, and North America Timber Corporation to inform them of the Commission plans.

Commissioner Lopez made a motion to send a letter to Devon Energy Corporation, Bellwood Corporation and North America Timber Corporation informing them of the roll back. Commissioner Wender seconded. Unanimous.

Ms. Holly gave an update on the new telephone system that's being installed.

Ms. Holly informed the Commissioners she received a letter from Katherine Atwater complaining about no one answering the telephone at the Courthouse on February 18, 2002. Ms. Holly informed the Commissioners that the Courthouse was closed on that day. The Commissioners asked Ms. Holly to give Ms. Atwater a call and

apologize.

The Commissioners approved a printer for the Circuit Clerk's Office.

The Commissioners approved for Tim Richardson, Zoning Officer to grant a premium for the State NFIP Coordinator to publish the phone number for Fayette County Floodplain Permit Officer in the Blue Government Pages of the Telephone Directory.

The Commissioner asked Ms. Holly to reschedule J. Dan Snead for March 6 to discuss an elevator for the Courthouse.

Commissioner Lopez suggested scheduling the Elected Officials to discuss their budget.

The Commissioners approved for Charlotte Holly, County Administrator to attend a seminar in Charleston on April 17 and April 18, 2002.

Ms. Holly informed the Commissioners she received a call from Janie Phillips, Judge Vickers' secretary regarding a man intruder using the women's bathroom on the 2<sup>nd</sup> floor of the annex building.

Ms. Holly informed the Commissioners that she had made several suggestions to Ms. Phillips on how to handle the situation, but Ms. Phillips told her she would get back with her.

The Commissioners received and reviewed the County Commissioners' Association Legislative Updates.

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

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

The Commissioners received and reviewed a letter from David Neal, E911 Coordinator informing that William Watts, Communications

Specialist has resigned effective February 25, 2002 and that Aaron Bess will fill the full-time position effective March 1, 2002.

Mr. Neal informed the Commissioners he would be conducting interviews to fill the part-time position that is vacate. Copy of the letter forwarded to the Payroll Clerk.

The Commissioners received and reviewed a letter from B & M Towing requesting a copy of the policy, Prompt Fair Equitable and Effective Response Act Law that was passed 2001. Ms. Holly informed the Commissioners she forwarded a copy of the letter to David Neal, E911 Coordinator and asked that he forward to the Commission a copy of the policy.

The Commissioners received and reviewed a letter from the Plateau Medical Center with their response regarding services in southern West Virginia.

The Commissioners received and reviewed a letter from Sharon Cruikshank, Director, New River Convention and Visitors Bureau regarding her response concerning the Hotel/Motel Tax Increase Senate Bill 502. Ms. Cruikshank informed the Commission that research had been done and the New River Convention and Visitors Bureau Board is opposed to any new taxes.

The Commissioners approved to pay \$2,800 to Leon Spencer, Fayette Engineering Company for the revision of the Fayette County precinct maps and descriptions.

The Commissioners received and reviewed a copy of a letter from Sheriff William Laird informing that Paula J. Sutphin has resigned as Tax Deputy effective February 28, 2002 at 4:00 p.m.

The Commissioners received and reviewed a copy of a letter from Tom Aiello, Assessor informing that effective February 1, 2002, Donna

Jo Hambrick will begin working temporarily in the Assessor's Office at \$6.75 an hour to be paid out of the PVC Fund.

The Commissioner received and reviewed Dog Tax Fees for the week of February 8, 2002 to February 14, 2002.

The Commissioners received and reviewed a check from Citizens Telecommunications for \$61.18 for 911 fees for the month of January 2002.

The Commissioners received and reviewed securities pledged to SunTrust Bank by Fayette County National Bank. Original forwarded to the County Clerk.

The Commissioners received and reviewed a letter from the Division of Natural Resources enclosing a copy of the 2003 Recycling Assistant Grant Guidelines. Original forwarded to the Fayette County Solid Waste Authority.

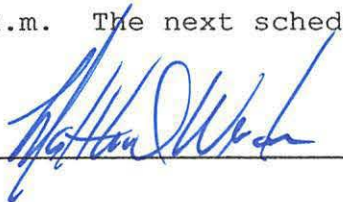
The Commissioners received and reviewed Legislative Resolution to name the bridge to be built over the Gauley River at Jodie, the "C. D. Coleman Bridge."

The Commissioners received and reviewed a reminder for making reservations and registering for the upcoming Public Officials Workshop.

The Commissioners approved to pay .365¢ for mileage to persons delivering the absentee ballots.

Ms. Holly informed the Commissioners she received a call from Kelvin Holliday, County Clerk requesting that the Commissioner open rooms upstairs for cleaning on Wednesday, February 27, 2002.

The meeting was adjourned at 11:35 a.m. The next scheduled meeting is February 27, 2002.



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FAYETTE COUNTY COMMISSION  
SPECIAL SESSION & BOARD OF  
EQUALIZATION AND REVIEW  
FEBRUARY 27, 2002  
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 27<sup>th</sup> day of February 2002.

Commissioner Witt called the meeting to order at 9:15 a.m.

David Pollard, County Resource Coordinator, appeared before the Commission to present his Quarterly Report.

Mr. Pollard also informed the Commissioners they need to approve Resolution for a Small Cities Community Development Block Grant to be used for a water extension to the Communities of Paint Creek and Plum Orchard.

Commissioner Lopez made a motion to approve and authorize the adoption of a Resolution for the Paint Creek and Plum Orchard water extension project. Commissioner Wender seconded. All approved.

Ms. Holly informed the Commissioner she received from the West Virginia Development Office a Community Partnership Grant award, in the amount of \$5,000 for communications equipment and safety supplies for the Fayette County Radio Emergency Associated Communication Team (REACT). The Commissioners signed contract agreement.

The Commissioners signed a letter to the West Virginia Office of Emergency Services granting permission for the State NFIP Coordinator, to publish the phone number for Fayette County Flood Plain Permit Officer in the Blue Government Pages of the telephone directory, the cost \$.83 plus tax per month to Verizon.

The Commissioners signed Certificate of Exemption from Federal

Excise Tax on wireless Communication Services from U. S. Cellular.

The Commissioners signed a letter to Jessie L. Momen, Program Leader, WVU Extension Services requesting an update on the hiring of extension agents to fill the vacancies created by the retirement of Ancil Schmidt in November 2001 and resignation of Yvonne Harp in December 2001.

Commissioner Witt informed the Commissioners he hoped to hear something regarding the status of the Extension Agent this afternoon.

The Commissioners received and reviewed a letter from Tim Richardson, Zoning Officer requesting they reappoint John Hoffman and Gary Davis, to the Board of Zoning Appeals terms expired January 1, 2002.

Commissioner Lopez made a motion that John Hoffman and Gary Davis be reappointed as members of the Fayette County Board of Zoning Appeals. Commissioner Wender seconded. All approved.

The Commissioners received and reviewed a letter from Sheriff William Laird recommending based upon the review of competitive bids, he recommends that Advanced Alarm Technologies be authorized to undertake the security upgrades to the Fayette County Courthouse under the Court Security Grant. Commissioner Wender made a motion to accept the recommendation of Sheriff Laird for Advanced Alarm Technologies for the security upgrades to the Fayette County Courthouse. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from Sheriff William Laird recommending based upon the review of competitive bids, he recommends that Dell Computers be selected as the vendor to provide specified deliverable for computer upgrades for the Fayette County Sheriff's Department. Commissioner Wender moved to accept the

recommendation of Sheriff Laird for Dell Computers to provide specified deliverables for computer upgrades for the Fayette County Sheriff's Department. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed several updates from the County Commissioners Association of West Virginia.

The Commissioners approved outstanding bills and payroll.

The Commissioners received and reviewed a letter from the Office of the State Treasury informing that their letter dated February 19, 2002 regarding all Magistrate Court Clerk to deposit all daily collections to reflect a county designation was incorrect.

The Commissioners received and reviewed Dog Tax Fees for the week of February 15 to February 21, 2002.

The Commissioners received and reviewed check from Verizon in the amount of \$40,769.56 for the Emergency Telephone System Fee for the month of January 2002.

The Commissioners received and reviewed 911 fees for Metro-Teleconnect Companies, \$50.96 and AT&T Communications of WV, \$48.00 for the month of January 2002.

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

The Commissioners received and reviewed a check from the Supreme Court of Appeals in the amount of \$1,480.06 for Magistrate Court Surplus Account (WV Code 50-3-4(c)(1)).

The Commissioners received and reviewed from the West Virginia Public Employees Insurance Agency Premium Rate Table Manual effective July 1, 2002.

The Commissioners received a refund check in the amount of \$542.92 from the West Virginia Consolidated Public Retirement Board



for overpayment of employee and employer contributions for Deputy Clarence Martin for the month of December.

The Commissioners received and reviewed a letter from the Division of Criminal Justice Services informing they have not received the required reports for Grant #01-CS-06 for the months of October, November, and December. Copy forwarded to Sheriff Bill Laird.

Ms. Holly informed the Commissioners she talked with Sheriff William Larid about invoices for the Regional Jail.

The Commissioners received and reviewed a letter from Michael Dougherty, WVU Extension Specialist enclosing the amended job descriptions, job classification and salary survey results.

The Commissioners received and reviewed public utility taxes from the State Auditor for Fiscal Year 2002-2003, amount \$135,835,493.

The Commissioners received and reviewed a copy of a letter from Paul Blake, Prosecuting Attorney informing that Iris Akers will be working part-time at \$10.00 an hour effective February 25, 2002.

The Commissioners received and reviewed a letter from David Neal, E911 Coordinator informing that Joetta Haggerty, Shift Supervisor Communication Specialist and Brian Hawver, Communications Specialist has been suspended without pay for unbecoming conduct, violation of procedures and inappropriate activities while on duty.

The Commission adjourned from the special Commission meeting.

The Commissioners reconvened at 10:00 a.m. as the Board of Equalization and Review.

John Dalporto, Dalporto Development Company 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 Forrest S. Jones, Geologist, II, Molly McDade, GIS Analyst, Scott McNeil, Geologist, I and Jan P. Mudrinch, Attorney, representatives of the State Tax Department were present. Everyone was sworn in.

Mr. Dalporto questioned the Commissioners about the increase in his property assessed value. Mr. Dalporto informed the Commissioners he had talked with Chuck Barlow with the State Tax Department and presented Mr. Barlow's recommendation to the Commissioners.

Commissioner Witt informed Mr. Dalporto they would take the application under advisement and a decision would be made prior to the end of the month.

Joseph Crist, J. H. Crist Heirs appeared before the Commission with an application for Review of Property Assessment. Mr. Crist was sworn in. Mr. Crist questioned why there was such an increase in his taxes.

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

Lou Henry Moreau Vieweg appeared before the Commission with an application for Review of Property Assessment. Ms. Vieweg was sworn. Ms. Vieweg questioned the Commissioners about the increase in her property.

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

Charles Schoen, with Little Fire Creek Limited Partnership and J. L. Beury Estates, Inc. appeared before the Commission with

applications for Review of Property Assessments. Ms. Schoen was sworn in. Mr. Schoen informed the Commissioners that he feels the valuation is grossly overstated on the Little Fire Creek limited Partnership the 2002 assessment has increased the appraised market value of his property from \$200 per acre to \$470 per acre.

Molly McDade, from the State Tax Department informed the Commission that Little Fire Creek did not file a tax return for 2001. Ms. McDade informed the Commissioners they needed more information on the form than just "been mined out."

Mr. Schoen presented a map of the property to the Commissioners.

Mr. Schoen informed the Commissioners he feels the valuation on the J. L. Beury Estate, Inc. property is grossly overstated, the 2002 assessment has increased the appraised market value from \$187 per acre to \$630 per acre.

Jan Mudrinch, attorney informed the Commissioners he would recommend a reduction.

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

David Brewer with Eastern Associated Coal Corporation appeared before the Commission with an application for Review of property Assessment. Mr. Brewer was sworn in? Mr. Brewer questioned the Commissioners about the excessive coal values of E. Hilton seams of coal. Mr. Brewer presented to the Commissioners an application for the Eagle seam of coal, but withdrew application.

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

The Commissioners adjourned as Board of Equalization and Review of Property Assessment until 1:00 p.m.

The Commissioners reconvened as a Board of Equalization and Review.

Commissioner Witt called the meeting to order at 1:00 p.m.

Doug Noel with White Oak Group and Meadow Creek Coal Corporation appeared before the Commission with applications for Review of Property Assessment. Mr. Noel was sworn in. Mr. Noel informed the Commissioners that the mineral assessment for the White Oak Group is extreme Mr. Noel told the Commissioners that the mine is barren, mined out.

Ms. McDade with the State Tax Department informed Mr. Noel that 93-94 his tax is entered in the system as of today as a non-filer.

Mr. Noel informed the Commissioners that Meadow Creek appraised value on the letter he received from the Assessor's Office do not match what's on the books.

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

The Commissioners recessed from the Board of Equalization and Review at 1:24 p.m.

The Commissioners reconvened back to the County Commission meeting.

Discussion was held with Kelvin Holliday, County Clerk regarding payment for delivering absentee ballots. Mr. Holliday informed the Commissioners that they would be paid \$5.00 an hour for delivering the absentee ballots. Commissioner Lopez informed Mr. Holliday the Commission should pay the same as they paid in the School Bond

Election.

The Commissioners informed Mr. Holliday they approved to pay \$5.00 for each precinct they delivered absentee ballots to and the Commission approved mileage of thirty-six and a half cent (.365¢).

Ms. Holly informed the Commissioners that she sent a wire this morning to have money transferred to the Law Enforcement Fund and suggested to the Commissioners not to release the payroll until tomorrow. The Commissioners approved to release payroll tomorrow.

The County Commission meeting was adjourned.

The Commissioners reconvened as a Board of Equalization and Review.

Attorney James Blankenship representing Nuttall, LLC and Alabama Properties appeared before the Commission with applications for Review of Property Assessments. Mr. Blankenship informed the Commissioners that Parcel 01-28-0046-0000 has been withdrawn. Mr. Blankenship informed the Commissioners that Parcel 01-80-0013 value of coal improperly increased by an addition of two seams and Parcel 01-50-0038 an increase of \$940.00 in value of coal.

On the Alabama Properties, Mr. Blankenship withdrew Parcels 01-600029-4-0000 and Parcel 01-600026-7-0000.

Mr. Blankenship presented to the Commissioners several parcels that he felt were assessed to high; (01-600031-0 assessment increased from \$50.00 per acre to \$500.00 per acre; 01600040-9-0 improper increases from 2001 assessments of \$13,440 to 2002 assessments of \$25,780; 01-600044-5-0 improper increases from 2001 assessments of \$820.00 to 2002 assessments of \$2,880.00; 01-600030-1 improper increases from 2001 assessments of \$50.00 to 2002 assessments of \$500.00; 01-600027-6-0 improper increases in assessment of coal; 01-

600039-2-0 improper increases in assessment of coal).

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

Mr. Gango, Lightning, Inc. appeared before the Commission with application for Review of Property Assessment. Mr. Gango was sworn in.

Mr. Gango questioned the Commissioners regarding the mineral tracts that have been assessed for four seams that are non-existent.

The State recommends no change to the appraisalment.

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

Bill Kenney with Imperial Colliery, Midvale Colliery Company and T. A. Dietz Estate, Eagle Land Company, and Kanawha-Gauley Coal and Coke was sworn in.

Midvale Colliery Company, Eagle Land Company and Kanawha-Gauley Coal and Coke applications were withdrawn.

Mr. Kenney informed the Commissioners that he had several tracts that needed to be discussed.

The State Tax Department informed the Commissioners that they were not prepared to review every tract.

Mr. Keeney informed the Commissioner he would work this evening with the Assessor's Office and come back tomorrow with results.

Commissioner Witt informed that the hearing was adjourned and that Mr. Keeney will work with the Assessor's Office and come back tomorrow with recommendation.

Kathy Sparks, with Pocahontas Land Company appeared before the

Commission too informed them that their problem had been worked out with Chuck Barlow of the State Tax Department and left.

James Puckett, with North American Timber Corporation appeared before the Commission with a letter the Commission had sent regarding returning values to their 2001 tax year level on reserve coal only for Review of Property Assessments. Mr. Puckett was sworn in.

Mr. Puckett informed the Commissioners that several of his values went down and would like the Commissioners to consider adjusting his values.

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

The meeting was adjourned at 3:50. The next scheduled meeting is February 28, 2002.



FAYETTE COUNTY COMMISSION  
SPECIAL SESSION & BOARD OF  
EQUALIZATION AND REVIEW  
FEBRUARY 28, 2002  
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 28<sup>th</sup> day of February 2002.

Commissioner Witt called the meeting to order at 9:12 a.m.

Exonerations were approved and signed.

Ms. Holly informed the Commissioners that a letter to Jessie Momen, Program Leader at WVU Extension Service was sent informing that due to the current lack of staffing of an extension agent in the Fayette County Office, the Commissioners are concerned about the status and requesting an update on the hiring of extension agents to fill the vacancies created by the retirement of Ancil Schmidt in November 2001 and resignation of Yvonne Harp in December 2001.

The Commissioners received and reviewed Legislative Update from the County Commissioners' Association of West Virginia.

Commissioner Wender made a motion to sign a letter to Dalporto Development Company informing of their decision as a Board of Equalization and Review for 2002 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 Revenue will be as follows: Map/Parcel 10-03-28-8, Revised Assessed Value \$18,232 and Map/Parcel 10-01-24-0021, Revised Assessed Value \$1,344.

Commissioner Lopez seconded. All approved.

Commissioner Lopez made motion to deny the petition on Map/Parcel 10-01-3-24.1. Commissioner Wender seconded. All



approved.

Commissioner Lopez made a motion to sign a letter to Joseph Crist informing of their decision as a Board of Equalization and Review for 2002 that the valuation of the following property in question will be changed in accordance with the recommendation of the State of West Virginia Department of Tax and Revenue will be as follows: Map/Parcel 10-01-8100477, Revised Assessed Value \$5,003. Commissioner Wender seconded. Unanimous.

Commissioner Lopez made a motion to sign a letter to Lou Henri Moreau Vieweg informing of their decision as a Board of Equalization and Review for 2002 that the valuation of the following property in question will be changed in accordance with the recommendation of the State of West Virginia Department of Tax and Revenue will be as follows: Map/Parcel 10-02-8039721, Revised Assessed Value \$12,307. Commissioner Wender seconded. All approved.

Commissioner Lopez made a motion to sign a letter to J. L. Beury Estates, Inc. informing of their decision as a Board of Equalization and Review for 2002 that the valuation of the following property in question will be changed in accordance with the recommendation of the State of West Virginia Department of Tax and Revenue will be as follows: Map/Parcel 10-01-82-102, Revised Appraised Value \$274,146. Commissioner Wender seconded. Unanimous.

Commissioner Wender made a motion to sign a letter to Little Fire Creek Limited Partnership informing of their decision as a Board of Equalization and Review for 2002 that the valuation of the following property in question will be changed in accordance with the recommendation of the State of West Virginia Department of Tax and Revenue will be as follows: Map/Parcel 10-02-32-36, Revised Assessed

Value \$252,555. Commissioner Lopez seconded. All approved.

Commissioner Lopez made a motion to sign a letter to Eastern Associated Coal informing of their decision as a Board of Equalization and Review for 2002 that the valuation of the following property in question will be changed in accordance with the recommendation of the State of West Virginia Department of Tax and Revenue will be as follows: Map/Parcel 10-03-72-8, Revised Assessed Value \$94,181. Commissioner Lopez seconded. All approved.

Commissioner Lopez made a motion to sign a letter to the White Oak Group informing of their decision as a Board of Equalization and Review for 2002 that the valuation of the following property in question will not change in accordance with the recommendation of the State of West Virginia Department of Tax and Revenue. Commissioner Wender seconded. All approved.

Commissioner Lopez made a motion as a Board of Equalization and Review for 2002 that no change is made in values on the Meadow Creek Coal property. Commissioner Wender seconded. Unanimous.

Commissioner Lopez made a motion to sign a letter to Nuttall, LLC informing of their decision as a Board of Equalization and Review for 2002 that the valuation of the following property in question will be changed in accordance with the recommendation of the State of West Virginia Department of Tax and Revenue will be as follows: Map/Parcel 10-01-80-13, Revised Assessed Value \$146,031 and Map/Parcel 10-01-50-38, Revised Assessed Value \$900. Commissioner Wender seconded. All approved.

Commissioner Lopez made a motion to sign a letter to Alabama Properties, etal informing of their decision as a Board of Equalization and Review for 2002 that the valuation of the following

property in question will be changed in accordance with the recommendation of the State of West Virginia Department of Tax and Revenue will be as follows: Map/Parcel 10-01-6000-310, Revised Assessed Value \$284; Map/Parcel 10-01-6000-409, Revised Assessed Value \$39,162; Map/Parcel 10-01-6000-445; Revised Assessed Value \$87; Map/Parcel 10-01-6000-301; Revised Assessed Value \$643; Map/Parcel 10-01-6000-276, Revised Assessed Value \$65 and that the valuation of the following property will not be changed: Map/Parcel 10-01-6000-392. Commissioner Lopez seconded. Vote passed 2-0.

Commissioner Lopez made a motion to sign a letter to Lightning, Inc. informing of their decision as a Board of Equalization and Review for 2002 that the valuation of the following property in question will not change in accordance with the recommendation of the State of West Virginia Department of Tax and Revenue. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez moved to adjourn as Board of Equalization and Review. Commissioner Wender seconded. All approved.

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

Commissioner Lopez made a motion to sign a letter to North American Timber Corporation informing of their decision as a Board of Equalization and Review for 2002 that the valuation of the following property in question will be changed in accordance with the recommendation of the State of West Virginia Department of Tax and Revenue will be as follows: Map/Parcel 76-0007.000; Revised Assessed Value \$350,390; Map/Parcel 84-0001.0000; Revised Assessed Value \$300,590; Map/Parcel 82-0114.0000; Revised Assessed Value \$85,640; Map/Parcel 9999-0608.7183; Revised Assessed Value \$29,580; Map/Parcel

9999.0608.7174, Revised Assessed Value \$31,190, and the valuations of the following properties in question will not be changed (See attached). Commissioner Witt seconded. Unanimous.

Bill Keeney and Eddie Young appeared before the Commission to discuss their decision of Imperial Colliery Company and T. A. Dietz Estate. Commissioner Lopez made a motion to sign a letter to Imperial Colliery and T. A. Dietz Estate informing of their decision as a Board of Equalization and Review for 2002 that the valuation of the following property in question that will change and the properties that will not change (See attached). Commissioner Witt seconded. Vote passed 2-0. Unanimous.

Commissioner Wender made a motion to approve withdrawal of applications for review as a Board of Equalization and Review for 2002 on Midvale Colliery Company, Eagle Land Company, Kanawha Gauley Coal and Coke Limited Partnership and W. R. Johnson Coal Company and Johnson Lands. Commissioner Lopez seconded. All approved.

Bill Keeney informed the Commissioners that he would like to make a statement that for the landowners of Imperial Colliery Company the values are in assess of what they should be and he would like to enter on record their values in protest.

Commissioner Witt informed the Commissioners accept Mr. Keeney statement. Hearing was adjourned.

The Commissioners reconvened for regular County Commission meeting.

The Commissioners held a public hearing to change precinct boundaries and polling places.

Commissioner Witt asked if there were anyone here to oppose the changes in the precinct boundaries and the polling places. No

opposition.

Commissioner Lopez made a motion to accept the boundary change and the polling places. Commissioner Wender seconded. All approved.

Commissioner Witt made a motion to go into Executive Session to discuss personnel matter.

Upon reconvening from Executive Session, Commissioner Witt informed no decision made.

Commissioner Witt informed the Commissioners he had received numerous calls regarding the pipeline throughout Fayette County. Commissioner Witt informed that Bob Orndorff a representative of the Dominion Pipeline Project is here today to discuss the Dominion Project.

Mr. Orndorff informed a series of Open House meeting were scheduled. He met with folks from the National Park Services and that he was here today to answer any questions and give an update of where they are with the project.

Mr. Orndorff informed the Commissioners he met with Mr. Hambrick of the Department of Natural Resources they discussed looking for an alternate route around Hawks Nest.

Mr. Orndorff informed the Commissioners they are committed to working with the Commissioners and Delegates on this project.

Mr. Orndorff told the Commissioners that the target date would be 2004.

Commissioner Witt asked Mr. Orndorff about getting gas to the Town of Ansted.

Katheryn Hoffman told the Commissioners she had concerns about insurance, tourism, environmental damaged questioned about incidents that can happen.

Mr. Orndorff informed the Commissioners they would file in May and make available on websites.

Commissioners Witt told Mr. Orndorff that this is a big concern for the people of Fayette County.

Mr. Orndorff informed the Commissioners he would work with the Commission on this project.

Commissioner Wender asked if they had any permission to come above ground.

Dave Pollard, Resource Coordinator presented a case for disposition for the Fayette County Planning Commission: Z-488-02-01: Request of John Scott Bond, owner, for a change in land classification from RR-1, Agricultural and Rural Residence to B-2, General Business District on lots 11 and 12, .48 of an acre, 24/Loop Creek, Robson, Valley District.

Prior to the hearing, Commissioner Lopez recused himself because he was related to the petitioner.

Mr. Pollard told the Commissioner that it was the recommendation of the Planning Commission to approve the request, with a vote of 9-2.

Mr. Bond told the Commissioners that he needed the change in order to operate "gray machines." Two community members spoke in opposition saying they were opposed to "sin" and was told by Mr. Pollard that the request could be denied only if the petition did not meet the requirements for highest and best use of the property; if it posed a risk to public health and safety; and/or if it could be proven to have a negative impact on adjacent property values.

On a motion made by Commissioner Wender and seconded by Commissioner Witt, the Commission voted 2-0 to approve the request

for a change in zoning classification.

Dave Pollard presented to the Commissioners a drawdown request for payment regarding the Comprehensive Plan Update, amount \$7,447.58. Commissioner Lopez moved to adopt the Resolution and approved and authorized the payment of services; Commissioner Witt seconded. Unanimous, resolution signed.

The Commissioners reconvened as Board of Equalization and Review.

Commissioner Lopez made a motion to sign a letter to Jim C. Hamer Company informing of their decision as a Board of Equalization and Review for 2002 that the valuation of the following property in question will not change. Commissioner Witt seconded. All approved.

The Commissioners signed a letter to the Bellwood Corporation informing of their decision as a Board of Equalization and Review for 2002 that the valuation of the following coal reserve property in question will be changed in accordance with the recommendation of the Assessor of Fayette County: Map/Parcel 10-01-111-4, Revised Assessed Value \$519,240.

The Commissioners signed a letter to the Devon Energy Corporation informing of their decision as a Board of Equalization and Review for 2002 that the valuation of the following reserve coal property in question will be changed in accordance with the recommendation of the Assessor of Fayette County: Map/Parcel 607754-0-0000; Revised Assessed Value \$2,476,902; Map/Parcel 607772-8-0000; Revised Assessed Value \$1,049,350; Map/Parcel 607755-9-0000; Revised Assessed Value \$344,230; Map/Parcel 605253-0-0000; Revised Assessed Value \$369,980; Map/Parcel 605252-1-0000, Revised Assessed Value \$351,820.

Commissioner Lopez made a motion to sign a letter to Pocahontas Land Corporation informing of their decision as a Board of Equalization and Review for 2002 that the valuation of the following property in question will be changed in accordance with the recommendation of the State of West Virginia Department of Tax and Revenue will be as follows: Map/Parcel 10-03-49-1, Revised Assessed Value \$405,088; Map/Parcel 10-03-6294832, Revised Assessed Value \$3,875. Commissioner Witt seconded.

The Commissioners received and reviewed a corrected listing of those properties that resulted in a programming error that failed to appraise certain reserve other mined mineral properties at the \$1 per acre appraisal rate from the Department of Tax and Revenue (February 25, 2002).

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 2002.

Commissioner Lopez moved to adjourn as Board of Equalization and Review. Commissioner Witt seconded. All approved. The Board of Equalization and Review was completed.

Carl Harris, Assistant Prosecuting Attorney, suggested to the Commissioners that in the future to turn off recording when conversing with the State Tax Department regarding tax payers' property.

The Commissioners asked Ms. Holly to stamp their names on the Board of Equalization and Review letters.

The Commissioners reconvened as regular County Commission



meeting.

The Commissioners received and reviewed a letter from the State Treasury informing they were in error regarding the Magistrate Court account.

The Commissioners approved an invoice from Leon Spencer, Surveyor.

The Commissioners approved drawdown request of Gauneka-Ruritan.

The Commissioners received and reviewed Public Notice from the U. S. Army Corps of Engineers Revised Nationwide Permits for the State of West Virginia.

The meeting was adjourned at 2:10 p.m. The next scheduled meeting is March 6, 2002.



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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  
February 28, 2002

CHARLOTTE N. HOLLY, C.P.A.  
ADMINISTRATOR

T. A. Deitz Estate  
Attn: William Keeney, Land Agent  
HC64, Box 425  
Burnwell, West Virginia 25083

Dear Mr. Keeney:

The Fayette County Commission convening as the Board of Equalization and Review for 2002 has considered your application for review of property assessment, a copy of which is attached hereto, and has found that the valuation of the following property in question will be changed in accordance with the recommendation of the Assessor of Fayette County, as attached hereto:

MAP/PARCEL

REVISED ASSESSED VALUE

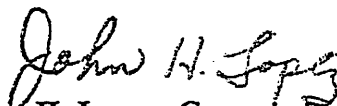
10-03-16-0002.0000

\$355,071

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

FCC:jch

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 28, 2002

Imperial Colliery Company  
Attn: William Keeney, Land Agent  
HC64, Box 425  
Burnwell, West Virginia 25083

Dear Mr. Keeney:

The Fayette County Commission convening as the Board of Equalization and Review for 2002 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 Assessor of Fayette County, as attached hereto:

<u>MAP/PARCEL</u>	<u>REVISED ASSESSED VALUE</u>
10-01-17-0041.0000	\$74,100
10-01-18-0006.0000	84,330
10-01-19-0002.0000	69,850
10-01-601036-3	600
10-01-601043-4	550
10-03-17-0001.0000	10,779
10-03-17-0002.0000	181,695
10-03-17-0003.0000	117,256
10-03-24-0002.0000	81,243
10-03-25-0024.0000	80,784

Further, the valuations of the following properties in question will not be changed:

<u>MAP/PARCEL</u>	
10-03-10-0006.0000	No Change
10-03-631972-2	No Change
10-03-11-0002.0000	No Change
10-03-11-0003.0000	No Change
10-03-11-0007.0000	No Change

Imperial Colliery Company  
February 28, 2002  
Page

MAP/PARCEL

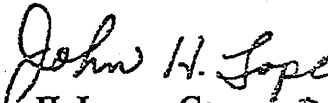
10-03-11-0008.0000	No Change
10-03-17-0004.0000	No Change
10-03-31-0001.0000	No Change
10-03-631941-4	No Change
10-03-18-0002.0000	No Change

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

FCC:jch

cc: Jerry Knight, WV State Tax Department  
Thomas E. Aiello, assessor

Enclosure

# APPLICATION FOR REVIEW OF PROPERTY ASSESSMENT

Fayetteville

THIS COMPLAINT WILL NOT BE REVIEWED UNLESS FILLED OUT IN DETAIL

February 18, 2002

(City)

, West Virginia

(Date)

To the Assessor of Fayette county or the Fayette County Board of Review and Equalization:

Your complainant represents that the following described real estate is valued and assessed out of proportion to its true and actual value on the current tax roll and requests a review of the assessed valuation before the next period of liability is effective.

Property assessed in the name of Imperial Colliery Company in Ansted, New Haven & Valley District

Address of property See Attached

LOT NO.	BLOCK NO.	ACRES	DESCRIPTION
See Attached			

Assessed Value—Land \$	Improvements \$	Total \$																		
<b>CONSTRUCTION BY COMPLAINANT</b>																				
Cost of land .....	\$ _____	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="text-align: center;"><b>PURCHASE BY COMPLAINANT</b></th> </tr> </thead> <tbody> <tr> <td>Total purchase price .....</td> <td>\$ _____</td> </tr> <tr> <td>Date purchased .....</td> <td>\$ _____</td> </tr> <tr> <td>Cost of added improvements .....</td> <td>\$ _____</td> </tr> <tr> <td>Face amount of fire insurance carried .....</td> <td>\$ _____</td> </tr> <tr> <td>Offered for sale for .....</td> <td>\$ _____</td> </tr> <tr> <td>Date of offer .....</td> <td>\$ _____</td> </tr> <tr> <td>Monthly rental received, if rented .....</td> <td>\$ _____</td> </tr> <tr> <td>Present value in your opinion .....</td> <td>\$ _____</td> </tr> </tbody> </table>	<b>PURCHASE BY COMPLAINANT</b>		Total purchase price .....	\$ _____	Date purchased .....	\$ _____	Cost of added improvements .....	\$ _____	Face amount of fire insurance carried .....	\$ _____	Offered for sale for .....	\$ _____	Date of offer .....	\$ _____	Monthly rental received, if rented .....	\$ _____	Present value in your opinion .....	\$ _____
<b>PURCHASE BY COMPLAINANT</b>																				
Total purchase price .....	\$ _____																			
Date purchased .....	\$ _____																			
Cost of added improvements .....	\$ _____																			
Face amount of fire insurance carried .....	\$ _____																			
Offered for sale for .....	\$ _____																			
Date of offer .....	\$ _____																			
Monthly rental received, if rented .....	\$ _____																			
Present value in your opinion .....	\$ _____																			
Cost of construction or contract price .....	\$ _____																			
Date of Construction .....	\$ _____																			
Cost of added improvements .....	\$ _____																			
Face amount of fire insurance carried .....	\$ _____																			
Offered for sale for .....	\$ _____																			
Date of offer .....	\$ _____																			
Monthly rental received, if rented .....	\$ _____																			
Present value in your opinion .....	\$ _____																			

### REASON AND BASIS FOR COMPLAINT

List the name and location of three properties comparable to yours. If more space is needed, use back. Uncertain 2002 Values & minerals not assessed according to reserve returns

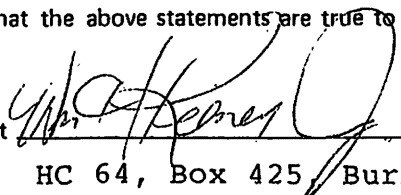
1 N/A

2

3

I do hereby certify that the above statements are true to the best of my knowledge and ability and that all questions on this petition pertaining to the property have been answered.

Signature of Complainant



Land Agent

Phone No: (304) 595-3101

Address of Complainant

HC 64, Box 425, Burnwell, WV 25083

Assessor's Use Only

Map No. \_\_\_\_\_

Parcel No. \_\_\_\_\_

List of Tax Accounts				Fayette County, West Virginia
Managed by Westlake, Inc.				
HC 64, Box 425, Burnwell, WV 25083				
(304) 595-3101				
Owner	District	Map/Parcel	Acct No.	Legal Description
Imperial Colliery Company	Ansted Corp.	05-0110-0000-0000	06022751	SURF 873/ ANSTED TRACT #58
Imperial Colliery Company	Ansted Corp.	05-0115-0000-0000	06022760	SURF 1 022/ ANSTED W LAKE TR
Imperial Colliery Company	Ansted Corp.	08-0002-0000-0000	06098885	FEE 1 50/ LAWS & HORROCKS TR 7
Imperial Colliery Company	Ansted Corp.	08-0133-0000-0000	06098956	SURF 1.63/ LAWS & HORROCKS 2 TRACT 63
Imperial Colliery Company	Ansted Corp.	09-0064-0000-0000	06098812	FEE 6.132/ GRAVEYARD TR
Imperial Colliery Company	Ansted Corp.	09-0065-0000-0000	06098910	FEE 69.745/ WESTLAKE TR 58 418/265
Imperial Colliery Company	Ansted Corp.	12-0100-0000-0000	08117245	LOT 395 396 ANSTED LOTS TR 64 FEE 1.10 AC
Imperial Colliery Company	Ansted Corp.	13-0300-0000-0000	08117334	SURF 4.18/ MASTERS MILL TR 61
Imperial Colliery Company	Ansted Corp.	22-0007-0000-0000	08017674	SURF 4.14/ AC HAWKS NEST ABANDONED RW
Imperial Colliery Company	Ansted Corp.	9999 0609 8821 0000	06098821	MIN 868/ GRAVEYARD TR 1
Imperial Colliery Company	Ansted Corp.	9999 0609 8849 0000	06098849	MIN 31 839/ A G TAYLOR TR 2
Imperial Colliery Company	Ansted Corp.	9999 0609 8867 0000	06098867	MIN 14 183/ HAWKS NEST COAL SKAGGS TR
Imperial Colliery Company	Ansted Corp.	9999 0609 8901 0000	06098901	MIN 2.50/TAYLOR TR 57
Imperial Colliery Company	Ansted Corp.	9999 0609 8929 0000	06098929	MIN 192 292/ WESTLAKE TR 58
Imperial Colliery Company	Ansted Corp.	9999 0609 8938 0000	06098938	MIN 5 TWENTY FT TR 60
Imperial Colliery Company	Ansted Corp.	9999 0609 8974 0000	06098974	MIN 40/ ANSTED LOTS TR 64
Imperial Colliery Company	Ansted Corp.	9999 0610 9472 0000	06109472	MIN .02/ ANSTED HPL ADDN UNDER LOT 362
Imperial Colliery Company	Ansted Corp.	9999 0635 0450 0000	06350450	MIN UNDER LOT 389 ANSTED H PL EX
Imperial Colliery Company	Ansted Corp.	9999 0816 0134 0000	08160134	MIN .352 WESTLAKE TR
Imperial Colliery Company	New Haven	17-0001-0000-0000	06010425	SUR 17 56/ HARRAH TR 20
Imperial Colliery Company	New Haven	17-0002-0000-0000	06010443	FEE 12 TEUBERT TR 21
Imperial Colliery Company	New Haven	17-0003-0000-0000	08104179	22.33/ BIG CK 314/134
Imperial Colliery Company	New Haven	17-0004-0000-0000	06010684	10.67 BIG CK FEE 314/134
Imperial Colliery Company	New Haven	17-0041-0000-0000	06010452	FEE 849.91/ GILMORE TR 27 435/682
Imperial Colliery Company	New Haven	17-0050-0000-6001	06010336	FEE 16.70/ HISER TR 11
Imperial Colliery Company	New Haven	17-0050-0000-6002	06010354	FEE LESS COAL 5.30/ HISER TR 13
Imperial Colliery Company	New Haven	18-0005-0000-0000	06010265	FEE 46.202/ AG TAYLOR TR 2
Imperial Colliery Company	New Haven	18-0006-0000-0000	06010274	FEE 847.832/ HAWKS NEST COAL SKAGGS TR 3
Imperial Colliery Company	New Haven	18-0008-0000-0000	06010372	FEE 123 314/ HOLT & SNYDER TR 15
Imperial Colliery Company	New Haven	18-0009-0000-0000	06010390	FEE 41 ELLIS TR 17
Imperial Colliery Company	New Haven	18-0010-0000-0000	06010407	FEE 150 COATS TR 18
Imperial Colliery Company	New Haven	18-0011-0000-0000	06017712	FEE 54 SHADE CK DB 34/57 TRACT #78
Imperial Colliery Company	New Haven	18-0021-0000-0000	06010309	FEE 4 10/ C & O RW TR 5
Imperial Colliery Company	New Haven	18-0022-0000-0000	06010531	FEE 6 C & O RWY TR 59
Imperial Colliery Company	New Haven	19-0002-0000-0000	06010327	FEE 677 89/ MATHEWS & MORTON TR 9

List of Tax Accounts				Fayette County, West Virginia
Managed by Westlake, Inc.				
HC 64, Box 425, Burnwell, WV 25083				
(304) 595-3101				
Owner	District	Map/Parcel	Acct No.	Legal Description
Imperial Colliery Company	New Haven	25-0008-0000-0000	06010292	FEE 51 WOODS MILL TR 4
Imperial Colliery Company	New Haven	9999 0601 0283 0000	06010283	MIN 8 985/HAWKS NEST COAL SKAGGS TR 3
Imperial Colliery Company	New Haven	9999 0601 0318 0000	06010318	O & G 3 C & O RW TR 5
Imperial Colliery Company	New Haven	9999 0601 0345 0000	06010345	COAL 6 10/ CROFT & EVANS TR 12
Imperial Colliery Company	New Haven	9999 0601 0363 0000	06010363	MIN 83 MCVEY TR 14
Imperial Colliery Company	New Haven	9999 0601 0381 0000	06010381	MIN 6 686/ HOLT & SNYDER TR 15
Imperial Colliery Company	New Haven	9999 0601 0416 0000	06010416	COAL 10 78/ HAWKINS TR 19
Imperial Colliery Company	New Haven	9999 0601 0434 0000	06010434	COAL 11 90/ HARRAH TR 20A
Imperial Colliery Company	New Haven	9999 0601 0461 0000	06010461	MIN 4 701/ GILMORE TR 27
Imperial Colliery Company	New Haven	9999 0601 0498 0000	06010498	COAL 6.90/ EMCO NO 2 TR 52
Imperial Colliery Company	New Haven	9999 0601 0504 0000	06010504	COAL 3 EMCO NO 3 TR 53
Imperial Colliery Company	New Haven	9999 0601 0522 0000	06010522	MIN 14 057/ WESTLAKE TR 58
Imperial Colliery Company	New Haven	9999 0601 0559 0000	06010559	MIN 92/ GILMORE TR 27
Imperial Colliery Company	Valley	05-0010-0000-0000	06319389	FEE 88 12/ IMBODEN TR 23
Imperial Colliery Company	Valley	05-0018-0000-0000	09000740	117.17AC SURF OR 8.52 MILES PROPERTY & R/W TR. 84
Imperial Colliery Company	Valley	06-0007-0001-0000	06328315	5.42 AC SURF GAULEY RIVER SD 7.25 AC MIN TR. 87
Imperial Colliery Company	Valley	06-0008-0000-0000	06328324	20.375/ GAULEY RIVER TR. 87
Imperial Colliery Company	Valley	10-0004-0000-0000	06319361	FEE 154 35/ SIMMS TR 22
Imperial Colliery Company	Valley	10-0006-0000-0000	06319593	FEE 1023 218/ MARK ANTHONY TR 35
Imperial Colliery Company	Valley	10-0007-0000-0000	06319762	FEE 36 54/ BUCK RUN TR 47
Imperial Colliery Company	Valley	11-0002-0000-0000	06319405	FEE 395 456/ GUTHRIE TR 24
Imperial Colliery Company	Valley	11-0003-0000-0000	06319566	FEE 124 50/ NEIL TR 33
Imperial Colliery Company	Valley	11-0004-0000-0000	06319851	FEE 30 70/ LIVENGOOD NO 2 TR 56
Imperial Colliery Company	Valley	11-0005-0000-0000	06319842	FEE 224 28/ LIVENGOOD NO 1 TR 55
Imperial Colliery Company	Valley	11-0006-0000-0000	06319557	FEE 256 50/ RICH CK TR 32
Imperial Colliery Company	Valley	11-0007-0000-0000	06319664	FEE 253 481/ CAUTLEY 3 TR 40
Imperial Colliery Company	Valley	11-0008-0000-0000	06319478	FEE 106 440/ TYLER TR 28 451/548
Imperial Colliery Company	Valley	11-0011-0000-0000	06324649	FEE 90 GAULEY RIV MOWER TRACT #75
Imperial Colliery Company	Valley	11P-0018-0000-0000	06325023	LOT 10 JODIE SD 3 285/372
Imperial Colliery Company	Valley	17-0001-0000-0000	06319682	FEE 49 42/ CAUTLEY NO 4 TR 41
Imperial Colliery Company	Valley	17-0002-0000-0000	06319708	FEE 1477 35/ DONALDSON TR 42
Imperial Colliery Company	Valley	17-0003-0000-0000	06319637	FEE 1045 95/ CAUTLEY 1 TRACT #38
Imperial Colliery Company	Valley	17-0004-0000-0000	06319646	FEE 193 93/ CAUTLEY NO 2 TR 39
Imperial Colliery Company	Valley	17-0005-0000-0000	06319511	FEE 106 56/ BANKS NO 1 TR 30
Imperial Colliery Company	Valley	17-0008-0000-0000	06319254	SURF 1.92/ LOT 40 BRIDGE FORK WATERS

List of Tax Accounts				Fayette County, West Virginia
Managed by Westlake, Inc.				
HC 64, Box 425, Burnwell, WV 25083				
(304) 595-3101				
Owner	District	Map/Parcel	Acct No.	Legal Description
Imperial Colliery Company	Valley	17-0009-0000-0000	06319441	FEE 69 CAUTLEY TR 26
Imperial Colliery Company	Valley	18-0001-0000-0000	06319496	FEE 126 44/ BANKS NO 2 TR 29
Imperial Colliery Company	Valley	18-0004-0000-0000	06319717	FEE 136 27/ BANKS NO 3 TR 43
Imperial Colliery Company	Valley	24-0001-0000-0000	06319879	FEE 630 DEITZ TR 62
Imperial Colliery Company	Valley	24-0002-0000-0000	06319753	FEE 785.69/ TOMPKINS TR 46
Imperial Colliery Company	Valley	24-0003-0000-0000	08159066	FEE 22 62/ HINMAN 25 ACRES TR 49
Imperial Colliery Company	Valley	24-0004-0000-0000	06319423	FEE 23 75/ HUMPHRIES TR 25
Imperial Colliery Company	Valley	24-0005-0000-0000	06319575	FEE 131 271/ HINMAN TR 34
Imperial Colliery Company	Valley	25-0003-0000-0000	06324587	FEE 2.94/ RICH CREEK MORRISON TRACT #50
Imperial Colliery Company	Valley	25-0004-0000-0000	06318022	SURF 2 23/RICH CK (TR 50)
Imperial Colliery Company	Valley	25-0005-0000-0000	06319806	FEE 19.57/ MORRISON TR 50
Imperial Colliery Company	Valley	25-0009-0000-0000	08094439	SURF 7.89 AC MTH RICH CK TRACT #80
Imperial Colliery Company	Valley	25-0011-0000-0000	06328663	SURF 1 RICH CK TRACT #81 381/508 389/282
Imperial Colliery Company	Valley	25-0012-0000-0000	06322767	SURF 3.53 AC MCCLUNG TR 80 RICH CK
Imperial Colliery Company	Valley	25-0013-0000-0000	06322696	SURF 1.75/ RICH CK 491/308 TRACT #81
Imperial Colliery Company	Valley	25-0017-0000-0000	06328672	SURF 2.56/ RICH CK 60/3 TR. 88
Imperial Colliery Company	Valley	25-0018-0000-0000	06328690	SURF 2.06/ RICH CK TR. 88
Imperial Colliery Company	Valley	25-0023-0000-0000	06319539	FEE 113.459/ BANKS NO 5 TR 31
Imperial Colliery Company	Valley	25-0024-0000-0000	06319600	FEE 739 HOTCHKISS TR 36
Imperial Colliery Company	Valley	25-0030-0000-0000	06319628	SURF 32 15/ STEELE TR 37
Imperial Colliery Company	Valley	25-0039-0000-0000	06324426	0.34 AC SURFACE KELLYS CK 557/252 TR 90
Imperial Colliery Company	Valley	25-0039-0001-6002	09001868	SURF .26 AC KELLYS CK TR. 86
Imperial Colliery Company	Valley	25-0040-0000-0000	06316033	SURF 1 RICH CK KELLY FK TR. 85 **check backtax 2001**
Imperial Colliery Company	Valley	31-0001-0000-0000	06319744	FEE 310 HOLT & GRAY TR 45
Imperial Colliery Company	Valley	31-0003-0000-0000	06322552	1/2 INT FEE 69.50 / SE S D 60/7
Imperial Colliery Company	Valley	31-0045-0000-0000	06322543	1/2 INT 100 AC FEE BRIDGE FK
Imperial Colliery Company	Valley	31-0052-0000-0000	06319824	FEE 53.07/ EMCO NO 1 TR 51
Imperial Colliery Company	Valley	32-0002-0000-0000	06319888	FEE 19 M M SKAGGS TR 65
Imperial Colliery Company	Valley	32-0003-0000-0000	06319833	FEE 141 23/ SUMMERS TR 54
Imperial Colliery Company	Valley	9999 0631 9263 0000	06319263	MIN 23/ TYLER TR 28
Imperial Colliery Company	Valley	9999 0631 9272 0000	06319272	MIN 24/ GUTHRIE TR 24
Imperial Colliery Company	Valley	9999 0631 9281 0000	06319281	MIN 1 TYLER TR 28
Imperial Colliery Company	Valley	9999 0631 9307 0000	06319307	MIN 86 HAWKS NEST COAL CO TR 3
Imperial Colliery Company	Valley	9999 0631 9316 0000	06319316	MIN 140 CYRUS SKAGGS TR 6
Imperial Colliery Company	Valley	9999 0631 9325 0000	06319325	MIN 150 MATTHEWS & MORTON TR 8



List of Tax Accounts				Fayette County, West Virginia
Managed by Westlake, Inc.				
HC 64, Box 425, Burnwell, WV 25083				
(304) 595-3101				
Owner	District	Map/Parcel	Acct No.	Legal Description
Imperial Colliery Company	Valley	9999 0631 9343 0000	06319343	MIN 100 JAS SKAGGS TR 16
Imperial Colliery Company	Valley	9999 0631 9352 0000	06319352	COAL 4 62/HAWKINS TR 19
Imperial Colliery Company	Valley	9999 0631 9370 0000	06319370	MIN 8 95/ SIMMS TR 22
Imperial Colliery Company	Valley	9999 0631 9398 0000	06319398	MIN 12 54/ IMBODEN TR 23
Imperial Colliery Company	Valley	9999 0631 9414 0000	06319414	MIN 27 262/ GUTHRIE TR 24
Imperial Colliery Company	Valley	9999 0631 9432 0000	06319432	MIN 1 25/ HUMPHRIES TR 25
Imperial Colliery Company	Valley	9999 0631 9469 0000	06319469	MIN 4 165/ GILMORE TR 27
Imperial Colliery Company	Valley	9999 0631 9487 0000	06319487	MIN 19 088/ TYLER TR 28
Imperial Colliery Company	Valley	9999 0631 9502 0000	06319502	MIN 10 56/ BANKS NO 2 TR 29
Imperial Colliery Company	Valley	9999 0631 9520 0000	06319520	MIN 8 44/ BANKS NO 1 TR 30
Imperial Colliery Company	Valley	9999 0631 9548 0000	06319548	MIN 6 541/ BANKS NO 5 TR 31
Imperial Colliery Company	Valley	9999 0631 9584 0000	06319584	MIN 17 229/ HINMAN TR 34
Imperial Colliery Company	Valley	9999 0631 9619 0000	06319619	MIN 36 STEELE TR 37
Imperial Colliery Company	Valley	9999 0631 9655 0000	06319655	MIN 9 07/ CAUTLEY NO 2 TR 39
Imperial Colliery Company	Valley	9999 0631 9673 0000	06319673	MIN 28 038/ CAUTLEY NO 3 TR 40
Imperial Colliery Company	Valley	9999 0631 9691 0000	06319691	MIN 3 48/ CAUTLEY NO 4 TR 41
Imperial Colliery Company	Valley	9999 0631 9726 0000	06319726	MIN 8 12/ BANKS NO 3 TR 43
Imperial Colliery Company	Valley	9999 0631 9735 0000	06319735	MIN 67 50/ HOLT & GRAY NO 1 TR 44
Imperial Colliery Company	Valley	9999 0631 9771 0000	06319771	MIN 26 50/ SKAGGS TR 48
Imperial Colliery Company	Valley	9999 0631 9799 0000	06319799	MIN 2 38/ HINMAN 25 ACRES TR 49
Imperial Colliery Company	Valley	9999 0631 9815 0000	06319815	MIN 3 49/ MORRISON TR 50
Imperial Colliery Company	Valley	9999 0631 9897 0000	06319897	MIN 8 30/ C & O RR TR 66
Imperial Colliery Company	Valley	9999 0632 8075 0000	06328075	1/2 INT O & G 242/42 GAULEY TRACT #79 (1/2 INT242/42)
Imperial Colliery Company	Valley	9999 0900 1968 0000	09001968	MIN 9 30/ LIVENGOOD NO 2 TR 56

FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
MARCH 6, 2002  
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 6<sup>th</sup> day of March 2002.

Commissioner Witt called the meeting to order at 9:06 a.m.

Commissioner Witt informed the Commissioners he received notice from the Fayette County Project Recovery Team that March 11 marks the sixth month anniversary of the terrorist attack on New York and Washington, D.C. and they are organizing an effort to have a Fayette County observance on March 11 and asking all Fayette County citizens to participate in a one minute observance at 8:48 a.m. on Monday, March 11, 2002.

The Commissioners asked Ms. Holly to have James Perdue, Maintenance Supervisor, to ring the bell, but to check with Judge John Hatcher first.

Commissioner Witt also informed the Commission that the Fayette County Project Recovery is planning a candle lighting memorial and remembrance service Monday evening at 8:00 p.m. at the Fayetteville Presbyterian Church.

Commissioner Wender presented minutes of the Central Appalachian Empowerment Zone meeting of February 28, 2002 and a request to the Commissioners for an order reappointing Michael Martin to serve on the Board of Directors of the Central Appalachian Empowerment Zone of West Virginia. The Commissioners signed order reappointing Michael Martin to serve on the Board of Directors of the Central Appalachian

Empowerment Zone of West Virginia representing Census Tract #205.

Commissioner Wender offered a motion that the Commissions enter into an "intervener" status on the Dominion Greenbrier Pipeline Project and request that Dominion hold two hearings in Fayette County regarding the pipeline project. Commissioner Lopez seconded. All approved.

Commissioner Wender requested an Executive Session. The Commissioners recessed from the regular County Commission meeting to go into Executive Session.

Upon reconvening from the Executive Session, the Commission informed the Executive Session was pertaining to the flooding. No decision reached.

Dan Snead, with J. Dan Snead Associates appeared before the Commission to discuss installation of an elevator at the Courthouse.

Mr. Snead informed the Commissioners they needed to get started on the preliminary work.

Mr. Snead informed the Commissioners in advertising you would need two line items, one shaft electrical upgrade and one elevator installation and equipment.

Mr. Snead informed the Commissioners that the electrician will come in to inspect this week.

Mr. Snead informed the Commissioners that he recommends they advertise in two weeks and that he would include in specifications that contractor would have to work after work hours.

Commissioner Lopez made a motion to proceed with advertising bids for the elevator. Commissioner Wender seconded. Unanimous.

Discussion was held regarding the catwalk under the New River Gorge Bridge.

John David and Jackie Asbury, Southern Appalachian Labor School appeared before the Commission to request matching funds in the amount of \$15,000 to purchase building materials for the Fayette County homes that would be repaired in July 2002.

Commissioner Witt asked if this was a one time request. Mr. David replied yes.

Commissioner Witt informed Mr. David they would consider in the Fiscal Year 2002-2003 Budget.

John David appeared before the Commission to request that the Commission make a commitment of \$2,000 contribution to the Energy Express for the next Fiscal Year 2002-2003 Budget.

Commissioner Lopez made a motion that the Commissioners make a commitment of \$2,000 for the Energy Express for Fiscal Year 2002-2003 Budget. Commissioner Wender seconded. Unanimous.

John David presented a drawdown of \$11,332.50 to the Commissioners from the Flood Relief Grant. Commissioner Wender made a motion to approve drawdown from the \$25,000 Flood Relief Grant. Commissioner Lopez seconded. Unanimous.

Rebecca Bridges Parsons, Roy A. Bridges, Thomas King and Jack Buchanan appeared before the Commission to contest the Will of Roy Anderson Bridges.

Commissioner Witt informed the family that the Commission has received a letter from Attorney Paul Clay informing that he had a previous engagement and would not be able to appear.

Commissioner Witt asked Tom Steele if he would assist with this matter.

Mr. Steele informed the Commissioners he would have to review and get back with referral. Mr. Steele asked that everyone involved

in this matter leave their address.

John Kessler with Farmers of Fayette County appeared before the Commission to inform them that they are not satisfied with the Farm Agent for Fayette County.

Mr. Kessler informed the Commissioner that Fayette County needs a Farm Agent that would represent the farmers 50% of the time.

Commissioner Witt suggested finding out whose at the top of the Department of Agriculture and the Commission would request that the University meet with the Farmers and discuss these matters.

Commissioner Wender suggested meeting at the Midland Trail High School or some place in that vicinity and asked that they contact Ms. Holly and let her know the place, time and date of the meeting.

Commissioner Wender made a motion to anticipate funding for extra help for three weeks for the County Clerk's Office.

Commissioner Lopez seconded. Unanimous.

Commissioner Wender made a motion to approve upgrades and repairs to the Boomer ballfield up to \$8,000.00 money to come from the Governor's Community Partnership Grant. Commissioner Lopez seconded. Unanimous.

The Commission recessed until 1:15 p.m.

The County Commission meeting reconvened at 1:30 p.m.

Commissioner Lopez made a motion to approve outstanding bills. Commissioner Wender seconded.

The Commissioners signed minutes of the Zoning Hearing held February 28, 2002.

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

month of January 2002.

Commissioner Wender informed the Commission that the Fayette Humane Society is trying to sell the Animal Shelter in Glen Jean. Commissioner Wender suggested that a letter be written to Ms. Robert Abbot requesting that the proceeds and funds be donated to the Fayette County Commission to rebuild a new Animal Shelter. Commissioner Wender suggested that he sign the letter.

The Commissioners received and reviewed a letter from Kelvin Holliday, County Clerk informing Pauline Crouch and Carol (Adkins) Legg resigned as part-time absentee clerks and informed he has appointed J. C. and Mary Moss as replacement.

The Commissioners received and reviewed from the Fayette County Animal Control Center fees collected for the week of February 22 to February 28, 2002, amount \$155.00, the Disbursement and Activity Overview for the month of February. The Commission approved March allotment for C-PAC, amount \$11,853.22.

Commissioner Lopez asked the Commission if they had any objection to him talking with Steve Cruikshank, OES Director about using the old shelter at the Park.

The Commissioners received/reviewed and approved a copy of the Local Option Election Ballot regarding the Sunday Hunting for the Primary Election.

The Commissioners approved letter and oath to be sent to various board members of Fayette County.

The Commissioners received and reviewed Fayette Awning's proposal for replacement windows at the Courthouse, amount \$315,475.00. No decision was made.

The Commissioners received and reviewed a memo from the West

Virginia State Auditor informing that the 2002 distributed public utility values for Dominion Hope Gas Company and Dominion Transmission are incorrect due to erroneous data being submitted by these companies. The Auditor's informed the Commission they will send revised values as soon as they are available. Copy forwarded to Mary Weatherford, Assessor's Office.

The Commissioners signed Local Economic Development Assistant Grants Agreements for the Fayette County Sheriff's Department and the Fayette County Emergency Food Assistance Center.

The Commissioners signed Governor's Community Partnership Grant Agreements for the Fayette County Soccer Field, Christians Helping Others Food Pantry, and the Fayette and Nicholas County Weatherization Program.

The Commissioners received and reviewed from Sheriff's William Laird, COPS Moore 2001 Grant Financial Status Report.

The Commissioners received and reviewed minutes from Page-Kincaid Public Service District for the months of December 2001, January and February 2002.

The Commissioners received and reviewed several Legislature updates from the County Commissioners Association of WV.

The Commissioners received and reviewed from the Secretary of State Office a copy of Senate Bill 196 which was passed by the Legislature on February 5, 2002.

Ms. Holly informed the Commissioners of the change regarding absentees' ballots staying at the courthouse to be counted or sending to the precinct to be processed. The Commissioners informed Ms. Holly to continue sending absentee ballots to the precincts to be processed.

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

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

The Commissioners received and approved for Sheriff William Laird to pay the invoice from the Oak Hill Animal Hospital from the K-9 Fund donations, amount \$115.00.

The Commissioners received and reviewed the Accident Report on Law Enforcement cruiser (Deputy Pete Lopez).

Commissioner Witt made a request to the Commission that Patty Logan with Rural Development (FHA) uses the County Commission room one morning a week to take applications. The Commission approved.

Ms. Holly informed the Commissioners she received a letter from Karl Gray wanting to know if the County had a noise abandonment policy.

The Commissioners received and reviewed a copy of a letter from Sheriff William Laird to the Division of Criminal Justice Services enclosing Progress Report, Financial Report and Request for Reimbursement for the Court Security Grant, Project #01-CS-06.

The Commissioners received and reviewed a letter from the National Association of Counties (NACo) inviting the Commission to attend the Fourth Annual NACo Technology Summit scheduled for April 4-6, 2002 in Raleigh, North Carolina.

The Commissioners submitted several 2002 Budget Digest requests (Elevator for Courthouse, upgrade and/or replace courthouse AS/400 computer system, replacement of windows for the Courthouse, scraping and painting exterior woodwork of the Courthouse, restoration of a slat roof for the Fayette County Jail, construct an accessible ramp



for the Courthouse, and purchase and install a generator for the Valley Tower).

The Commissioners signed a letter to the Elected Officials asking that they meet with them on Friday, March 15, 2002 to discuss their budget request for Fiscal Year 2002-2003.

The Commissioners agreed to schedule a budget session for Monday, March 18, 2002 at 9:30 a.m.

The Commissioners agreed to schedule a Commission meeting on Friday, March 22, 2002 at 9:30 a.m. to appoint the Election Officials for the Primary Election and to work on the budget for the Fiscal Year 2002-2003.

The Commissioners agreed to change the March 27, 2002 County Commission meeting to Tuesday, March 26, 2002 at 9:00 a.m. to adopt the budget for Fiscal Year 2002-2003.

The meeting was adjourned at 2:15 p.m. The next scheduled meeting is March 15, 2002.

  
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FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
MARCH 15, 2002  
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 15<sup>th</sup> day of March 2002.

Commissioner Witt called the meeting to order at 9:20 a.m.

Exonerations were approved and signed.

Commissioner Witt informed the Commissioners that he had a Central Appalachian Empowerment Zone Board meeting today at 11:00 a.m.

The Commissioners signed Agreement for the Legislative Digest Grant for the Princess Theatre and Fayette County Chamber of Commerce.

The Commissioners signed letters to the Fayette County Chamber of Commerce and the Princess Theatre asking that they submit copies of checks payable to Vendor and paid invoices signed by an authorized agent of their organization dated and marked "Approval for Payment" to the Commission and the Commission will submit their request for reimbursement to the West Virginia Development Office.

The Commissioners received and reviewed a phone message from David Richmond, WVU Extension Agent informing that a meeting is scheduled for Wednesday, March 20 at 7:00 p.m. at the Midland Trail cafeteria to discuss hiring an Agriculture Agent for Fayette County.

The Commissioners asked Ms. Holly how much is budgeted for the WVU Extension Office. Ms. Holly informed the Commissioners for this Fiscal Year budget they budgeted \$19,261 for secretary's salary,

benefits, and travel, the Board of Education budgeted \$19,237.

Ms. Holly informed the Commissioners that two employees (Linda Johnson (\$301.24) and William McGraw (\$612.99) had too much deducted for their PEIA premium. Checks for reimbursement have been prepared.

The Commissioners received and reviewed correspondence from Tom Steele, Assistant Prosecuting Attorney and Attorney Graydon Ooten regarding the Roy Anderson Bridge Estate.

The Commissioners received/reviewed and approved a proposal from McNiel Fence Company, Inc. to install a fence at the Boomer Ballfield, amount \$6,971.00 to be paid out of the Governor's Community Partnership Grant Fund.

The Commissioners received and reviewed Workers' Compensation correspondence.

The Commissioners received and reviewed Legislative updates.

The Commissioners received and reviewed Fayette County Animal Control Center fees collected for the week of March 1 thru March 7, 2002, amount \$500.00.

The Commissioners received and reviewed a letter from Steptoe and Johnson regarding Gary K. Skaggs v. Micah Feltner, et al, Civil Action #01-C-232(v).

The Commissioners received and reviewed a pledge of securities from Branch Banking and Trust Company (BB&T).

The Commissioners received and reviewed a letter from the Department of Tax and Revenue informing that Governor Bob Wise has signed and issued Executive Order 302 extending the sales and use tax exemption of materials purchased for the repair or rebuilding of flood-damaged structures in the counties flooded on July 8, 2001 until June 30, 2002.

Commissioner Wender made a motion to go into Executive Session to discuss real estate matter. Commissioner Lopez seconded.

Upon reconvening from the Executive Session the Commissioners approved the payroll.

The Commissioners approved overtime for Jackie Hickman.

Tom Aiello, Assessor, appeared before the Commission to discuss his budget for the Fiscal Year 2002-2003.

Mr. Aiello informed the Commissioners he had included a letter in his budget stating that he accept the 10% salary increase for Elected Officials but did not include in budget.

Mr. Aiello informed the Commissioners that he reduced travel expense, included a pay increase for employees, did not calculate the projected PEIA increase.

Mr. Aiello informed the Commissioners that in his PVC Budget that went to the State he rolled back to 2%. The Commissioners thanked Mr. Aiello for his cooperation and asked for his continued support.

Kelvin Holliday, County Clerk, appeared before the Commission to discuss his budget for the Fiscal Year 2002-2003.

Mr. Holliday informed the Commissioners he had included in his budget this year an increase in his record books, a new copier, a full-time employee, and that he had included the PEIA increase in his budget. The Commissioners thanked Mr. Holliday for his cooperation.

Sheriff Bill Laird appeared before the Commission to discuss his budget for the Fiscal Year 2002-2003.

Mr. Laird presented to the Commissioners a lengthy but thorough presentation of his budget.

Mr. Laird informed the Commissioners that current request is a

replica of last year's budget but included PEIA increases, requesting longevity increase for Law Enforcement, increase in uniform allowance, five vehicles, request to continue Hepatis B vaccination cost of dosage \$1900, rank interval \$75, renovate Danese Detachment, the possibility of moving current Dog Warden position in the Sheriff's Office budget, an in car video camera, upgrade Home Confinement Fund (laptop), requests roof replacement at Road Office, pay increases, fax machine for Tax Department, increase training and education, pagers for all deputies. The Commissioners thanked Mr. Laird for his cooperation and asked for his continued support.

Thelma Kincaid, Circuit Clerk, appeared before the Commission to discuss her budget for the Fiscal Year 2002-2003.

Ms. Kincaid informed the Commissioners she included in her budget a \$150 salary increase for her employees, and new PC's for her office.

Ms. Kincaid informed the Commissioners that she did not include the PEIA increase in her budget.

The Commissioners thanked Ms. Kincaid for her cooperation and asked for her continued support.

Ms. Holly gave the Commissioners an update of what has been plugged in for this Fiscal Year Budget 2002-2003; put in the PEIA increase, increased the Regional Jail fee, included a \$100 pay increase for each employee, and included the Elected Official pay raises.

Outstanding invoices were approved.

The Commissioners signed letters to all appointed members of the Fayette County Boards asking that they sign the required Oath of Office.

The Commissioners signed a letter to the West Virginia Development Office requesting first drawdown for the Fayette County Chamber of Commerce Bridge Day Study.

The Commissioners received and reviewed a letter from St. Paul acknowledging receiving the claim on the cruiser of Deputy Pete Lopez.

The Commissioners received and reviewed correspondence from AEI Resources, Inc. Original forwarded to Tom Woodrum, Chief Tax Deputy.

The Commissioners received and reviewed Notice of a Bankruptcy case. Original to Tom Woodrum, Chief Tax Deputy.

The Commissioners received and reviewed allotment to New River Convention and Visitor Bureau for the 4<sup>th</sup> Quarter, amount \$5,853.00.

Commissioner Lopez made a motion to adjourn. Commissioner Wender seconded.

The meeting was adjourned. The next scheduled meeting is March 18, 2002.



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FAYETTE COUNTY COMMISSION

SPECIAL SESSION

MARCH 18, 2002

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 18<sup>th</sup> day of March 2002.

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

Paul Blake, Prosecuting Attorney appeared before the Commission to discuss his budget for the Fiscal Year 2002-2003. Mr. Blake informed the Commissioners he did insert the increase for PEIA. Mr. Blake informed the Commissioners that in the future he would like raises for his employees and still would like to fill the position of an investigator. Mr. Blake informed the Commissioners that in his budget he has a savings resulting from the assistants that left and from the new ones hired. Mr. Blake informed the Commissioner that his assistants is not getting enough pay compared to Kanawha County assistants. The Commissioners thanked Mr. Blake for his cooperation and support.

Commissioner Wender questioned the Commissioners about the PEIA premium.

Ms. Holly informed the Commission that the PEIA premium paid out of the General County Fund right now is \$288,972.60. Ms. Holly informed based on premiums spent for family and single coverage, the cost is \$360,237.80.

Commissioner Witt made a motion to go into Executive Session to discuss personnel problems. Commissioner Lopez seconded.

Upon reconvening from the Executive Session the Commissioners informed no decision was made.

The Commissioners reconvened as County Commission meeting at

1:45 p.m. to discuss the budget for Fiscal Year 2002-2003.

Commissioner Wender informed that the total unencumbered General Fund balance carry over on July 1, 2001 was \$794,589.25.

Ms. Holly informed the Commissioners that for March, April, May and June last years' revenue totaled \$2,648,306.

Ms. Holly informed the Commissioners of the different accounts she had decreased and increased for the Fiscal Year 2002-2003.

Commissioner Wender asked that \$100,000 be earmarked for the purchase of the Berwind Property for an Industrial Park.

Commissioner Wender informed the Commissioners that he would ask Tom Aiello if he would give \$50,000 toward the property.

The Commissioners discussed putting in a \$100 raise for county employees; to increase the County Clerk's record book line to \$12,000 and part-time help as needed; approved Paul Blake's budget; Fayette County Park stays the same, for the Sheriff Department to increase longevity pay, increase uniform allowance, four vehicles, and increase fund balance to \$650,000.

Commissioner Lopez asked that \$50,000 be earmarked to replace the AS400 computer system.

Commissioner Wender suggested asking John David to ask the Flood Recovery Team, County Commission and Southern Appalachian Labor School (SALS) each to give \$5,000 toward the Workcamp project.

The Commissioners agreed to meet with Earl Pauley, Park Superintendent if weather permits at the Fayette County Park at 9:00 a.m. to check property for a new animal shelter.

The meeting was adjourned at 2:55 p.m. The next scheduled meeting is March 22, 2002.



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FAYETTE COUNTY COMMISSION  
SPECIAL SESSION  
MARCH 22, 2002  
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 22<sup>nd</sup> day of March 2002.

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

The Commissioners reviewed outside agency request for the Fiscal Year 2002-2003 Budget.

The Commissioners suggested scheduling the Elected Officials to come in on March 26, 2002 to review Fiscal Year 2002-2003.

Commissioner Wender asked about the Fayette County Solid Waste Authority employee Larry Parsons' salary. Commissioner Wender asked that Mr. Parsons salary be increased. Commissioner Lopez asked what Mr. Parsons salary is now. Ms. Holly informed the Commissioner's \$21,200.00 a year with benefits, \$30,677.43 total. The Commissioners approved increasing Mr. Parsons salary to \$25,000 plus benefits.

The Commissioners agreed not to renew dues for the National Association of Counties (NACo).

Gene Kistler and Carl Harris, Assistant Prosecuting Attorney appeared before the Commission to discuss a letter to FERC-Dominion Gas. Mr. Kistler informed he had talked with Richard Huffman, Tom Russo, Shawn Sledge of Dominion regarding the deadline for the project.

Mr. Kistler informed Bob Orndorff told him that they were thinking about rerouting the project.

Mr. Kistler informed the Commissioners that Bob Orndorff had set

up a meeting with the Engineering Group on Wednesday, March 27, 2002 at 8:30 to discuss.

Commissioner Witt asked the Commission if they would agree to have Mr. Kistler to proxy for the Commission.

Commissioner Witt made a motion to appoint Gene Kistler to negotiate the rerouting on the Dominion. Commissioner Wender seconded. All approved.

Carl Harris, Assistant Prosecuting Attorney informed the Commission he has a problem of Dominion tapping into the lines. Mr. Harris informed the Commissioners he thought the soul purpose was taking gas from here to North Carolina.

Commissioner Wender informed the Commissioners he had received several complaints regarding the need for the installation of guardrail and signage at Minden and asked the Commission if they would send a letter to Mike Cobb with the Division of Highways to inform him of the complaints.

Commissioner Wender made a motion to approve the lists of poll workers from the Democratic and Republican Executive Committee and Emergency absentee deputies from Kelvin Holliday, County Clerk for the Primary Election being held May 14, 2002. Commissioner Lopez seconded. Order signed.

The Commissioners signed agreements to accept the salary increase for the County Commission Elected Officials.

The Commissioners discussed Fiscal Year Budget 2002-2003; the Commission approved fax for tax office, approved an increase in uniform allowance, longevity and rank increase raises for the Sheriff Law Enforcement Department.

The Commissioners suggested making sure the County Clerk Kelvin

Holliday know this money is for raises.

Commissioner Wender informed the Commissioners' that he would like to discuss Assessor Tom Aiello budget.

Commissioner Wender informed the Commissioners that it bothered him that Tom has two sources of funding and that its wrong that the PVC Fund money just setting in his account, and in his regular budget requesting \$2,600 for part-time workers which he never advertises for.

Commissioner Wender suggested to the Commissioners that the Commission take two positions out of the Assessor's General County Fund budget and put in his PVC Fund. No decision was made.

Commissioner Witt introduced David Richmond with the West Virginia University Agent in Raleigh County, and members of the Farm Bureau, Marlee Gardeners Group and Southern Soil Conservation were present to discuss the status for an Agriculture Agent for Fayette County.

Mr. Richmond informed the Commissioners that for a partnership Nicholas/Fayette County would have to commitment to \$12,000 each. Mr. Richmond informed the Commissioners that originally Morgantown's commitment was to be made with Braxton/Nicholas Counties but Braxton could not come up with the funds.

Commissioner Wender informed Mr. Richmond that Fayette County had already paid \$12,400 to the WVU Extension Office but they have had no agents. Commissioner Wender suggested that this Fiscal Year these funds be credited as payment.

Mr. Richmond informed the Commission he would call the University and inform them of their request.

After talking with the University on the telephone, the

Commission and the University agreed that the Commission would only have to increase WVU Extension Agent budget for this Fiscal Year 2002-2003 to \$6,000.

Chris Goodson spoke against the County staying with West Virginia University Extension Service.

Ms. Holly informed the Commissioners the Budget is due in Charleston on March 28, 2002.

The Commissioners discussed the Fayette County Park budget for Fiscal Year 2002-2003.

Ms. Holly informed the Commissioners that the Park has five full-time employees, total salary and benefits with a \$100 increase raise would be \$90,564; as of March 20, 2002, amount spent for part-time help-\$71,521; and last year the requested amount was \$75,000 asking for \$98,821 this year; the Commissioners approved \$88,000; Central garage stays the same.

Commissioner Lopez asked the Commission to plug in \$2,000 for the Boomer Ballfield.

Commissioner Lopez suggested sending prisoners or Earl Pauley down to do improvements to the Deepwater Civitan Group building.

The Commission approved for Ms. Holly to work on replacing the AS400 computer system

Ms. Holly informed the Commissioners she plugged in \$600,000 for Regional Jail cost in the General Fund, \$100,000 under contingencies.

The Commissioners received a request and a sample letter from Damron Bradshaw, Board President with Multi-Cap, Inc. asking the Fayette County Commission to send a letter of support of Multi-Cap's current programs and activities. Letter signed.

The Commissioners received and reviewed from Southern

Appalachian Labor School Foundation, Inc. Audit Report and Financial Statement as of December 31, 2000.

The Commissioners received and reviewed a list of Vision Service Program Participating Doctors.

Commissioner Wender made a motion to adjourn. Commissioner Lopez seconded.

The meeting was adjourned at 1:30 p.m. The next scheduled meeting is March 26, 2002.



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FAYETTE COUNTY COMMISSION

SPECIAL SESSION

MARCH 26, 2002

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 26<sup>th</sup> day of March 2002.

Commissioner Witt called the meeting to order at 9:12 a.m.

Commissioner Lopez made a motion to approve payroll and outstanding bills, the payroll to be released on Friday.

Commissioner Wender seconded. All approved.

Tom Aiello, Assessor appeared before the Commission to get the final results of his Fiscal Year 2002-2003 Budget request.

The Commissioners informed Mr. Aiello that they decided to pick up the PEIA increase; plugged in \$100 raises for each employee; total Assessor's budget \$352,812.00. The Commissioners asked Mr. Aiello if he had any problem with this budget. Mr. Aiello replied no.

Thelma Kincaid, Circuit Clerk appeared before the Commission to get the final results of her Fiscal Year 2002-2003 Budget request.

The Commissioners informed Ms. Kincaid that since the Commission is picking up the PEIA increase, they plugged in a \$100.00 increase for her employees instead of the \$150.00 she requested. The Commissioners informed Ms. Kincaid that her total budget is \$271,657.00. The Commissioners asked Ms. Kincaid if she had any problem with this budget. Ms. Kincaid asked about the computers for her office. The Commissioners told Ms. Kincaid that Ms. Holly would be checking into replacing the AS400 computer system at the Courthouse, and she will get with you to discuss. Ms. Kincaid informed the Commissioners she had no problem with this budget.

Paul Blake, Jr., Prosecuting Attorney appeared before the Commission to get final results of his Fiscal Year 2002-2003 Budget request.

The Commissioners informed Mr. Blake that they decided to pick up the PEIA increase for the employees.

Mr. Blake thanked the Commissioners and informed them that his employees would appreciate this increase. The Commissioners informed Mr. Blake that his total budget is \$493,716.00.

Commissioner Lopez informed the Commissioners that Delores Baker had approached him requesting that the Commission adopt a barking dog ordinance as provided by Senate Bill 3 passed by the West Virginia Legislative on March 8, 2002. Commissioner Lopez asked that a letter be sent to Ms. Baker informing her that this matter will be discussed with Paul Blake, Prosecuting Attorney for assistance in drafting such an ordinance. The letter to Ms. Baker signed.

Paul Blake, Prosecuting Attorney, suggested to the Commissioners to go into Executive Session to discuss a personnel matter.

The Commissioners discussed changing the sick leave policy for county employees.

Commissioner Wender suggested changing the sick leave policy from 30 days a year to 18 days a year.

Ms. Holly asked the Commission if they would allow employees to carry over unused leave.

After a brief discussion, Commissioner Wender suggested writing a letter to the Elected Officials requesting their input regarding the change in the sick leave policy. Commissioner Wender suggested scheduling a meeting at 10:00 a.m., Wednesday, April 3, 2002 to discuss the change.

Kelvin Holliday, County Clerk appeared before the Commission to get the final results of his Fiscal Year 2002-2003 budget request.

The Commissioners informed Mr. Holliday that they decided to pick up the PEIA increase; plugged in \$100 raises for each employee; increased his record book line to \$12,000. The Commissioners informed Mr. Holliday as needed they would put money in for a part-time worker. The Commissioners informed Mr. Holliday that his total budget is \$289,475.00.

The Commissioners received and reviewed a letter from Danese Public Service District requesting that Lawrence Boley be reappointed as a Board member.

Commissioner Lopez made a motion to reappoint Lawrence Boley as a member of the Danese Public Service District board. Commissioner Wender seconded. All approved. Order signed.

The Commissioners signed a letter to Lawrence Boley asking that he sign an oath.

Commissioner Lopez made a motion to adopt the Fiscal Year 2002-2003 Budget. Commissioner Wender seconded. All approved.

Ms. Holly informed the Commissioners that the General County Fund Budget is \$5,691,432 plus \$650,000 carry over; Coal Severance Fund \$351,302 plus \$174,500 carry over.

The Commissioners signed a letter to the West Virginia State Auditor certifying that the elected officials are in agreement that for cost/savings and efficiency purposes, the policy for the purchase of commodities for various Fayette County Departments has been that the office of the County Commission be the central purchasing office.

Ms. Holly informed the Commissioners that she had received several oaths back from the appointed board members; originals filed



in the County Clerk's Office.

The Commissioners approved Judy Bragg, WVU Extension Agent mileage.

The Commissioners signed a letter to Barbara Baker, Director, Family Law Masters, requesting reimbursement for rent in the amount of \$1,500.00 for the month of April 2002.

The Commissioners signed a letter to the Division of Motor Vehicles requesting certificates of title for two (2) 2002 Dodge Durangos for the Assessor's Office.

Commissioner Wender asked that the Commissioners write a letter to the Elected Officials for their input on replacing the AS400 computer system.

Commissioner Wender asked the Commissioners if they would approve to pay travel expense for the independent experts. The Commissioners approved.

The Commissioners signed a letter to the Division of Criminal Justice Services with Court Security Fund Grant Application for funding for the offices of the Family Court Judge.

The Commissioners signed a letter to the Division of Criminal Justice Services informing that the Fayette County Commission strongly endorses and supports application for security upgrades and improvements to the Fayette County Courthouse Complex-Family Court Judge.

Commissioner Lopez asked if Ricky Baker could bid \$500 on the house that was given to FEMA during the flood.

Commissioner Lopez suggested getting in touch with Steve Cruikshank, OES Director, to give an update on the FEMA claims and money.

Commissioner Wender suggested scheduling Mr. Cruikshank to come to the next County Commission meeting on Wednesday, April 3, 2002 to discuss animal shelter, and to give a recap on expenditures and a list of the claims filed.

Commissioner Lopez suggested writing a letter to Jon Lopez, with FEMA to inform him that the Commission see no reason why the house should be moved, and to include in the letter they should try to stabilize the bank.

The Commissioners signed a certificate of title of a totaled vehicle to The St. Paul Fire and Marine Insurance Company. Ms. Holly informed the Commissioners that this vehicle has been taken off the county's insurance.

Ms. Holly informed the Commissioners that Bill Caudill did return the cell phone on March 25, 2002 at 9:35 a.m.

Ms. Holly informed the Commissioners she received a letter from Bernard Spinks inquiring about the program for diplomas for veterans. Ms. Holly informed the Commissioners she forwarded a copy of the letter to the Fayette County Board of Education asking for their assistance.

The Commissioners received and reviewed Application of Employment from David DeQuasie.

The Commissioners received and reviewed bid from Tri-State Roofing and Sheet Metal Company for roof repairs to the bell tower, amount not to exceed \$4,000.00.

The Commissioners received and reviewed from SunTrust Bank a list of securities pledged by the Fayette County National Bank as of February 28, 2002.

The Commissioners received and reviewed a reimbursement check

from the Division of Criminal Justice Services for the Court Security Grant (01-CS06).

The Commissioners received and reviewed a reimbursement check from the Sheriff of Raleigh County for TRIDENT overtime (Project #01-DC-11) for Garland Burke for the month of December.

The Commissioners received and reviewed weekly fees collected from the Fayette County Animal Control Center for March 8, 2002 thru March 14, 2002, amount \$490.00.

The Commissioners received and reviewed correspondence from Steptoe and Johnson regarding Skagg v. Co. Comm, etal (Civil Action #01-C-113V).

The Commissioners received and reviewed a letter sent to Avaya canceling past warranty maintenance agreements on account 0101730800 and account 0100330367 effective January 1, 2002.

The Commissioners received and reviewed checks for 911 fees for the month of February from Citizens Telecommunications Company, amount \$65.69 and AT&T Communications of WV, amount \$48.00.

The Commissioners received and reviewed a check from Verizon for Commission, amount \$14.04.

The Commissioners received and reviewed a check from the West Virginia Development Office for \$3,037.00 for Fiscal Year Flex-E Grant Program for the Tools for Fayette County.

The Commissioners asked Ms. Holly to inform Earl Pauley, Park Superintendent about his 2002-2003 Fiscal Year Budget.

Ms. Holly informed the Commissioners she received from James Perdue, Maintenance Supervisor, a request from Linda Casey that the door locks to the WVU Extension building be changed.

The Commissioners asked Ms. Holly to ask Mr. Perdue if he has

locks to switch out if not leave as is.

Ms. Holly informed the Commissioners that she received a call from Christian Helping Others and a visit from Virgil Berry asking for money from the grants they received. Ms. Holly informed the Commissioners she explained to both of them the procedures in requesting a drawdown.

The Commissioners received and reviewed a thank you card from the American Red Cross Fayette County Chapter.

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

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

The Commissioners received and reviewed a letter from Sheriff William Laird informing that effective March 18, 2002, Sally George is hired as a full-time employee in the Sheriff Tax Office. Ms. George to replace Paula Sutphin who resigned, salary \$16,800 plus benefits.

The Commissioners received and reviewed from Appalachian Mining, Inc. a Community Impact Statement, Permit #S-3002-96. Original forwarded to Tim Richardson, Zoning Officer.

The Commissioners received and reviewed from Kelvin Holliday, County Clerk, a notice informing about the inspection and testing of ballots and voting equipment. Mr. Holliday informed the Commissioners that the suggested time for scheduling the inspection for absentee voting and mail in absentee voting is March 25-April 1, 2002.

The Commissioners received and reviewed a letter from Carolyn

Arritt informing that at this time she is unable to accept the position to serve as a member of the Fayette Transition Team. Ms. Holly informed the Commissioners she forwarded copy to Dave Pollard.

The Commissioners received and reviewed a letter from the West Virginia Infrastructure and Job Development Council informing that the West Virginia Legislature appropriated funds under H.B. 4672 for the Page-Kincaid Public Service District water/sewer project in an amount of \$100,000. The West Virginia Infrastructure Council will administer the funds on behalf of the WV Economic Development Authority.

The Commissioners received and reviewed a letter from the Department of Health and Human Resources informing a sanitary survey of the Kingston Mining Bathhouse Water Treatment and Distribution System was done on March 5, 2002.

The Commissioners received and reviewed a letter from Kanawha River Mining Company informing they will continue to perform blasting activities on surface permit #S-3041-91 located 4.5 miles southwest of Powellton in the Valley District. Original forwarded to Tim Richardson, Zoning Officer.

Ms. Holly informed the Commissioners that Sheriff Laird has written a letter to the Attorney General regarding employment date and retirement date of Lawrence Washington. Sheriff Laird sent a letter to the Prosecuting Attorney to review.

The Commissioners received and reviewed a letter from the Public Service Commission regarding Shelia Withrow request for water service on Hawver Road near Ansted. The Public Service Commission informed Ms. Withrow there is nothing new to report since last correspondence received on November 13, 2000 and gave her suggestions on how she may

obtain water service. Copy forwarded to Dave Pollard, County Resource Coordinator.

The Commissioners received and reviewed second request from Washington County, Pennsylvania requesting that Fayette County sign resolution in support of House Joint Resolution 81 (prayer in schools). The Commissioners opposed to House Joint Resolution.

The Commissioners received and reviewed a letter from the Department of Health and Human Services (LEPC) two (2) part CD-ROM training tapes for Managing Hazardous Materials Incidents.

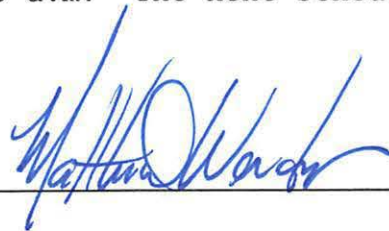
The Commissioners received and reviewed a letter from the State Emergency Response Commission application for Fiscal Year 2003 Hazardous Materials Emergency Planning Grants.

The Commissioners received and reviewed a letter from the West Virginia Prosecuting Attorneys Association informing of a pending litigation in Ohio County regarding Mental Hygiene proceedings.

The Commissioners approved payment to Charles Franck for removal of trees and stumps, amount \$588.00.

The Commissioners approved Option 2 Charge UPS Kit from Data Designs, Inc., amount \$132.50 for the County Clerk's Voter's Registration Office.

The meeting was adjourned at 11:28 a.m. The next scheduled meeting is April 3, 2002.



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FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
APRIL 3, 2002  
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 3<sup>rd</sup> day of April 2002.

Commissioner Lopez called the meeting to order at 9:06 a.m.

Exonerations were approved and signed.

Outstanding bills were approved.

The Commissioners approved Polling Places for the Primary Election. Ms. Holly informed the Commissioners we have 39 precincts.

The Commissioners signed a letter to the Division of Highways asking that they investigate and take appropriate corrective measures regarding the complaints they received for the installation of guardrail and signage at Minden.

Ms. Holly presented copies to the Commissioners of Barking Dog Ordinances she received from Wood County and the City of Beckley. Ms. Holly informed the Commissioners she forwarded copies to the Prosecuting Attorney's Office for review.

Dave Pollard, County Resource Coordinator appeared before the Commission to request they make a motion that the Planning Commission re-zone the Berwind Property.

Commissioner Wender offered a motion that the Planning Commission proceeds with the Administrative re-zoning request on Berwind Property. Commissioner Lopez seconded. Unanimous.

Ms. Holly informed the Commissioners that they have to meet on the third Tuesday (April 16) to Lay Levy for Fiscal Year 2002-2003

Budget; Ms. Holly asked the Commissioners if they wanted to still meet for their regular meeting on April 15 or cancel and meet for their regular County Commission meeting on April 16 when they Lay the Levy.

Commissioner Wender offered a motion to approve payroll for April 15 today and cancel the April 15 meeting and meet on April 16. Commissioner Lopez seconded. All approved.

The Commissioners decided to change the discussion of the Sick Leave Policy from April 16 to April 24.

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

The Commissioners approved and signed Fire Levy Protection Agreement from Loup Creek Volunteer Fire Department and Fire Levy Pumper Replacement Agreement from Loup Creek Volunteer Fire Department for the period July 1, 2001 to June 30, 2002.

The Commissioners received and reviewed from Earl Pauley, Park Superintendent, a list of Fayette County Park Summer Employees; Commissioner Wender made a motion to authorize and approve Mr. Pauley to hire part-time workers. Commissioner Lopez seconded. Unanimous.

Kelvin Holliday, County Clerk, appeared before the Commission to inform the Commission that one week prior to the election an inspection of the votomatics has to be done and to test the tabulating equipment. Mr. Holliday suggested meeting on May 7 at 10:30 a.m. to have inspection of votomatics and 11:00 a.m. to test



tabulator equipment.

Commissioner Wender offered a motion to change the County Commission meeting from May 8 to May 7 and to meet at 10:30 a.m. for the purpose of inspecting votomatics and 11:00 a.m. to test the tabulator. Commissioner Lopez seconded. Unanimous.

Ms. Holly informed the Commissioners and Mr. Holliday that she has not receive a contract from the Election System.

Mr. Holliday informed the Commissioners that the election supplies will be going out on May 9, 10, and ½ day on the 11. Mr. Holliday asked if he could use the Commission room to give out supplies.

Commissioner Wender made a motion for the County Clerk to use the Commission room to give out the election supplies on May 9, 10, and ½ day on May 11. Commissioner Lopez seconded.

Mr. Holliday informed the Commissioners he needs stamps for the absentee ballots. The Commission approved.

Mr. Holliday presented to the Commission bids from Dayton Legal Blank and Casto and Harris Company for record books. Mr. Holliday informed the Commissioners that Dayton Legal Blank had lower bid but if the Commission chose to give Casto and Harris the 5% West Virginia preference on the two assignment and four records of release books he has no objection.

Commissioner Wender made a motion for the County Clerk to purchase items from two vendors with 5% preference to West Virginia vendor Casto and Harris if lower, otherwise Dayton Legal Blank for books if lower. Commissioner Lopez seconded. Unanimous.

Mr. Holliday asked the Commissioners if they wanted to discuss the computers for the Voter's Registration Office. The Commissioners

asked that this be deferred until April 16 at 10:00 a.m.

Selina Vickers, Steve Cruikshank and Larry Parsons with the Fayette County Flood Recovery Team appeared before the Commission to give an update of the progress made in Fayette County since the flood.

Ms. Vickers informed the Commissioners that the Fayette County Flood Recovery Team does not have the resources nor the funds to help all the homes that were affected by the flood.

Steve Cruikshank informed the Commissioners that FEMA had given the Deepwater Public Service District money to fix the sewer line in front of the King's home, instead the Deepwater Public Service District rerouted the line and did not fix the King's problem.

Commissioner Lopez informed the Commissioners he would talk with Leon Newman and ask him about the FEMA money.

Commissioner Wender suggested writing letters to Senators John Rockefeller and Robert Bryd, the Governor and Congressman Nick Rahall and let them know that some of the streams were addressed but there are many more streams that needed to be addressed but due to lack of funding were not.

Commissioner Wender suggested to Ms. Vickers to request a meeting with Congressman Rahall to discuss the problems.

Ms. Vickers informed if she had more pictures to present and show of the areas that this would help a lot.

Commissioner Wender asked Tim Hannah about asking Bill Caudill if he would go around in the areas with Mr. Vickers to take pictures. Mr. Hannah informed the Commissioners that Mr. Caudill is not speaking to him. Commissioner Wender informed the Commissioners he would contact Mr. Caudill.

The Commissioners informed Ms. Vickers she needs the Division of Highways to provide the gating baskets and they would also need permission to get in the creek with their equipment.

Commissioner Wender asked Larry Parsons to have a contractor give an estimate.

Commissioner Wender suggested to Ms. Vickers to write letters to the other County Commissioners whose County was involved in the flood.

Commissioner Wender asked Ms. Vickers to give Ms. Holly the name and addresses of the other Counties involved in the flood.

Commissioner Wender suggested rescheduling the Flood Recovery Team for April 16 at 10:30 a.m. for an update.

Commissioner Wender asked about the mobile homes that were condemned.

Steve Cruikshank informed the Commissioners he would try to find out if the State is going to handle the condemned mobile homes.

The Commissioners asked Mr. Cruikshank to make recommendation.

Commissioners Wender read Press Release from the Solid Waste Management Board, informing that the Division of Highways has declared April 22-27 Tire Amnesty Week at 78 sites, collection will be Monday, April 22 through Friday, April 26 from 7:30 a.m. to 7:00 p.m. and Saturday, April 27 from 7:30 a.m. to 5:00 p.m.

Commissioner Wender suggested writing a letter to the Division of Highways informing that Fayette County need more than one drop off location and request that the Division of Highways garage locations at Lookout and Glen Ferris be designated as drop off sites in addition to the Oak Hill location.

Commissioner Lopez informed Steve Cruikshank that he needs a

better bookkeeping system for the FEMA account; Mr. Cruikshank informed the Commissioners he is aware of this but he hasn't got around to it.

David Neal, E911 Coordinator, appeared before the Commissioners to request \$1,200 for radio and an antenna to allow communication response for Fayette County Deputy Sheriff to have direct contact with the Communication Center.

Steve Cruikshank informed the Commissioners he is going to ask FEMA about additional money for the animal shelter.

The Commissioners received and reviewed a thank you card from the Lawrence Jenkins Family.

Ms. Holly informed the Commissioners she received response from Thelma Kincaid, Circuit Clerk and Kelvin Holliday, County Clerk regarding the Sick Leave Policy.

Mr. Holliday made mention of job classification that needed to be changed on his Job Description draft.

The Commissioner received and reviewed correspondence from the Workers' Compensation Division.

The Commissioners received and reviewed Quarterly Report from the Boomer Volunteer Fire Department, Inc. for the period January 1, 2002 through March 31, 2002.

The Commissioners received and reviewed from Verizon a check in the amount of \$40,809.13 for the Emergency Telephone System Fee for the month of February 2002.

The Commissioners received and reviewed a copy of the Court Security Grant prepared by Sheriff William Laird submitted March 26, 2002.

The Commissioners received and reviewed a letter from U. S.

Cellular informing of a change in their West Virginia Homestate coverage area that only affects those traveling to Cabell and Wayne Counties.

The Commissioners received and reviewed a fax from the Office of the Attorney General informing that on March 11, 2002, President Bush signed Homeland Security Presidential Directive 3 to create an advisory system that provides "a comprehensive and effective means to disseminate information regarding the risk of terrorists' attacks" to government officials and law enforcement authorities.

The Commissioners received and reviewed a letter from Charter Communication informing that on March 15, 2002, the Federal Communication Commission published its ruling (in FCC 02-77) that cable modem services are "information services" delivered via cable systems, rather than "cable services" they will no longer be collecting franchise fees on cable modem services from their customers, and their franchise fees remitted to the Fayette County Commission will be adjusted accordingly.

The Commissioners received and reviewed a letter from the Department of Tax and Revenue informing of the Appraisal Ratio Results after the Board of Review hearings.

The Commissioners received and reviewed a Notice of Site Visits from the Federal Energy Regulatory Commission, informing they will conduct pre-filing site visits of Dominion Transmission, Inc. (Dominion) Greenbrier Pipeline Project in Virginia and North Carolina.

The Commissioners received and reviewed correspondence from Steptoe and Johnson regarding the Gary K. Skaggs lawsuit.

The Commissioners received and reviewed a letter from Kennan

Insurance Agency, Inc. informing that Holley Brothers Construction, Inc. insurance has been canceled as of March 16, 2002 for non-payment of premiums. Original forwarded to Dave Pollard, County Resource Coordinator.

The Commissioners received and reviewed a letter from the Supreme Court of Appeals apologizing for their technician's recent visit. Ms. Holly informed the Commissioners that Mark Smith was in and informed her they can postpone the connection of the new lines. Ms. Holly informed the Commissioners that Mr. Smith had talked about putting an antenna on the Courthouse.

Ms. Holly informed the Commissioners that Mr. Smith informed her of the changes that would be made in the Circuit Clerk Office after this connection. Ms. Holly informed the Commissioners she needs to get with Thelma Kincaid, Circuit Clerk and discuss before installing the computer upgrades.

The Commissioners received and reviewed check from 4-C Economic and Development Authority for \$5,178.42 for local share for Comprehensive Plan Update Grant.

The Commissioners received and reviewed last drawdown request for Gauneka-Ruritan Grant.

The Commissioners received and reviewed Audit Report of Fayette County for the Fiscal Year ended June 30, 2001.

Ms. Holly informed the Commissioners because of the Federal Grants the County is required to submit to the federal clearinghouse the data collection form and one copy of the reporting package to Single Audit Clearinghouse.

The Commissioners received and reviewed a notice from the Research and Special Programs Administration (RSPA) and the

Department of Transportation's Office of Inspector General (OIG) is investigating the unauthorized marking of a high-pressure compressed gas cylinder by Fire Safety Products, Inc. Ms. Holly informed the Commissioners she forwarded a copy to Steve Cruikshank, OES Director, Earl Pauley, Park Superintendent, and James Perdue, Maintenance Supervisor.

The Commissioner received and reviewed weekly fees collected by the Fayette County Animal Control Center for the week of March 22 to March 28, 2002, amount \$385.00 and March 29 to March 30, amount \$20.00.

The Commissioners received and reviewed from the Fayette County Animal Control Center March Activity Report.

The Commissioners received/reviewed and approved April's allotment for C-PAC, amount \$11,635.59.

The Commissioners received and reviewed several Oaths of Office. Original forwarded to the County Clerk's Office.

Ms. Holly informed the Commissioners she received a letter from the National Park Service informing that Henry Law has retired from the National Park Service, however, they wish to continue serving the Fayette County Commission/Fayette Transition Team and have selected Cliff Bobinski as a representative replacing Mr. Law. Copy forwarded to Dave Pollard, County Resource Coordinator.

The Commissioners received and reviewed News brief from Accordia.

Commissioner Lopez and Commissioner Wender discussed asking Paul Blake, Prosecuting or Carl Harris, Assistant Prosecuting Attorney to do research regarding barking dogs, noise, junked cars, meowing cats, trash ordinances; Ms. Holly informed the Commissioners they should

ask if these ordinances should be separate.

The meeting was adjourned at 11:55 a.m. The next scheduled meeting is April 16, 2002.



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FAYETTE COUNTY COMMISSION  
SPECIAL SESSION  
APRIL 16, 2002  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS Present:

John L. Witt, Matthew D. Wender

The Fayette County Commission met in special session on this 16<sup>th</sup> day of April, 2002.

Commissioner Witt called the meeting to order at 9:14 a.m.

Exonerations were approved and signed.

Ms. Holly informed the Commissioners they are here today to consider any objections and to officially adopt the levy rates for property taxation for the fiscal year beginning July 1, 2002, and presented a notice of conditional approval of the levy estimate (budget) from the West Virginia State Auditor. There was nobody in attendance with objections to the levy rates. Commissioner Wender offered a motion to approve the County Commission Levy Order and Rate Sheet for Fiscal Year 2003. Commissioner Witt seconded the motion. County Clerk Kelvin Holliday signed Levy Rate Sheet. The Commissioners signed an order laying the levy to be used in Fayette County for Fiscal Year 2002-2003.

Commissioner Witt recessed the County Commission meeting to go into Executive Session with Paul Blake, Prosecuting Attorney, to discuss a personnel matter.

Upon reconvening as County Commission meeting, Commissioner Witt informed after a discussion in the Executive Session with Prosecuting Attorney Paul Blake and David Neal, E-911 Coordinator, it has been recommended that two (2) employees who had violated the drug policy be suspended immediately for 30 days without pay, loss of supervisor

status and they would be required to be tested during suspension and upon returning to work.

Commissioner Wender offered a motion to accept the recommendation of the Prosecuting Attorney to suspend the two employees immediately for 30 days without pay, lose supervisor status and be required to be tested during suspension and upon returning for work. Commissioner Witt seconded. Unanimous.

The Commissioners asked that these employees be notified in writing.

The Commissioners signed letters to the Elected Officials approving their budgets for Fiscal Year 2002-2003.

Commissioner Wender asked to hold the letters until after the April 24<sup>th</sup> County Commission meeting with Mike Dougherty.

Commissioner Witt recommended paying Fayette Awning partial payment of \$15,000.00 for work on the windows at the Memorial Building; Ms. Holly recommended this be paid out of the Building and Improvement Fund; approved. Also, Ms. Holly advised that a release of final payment needed to be requested and approved from the State Tax Department.

Kelvin Holliday, County Clerk appeared before the Commission with a request to upgrade the two computers in his Voter's Registration Office. Mr. Holliday presented to the Commissioners a proposal from Data Design, Inc. with the cost of the upgrades and/or services.

Commissioner Wender questioned the upgrade and asked about getting another vendor. Commissioner Wender informed this seemed expensive.

Commissioner Wender suggested to Mr. Holliday to have a

representative from Data Design to come in to discuss the proposal and to give an explanation on all of the upgrades and services.

Commissioner Wender asked Mr. Holliday to have Data Design prepare a historical background summary of the system installation with state specs; how the proposal ties in with the state system requirement needs as opposed to wants; where the system is now in terms of its performance and explain the proposals presented and how these proposals will get us there; if the Commission should consider all these upgrades versus considering new hardware which meets some if not all of the standards suggested in these upgrades; Commissioner Wender also suggested to Mr. Holliday that the representative bring a copy of the log or other reports of all service calls and/or site visits.

Selina Vickers and Steve Cruikshank with the Fayette County Flood Recovery Team appeared before the Commissioners with an update.

Ms. Vickers informed the Commissioners that two weeks ago they appeared to request assistance with the cleaning of the creek banks and to inform the Commissioners that the Fayette County Flood Recovery Team did not have the resources.

Ms. Vickers informed the Commissioners that they got approval to be in the creek bank; David Neal can get in creek bank to work on an area in Boomer.

Steve Cruikshank informed the Commissioners that they can get a blanket permit (excluding the trout streams) to enter all the streams. Mr. Cruikshank informed the Commissioners they would have to deal with a special permit for the trout streams. Mr. Cruikshank informed the Commissioners he would look and try to get more details on the trout streams.

Ms. Vickers informed the Commissioners that Larry Parsons did talk with a contractor and Bill Caudill will take pictures.

Commissioner Wender suggested to Ms. Vickers again to write to the other five counties that were involved in the flood and write a letter to Congressman Nick Rahall to request some funding.

Ms. Vickers informed the Commissioners she has a list of folks and their addresses whose homes were truly at risk but were never addressed.

Commissioner Wender suggested the Commission write to the other five County Commissions (Wyoming, McDowell, Raleigh, Boone, and Mercer Counties).

Commissioner Wender suggested requesting that the National Resource Conversation Service (NRCS) join in on their request to participate with Fayette County in their effort to clean-up the extreme creek banks that are eroded.

Commissioner Wender stated that he felt addressing the two (2) immediate needs is a Flood Recovery Team project and should only come back to the Commission if these two (2) projects cannot be worked out. He stated that the Commission's role was to communicate to the other counties.

Selina Vickers appeared before the Commissioners to request a waiver of the rental fee for the Memorial Building for the Fayette Family Fun and Fitness for a Community Health Promotional Event.

Commissioner Wender offered a motion to waive the rental fee for the Fayette Family Fun and Fitness for a Community Health Promotional Event. Commissioner Witt seconded. Vote passed 2-0.

Steve Cruikshank appeared before the Commission to discuss the claim to FEMA for the Animal Shelter.

Mr. Cruikshank informed the Commissioners that the cat kennel and office trailer meet the 50% Replacement Rule and pointed out that the \$5,500 for slope protection (for nearby embankments) was a separate item from the replacement claim for the shelter. The bank slope work needs to be done whether or not the shelter is rebuilt.

Mr. Cruikshank informed that he had submitted a second drawdown for six months rent for the temporary shelter.

Mr. Cruikshank informed the Commissioners that Congressman Nick Rahall allocated funds for Fayette County to remap the county's Floodplain maps; Steve will notify Tim Richardson, floodplain coordinator.

The Commission discussed meeting with Earl Pauley on Saturday to look at possible shelter locations. Mr. Witt said he would contact John Lopez.

Paul Blake, Prosecuting Attorney requested that the Commissioners go into Executive Session to discuss a personnel matter.

Upon reconvening at 11:45 a.m. from the Executive Session, Commissioner Witt informed that no decision was made and the Commission would wait to hear back from other counties regarding payment of PEIA premiums for retired deputy sheriffs based on unused sick leave.

Ms. Holly reminded the Commissioners that she would be attending a GASB34 seminar on Wednesday and Thursday in Charleston.

Ms. Holly informed the Commissioners that she was subpoenaed to appear at the Ohio County Courthouse on April 23<sup>rd</sup> regarding a lawsuit on payments to local mental health clinics for mental hygiene hearings.

Mr. Witt stated he will invite Phyllis and Karl Gray to come to the Commission meeting on May 7 at 10:00 a.m. for the scheduled discussion of the public nuisance ordinances with the Prosecuting Attorney.

Ms. Holly informed the Commissioners that Tom Steele, Assistant Prosecuting Attorney, advised that the petition protesting the Estate of Roy A. Bridges needs evidence to be taken and recommended findings of fact and conclusions of law by a Fiduciary Commissioner.

The Commissioners signed an order appointing Philip J. Tissue as Fiduciary Commissioner of the Estate of Roy A. Bridges.

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

The Commissioners signed a letter to Charter Communications informing they received a letter from S & F Corporation expressing their concerns that Charter Communications is using out-of-state contractors and causing a loss of jobs to West Virginia and asked simply that utilization of local contractors be given consideration by all parties whenever possible.

The Commissioners signed invoices for the confinement of inmates at the Southern Regional Jail for the City of Oak Hill for the month of March. Commissioner Wender asked that the Sheriff present a status report of any unpaid invoice for jail fees owed to the County by municipalities.

The Commissioners signed camp letters from the Fayette County Park to Black Diamond Girl Scouts, Boy Scouts, Fayette County 4-H Camp, Camp Kismet, and Clay County 4-H Camp. The Commissioners approved same fees as last year and the requirement for proof of liability and medical insurance coverage by each organization.

The Commissioners received and reviewed a memo from the County Commissioners' Association of West Virginia regarding a meeting in Tucker County for the Tier 2.5 Stream designation. Commissioner Witt asked Ms. Holly to let the Tucker County Commission know he will be unable to attend due to prior commitments.

The Commissioners received and reviewed the 2002 Legislative Session Summaries and Legislative Line-up.

The Commissioners received and reviewed a list of securities pledged at the Fayette County National Bank. Original given to the County Clerk's Office.

The Commissioners received and reviewed a copy of a letter from the Supreme Court of Appeals informing of the installation of a local area computer network for the courts in the counties and that technicians would be going around installing the wire.

Ms. Holly informed the Commissioners that a preliminary meeting was held yesterday with the county officials and office users, Software Systems, Inc., Supreme Court representatives, Mark Ehrnschwender, and herself to discuss the County's migration from the AS/400. A request for bids is being prepared for advertisement.

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

Ms. Holly informed the Commissioner that Commissioner Lopez had called and asked her to send a letter to the Division of Highways requesting the use of a Division of Highways grader with operator for the Cannelton ballfield. Ms. Holly presented a letter from the Division of Highways approving the request.

The Commissioners received and reviewed a pledge of securities from Branch Banking and Trust Company (BB&T).

The Commissioners received and reviewed a drawdown from Whitney, Bailey, Cox and Magnani, LLC (\$7,447.58) for the Comprehensive Plan Update Grant. Approved.

The Commissioners received and reviewed the weekly deposit from the Fayette County Animal Control Center for the week April 1 to April 4, 2002, amount \$170.00, and for the week of April 5 to April 11, 2002, amount \$570.00.

MS. Holly informed the Commissioners she received a check from St. Paul Fire and Marine Insurance Company, amount \$3,750.00 for Pete Lopez's cruiser which had been declared a total loss.

The Commissioners received and reviewed a check from the Public Service Commission in the amount of \$21,507.88 representing a disbursement of Wireless E-911 subscriber fees for the months of November, 2001 through January, 2002.

The Commissioners received and reviewed 911 fees from Citizens Telecommunications Company, amount \$64.29 for the month of March, 2002.

The Commissioners received and reviewed a check from the Sheriff of Raleigh County for reimbursement of TRIDENT, Project 01-DC-11 for overtime for Garland Burke for January, 2002.

The Commissioners received and reviewed reimbursement for rent from the Supreme Court for the Family Law Master's Office for the month of April.

The Commissioners received and reviewed correspondence from Steptoe and Johnson regarding the Gary K. Skaggs lawsuit.

The Commissioners received and reviewed several Oaths of Office. Originals given to the County Clerk's Office.

The Commissioners received and reviewed Workers' Compensation



claims.

The Commissioners received and reviewed a letter requesting that the Commissioners send a letter in support of the Arctic National Wildlife Refuge (ANWR) and National Energy Policy. The Commissioners informed they oppose and that no action will be taken.

The Commissioners received and reviewed a Sanitation Inspection Report from the Fayette County Health Department regarding the Russell Matthew Park at Harlem Heights; copy forwarded to Earl Pauley.

Ms. Holly presented to the Commissioners copies of the specs on the elevator. The Commissioners asked Ms. Holly to get in touch with Dan Snead and tell him to go ahead and advertise.

The Commissioners received and reviewed a letter from Chief Magistrate Mike Parsons informing that the magnetic security system on the entrance door to the Judicial Annex was not working properly. Copy forwarded to the Sheriff's Office.

The meeting was adjourned at 12:15 p.m. The next scheduled meeting is April 24, 2002.

John L. Witt

FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
APRIL 24, 2002  
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 24<sup>th</sup> day of April, 2002.

Commissioner Witt called the meeting to order at 9:02 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 received and reviewed a letter from William B. White informing that he was resigning as the Fayette County Flood Relief Housing Coordinator, effective April 30, 2002.

Commissioner Wender made a motion to accept Bill White's resignation as Flood Relief Housing Coordinator; Commissioner Lopez seconded. All approved.

Randy Housh, Housing Coordinator for the Flood Recovery Team, appeared before the Commission to request that the Commission allow the Flood Recovery Team to use the \$8,000 balance of Bill White's contract allocation from the West Virginia Housing Development Fund grant to add two (2) additional staff members to help expedite the housing loan applications for the property owners who were affected in the July, 2001 flood. Mr. Housh also asked for extra telephone lines. Ms. Holly advised that the balance of the contract allocation from the West Virginia Housing Development Fund grant was \$7,500.

Commissioner Wender asked Mr. Housh if he had talked with David

Neal, E911 Coordinator, about the telephones. Mr. Housh replied no.

Commissioner Wender suggested to Mr. Housh to ask Mr. Neal if any of the additional telephone lines that were used during the flood were still active.

Dave Pollard suggested to the Commission to ask Mr. Neal about the cell phones that were put on loan at no charge to the County. Ms. Holly advised that the Commission that Mr. Neal had 4 of these cell phones available and that Bill White had been utilizing one recently.

Commissioner Wender offered a motion that Randy Housh, Housing Coordinator, use the remaining balance of the Flood Relief Housing Coordinator contract from the West Virginia Housing Development Fund grant to hire two (2) additional staff members to help with the housing applications. Commissioner Lopez seconded. Unanimous.

The Commissioners asked Ms. Holly to prepare contracts for the two additional employees.

Dave Pollard, County Resource Coordinator appeared before the Commission to request they take the first step to advertise for an engineer to work on a feasibility study on property for an industrial park. The advertisement would be to receive applications only to determine how much money was needed in order to find the funding.

Commissioner Wender offered a motion to run a Class II legal advertisement for an architectural engineer. Commissioner Lopez asked if the funding was to come from a grant; Dave Pollard responded yes. Commissioner Lopez seconded the motion. Unanimous.

Commissioner Lopez informed the Commissioners that he was floored when he learned that an Option Agreement had been signed by the Commission for the Berwind Property. Commissioner Lopez informed

that it was not discussed in a Commission meeting and was not in the minutes. Commissioner Lopez informed Berwind is asking too much for this property at \$1,125,00 and the Commission did not have the money to buy the property. Mr. Lopez recommended that the Commission consider looking at other property as possible sites for an industrial park.

Mr. Witt said that he had given the Option Agreement to the Prosecuting Attorney to review.

Commissioner Lopez informed the Commissioners that Harold Kirby had approached him to question him about the Coal Severance Tax; Commissioner Lopez told the Commissioners that Mr. Kirby told him that a portion of the Coal Severance Tax that the county receives was to go to the municipalities.

Ms. Holly informed the Commissioners that as far as she knew the municipalities receive their own Coal Severance Tax distribution from the State. Ms. Holly informed the Commissioners that there is a 75/25 split but she wasn't sure if it is split 75% to coal producing counties based on tonnage and 25% to all counties and cities or vice versa.

Commissioner Lopez asked Ms. Holly to check into this matter.

Commissioner Witt stated that the Commission has to get serious about obtaining property for an industrial park.

Ms. Holly reminded the Commissioners that at the last Commission meeting they signed the budget letters to the elected officials for fiscal year 2002-2003 but was told to hold the letters until this meeting; Ms. Holly asked the Commissioners if it was okay to send the letters to the Elected Officials. Ms. Holly informed the Commissioners that she revised the Extension Office budget letter to

clarify that the increase in the "Contribution for Agent Salary" is contingent upon the previously agreed conditions that the Agriculture Agent and 4-H Agent will be shared 50% of the time between Fayette and Nicholas Counties and the home extension agent will be assigned to Fayette County 100% of the time.

The Commissioners informed Ms. Holly it was okay to send the budget letters to the Elected Officials and Department Heads and that the additional paragraph in the WVU Extension Office letter is approved.

Commissioner Witt suggested that a letter thanking Bill White for his services and wishing him well be sent. The Commissioners approved.

Commissioner Wender asked Ms. Holly to contact Steve Cruikshank, Fayette County OES, regarding whether or not Bill Caudill has completed taking the pictures of the unmitigated flood damage in the County.

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 May, 2002.

The Commissioners received and reviewed a letter from Fayette County National Bank informing that the following security which is pledged to the Fayette County Commission will be called on April 29, 2002 (cusip 31359MERO) and they will substitute this called security with (cusip 31336FOX64).

The Commissioners signed an order having been advised of the need to substitute certain securities pledged on behalf of the Fayette County National Bank, and approving 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 Gary Hough, Principal, Fayetteville Middle School, informing that the request of Selina Vickers to use the Memorial Building for the Fayette Family Fun and Fitness for a community health promotional event was approved and the \$500.00 rental fee will be waived.

The Commissioners signed the Quarterly Sales Tax Report (Jan. Feb. Mar.) for the Fayette County Park.

The Commissioners signed several letters to the West Virginia Development Office requesting that the contracts for the Sheriff's Department (02LEDA0069), Fayette County Emergency Food Assistance Center (02LEDA), Weatherization Program (02CPGP), Christians Helping Other Food Pantry (02CPGP), REACT (02CPGP), Fayette County Youth Soccer Association (02CPGP0224), and Princess Theatre (02CPGP0226) between West Virginia Development Office and the Fayette County Commission be extended to cover the period July 1, 2002 through June 30, 2003.

The Commissioners signed a letter to the West Virginia Development Office with a request for the second and final drawdown of grant #01-239 for the Computer Equipment and Sheriff's Office Renovations.

The Commissioners signed letters to Boone, McDowell, Mercer, Raleigh, and Wyoming Counties requesting that they join Fayette County in their request to Congressman Rahall either in a joint-county letter or an individual-county letter with supporting documentation (pictures, letters, etc. in each county) for additional Federal funding to remedy the unmitigated damage in our Southern West

Virginia counties from the floods from the summer of 2001.

Ms. Holly presented the County Commission with the minutes of April 16, 2002 for approval. The Commission asked to hold the minutes until the next meeting.

Commissioner Witt informed the Commissioners he had received a request from Page-Kincaid Public Service District for an additional drawdown for an engineering study for the wastewater treatment and collection system to serve the Wriston and Ingram Branch areas. Commissioner Witt informed the Commission that when the \$10,000 was approved it was contingent upon Page-Kincaid Public Service District being successful in funding 100% of the project completion. Commissioner Witt informed the Commission that they had already released \$5,000.00 on the project and he asked that this second request not be approved. The additional drawdown request for an engineering study for Page-Kincaid Public Service District was not approved.

Ms. Holly informed the Commissioners that Jim Lively was in and presented a renewal application for the county's insurance. Ms. Holly informed the Commissioners that Mr. Lively recommended that the values on the county's buildings remain the same as the current year's values; values approved as presented.

Ms. Holly informed the Commissioners that she received a letter from Commercial Insurance Services asking for an opportunity to provide a bid to the Commission for insurance.

Commissioner Witt and Commissioner Lopez suggested leaving the insurance as is with Jim Lively Insurance; approved.

The Commissioners received and reviewed an Oath of Office. Original given to the County Clerk's Office.

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

The Commissioners received and reviewed a letter from Judge John Hatcher regarding the upgrading of the Circuit Clerk's computer system.

The Commissioners received and reviewed a letter from Karen Arrington, Nutrition Outreach Instructor for WVU Extension Service, requesting a long distance access code for the Courthouse telephone system. Discussion was held on whether or not she should have an access code.

Commissioner Witt informed the Commission that he wants more information.

The Commission approved for Commissioner Witt and Ms. Holly to find out more information before a decision is made.

The Commissioners approved the request of Kelvin Holliday, County Clerk, to transfer \$200.00 from his part-time help line item to his travel line item.

The Commissioners received and reviewed a check from the West Virginia Development Office in the amount of \$10,000.00 for Legislative Digest Grant #02-368 for the Fayette County Chamber of Commerce Bridge Day Study.

The Commissioners received and reviewed a list from Kelvin Holliday, County Clerk, of the days the courthouse needed to be opened for extra election hours.

The Commissioners received and reviewed the test results of the tabulator by Election Systems and Software performed on April 17, 2002.

Ms. Holly informed the Commissioners of the complaint from Kaye



Smith and Treatha Sexton regarding the inability of employees to use the fax machine in the County Clerk's private office due to no access. The Commissioners informed they would talk with the County Clerk about providing his employees access to the fax.

The Commissioners received and reviewed a pre-filing from the Federal Energy Regulatory Commission Office of Energy Projects of the Environmental Review and Scoping for the Greenbrier Pipeline Project, Docket No. PF01-1-000.

The Commissioners received and reviewed a letter from Appalachian Mining, Inc. regarding corrections for the Community Impact Statement for Appalachian Mining, Inc.'s Permit #S-3002-96. Original forwarded to Tim Richardson, Zoning Officer.

The Commissioners received, reviewed and accepted the resignation of Joetta J. Haggerty, 911 Dispatcher for the Fayette County 911 Center, effective April 30, 2002.

The Commissioners received, reviewed and approved, a copy of a form drafted by David Neal, OES Director, and approved by Paul Blake, Prosecuting Attorney, to be signed by two 9-1-1 employees acknowledging violation of the Fayette County Drug Free Workplace Policy.

The Commissioners received and reviewed from the Fayette County Animal Control Center fees collected for the week of April 12 to April 18, 2002, amount \$315.00.

The Commissioners received and reviewed Response Statistics from the 911 Center for the months of January, February, and March.

The Commissioners received and reviewed a letter from AEI Resources, Inc. informing that their reorganization plan has been confirmed by the U. S. Bankruptcy Court, paving the way for them to

emerge from Chapter 11 proceedings toward the end of April as a more viable company. Original forwarded to Tom Woodrum, Chief Tax Deputy.

The Commissioners received and reviewed a letter from the Division of Highways with a list of requested Recreational Trails grant projects for which applications were received for review and comment as well as Public Transit grant projects.

The Commissioners received and reviewed from the Division of Highways a copy of the updated Statewide Transportation Policy Plan 2002-2022.

The Commissioners received and reviewed the Hotel/Motel Occupancy Tax collected for January, February, and March, 2002 in the amount \$4,266.86.

The Commissioners approved the 50% allotment of the Hotel/Motel Occupancy Tax for the New River Convention and Visitors Bureau, amount \$2,133.43.

Michael Dougherty, Extension Specialist appeared before the Commission to present the draft report on the Fayette County Job Description and Pay-Classification System. Also present were the Elected Officials, Paul Blake, Tom Aiello, Bill Laird, Thelma Kincaid, and Kelvin Holliday.

Mr. Dougherty informed the Commissioners and the Elected Officials that the package includes the job descriptions, proposed pay grades for each position, proposed pay schedule, results of the salary survey, and an analysis of different options for implementing the pay plan.

Mr. Dougherty gave a report on the methodology used for Position Description Development and Job Grading.

Commissioner Wender asked Mr. Dougherty if he compared the

salaries paid in the courthouse and salaries paid in area businesses. Mr. Dougherty replied yes and that the courthouse salaries were found to be comparable to the private sector salaries.

Mr. Dougherty informed the intent of this undertaking was to develop job descriptions and to propose a pay plan for county employees, based upon the requirements of their jobs and the "market rate" for similar jobs.

Commissioner Wender asked for any comments.

Paul Blake, Prosecuting Attorney, asked why the job grade in the first document for his assistants was 28 and in this draft the job grade went down to 26.

Mr. Blake asked Mr. Dougherty where he got his figures.

Mr. Dougherty informed that he received information that the Prosecuting Attorney had hired a new assistant at \$30,000 annually, so he had to plug this new figure in which the grade.

Sheriff Laird questioned Mr. Dougherty about his Chief Deputy being ranked lower than his detectives.

Commissioner Witt asked Mr. Dougherty if he could come back. Mr. Dougherty informed the Commissioners he would gladly come back and talk with each Elected Official on an individual basis.

Mr. Dougherty informed the Commissioners he would contact Ms. Holly as to what days he would be available to discuss the Job Descriptions and Pay-Classification System with each Elected Official.

Discussion was held regarding the County's Sick Leave Policy. The Elected Officials informed the Commission that they weren't objecting to the eighteen (18) days annually and accumulating 1½ days per month; they didn't like the fact that the Commission said

this change would be effective immediately.

After a brief discussion regarding employee sickday abuse, employee carryover of unused vacation and sick days, notice to employees of policy change, etc, the Commission agreed that due to the limited time available today, they would reschedule the sick leave policy discussion with the Elected Officials at a later date.

Commissioner Wender asked Ms. Holly to look into the sick leave policy and the financial implications of the conversion of unused annual and sick days at retirement by employees for PEIA extended coverage and PERS.

Commissioner Wender made a motion that whatever sick leave policy they work up will not be effective until January 1, 2003; Commissioner Lopez seconded. All approved.

Commissioner Wender informed the Commissioners that he received copies of paid utility bills from Minden Community Meeting Center, Inc., incurred during the floods, but which had either not been reimbursed by FEMA or a claim was not submitted. Commissioner Wender asked the Commission to reimburse Minden Community Meeting Center, Inc. \$289.81 for utilities during the flood.

Commissioner Lopez made a motion to approve this reimbursement to the Minden Community Meeting Center, Inc. in the amount of \$289.81 for utilities during the flood and asked Ms. Holly to check with Steve Cruikshank to find out the status of this claim filed with FEMA; Commissioner Wender seconded. Unanimous.

The Commissioners received and reviewed a proposal from G. E. Watkins and Associates Telecom to audit the telephone bills for Fayette County for billing errors. The Commissioners asked Ms. Holly to hold until next meeting.

Ms. Holly informed the Commissioners that Earl Pauley, Park Superintendent, told her that Mark Campbell had to have emergency gall bladder surgery and he would be off work for at least six weeks.

The Commissioners received and reviewed a copy of a letter from Donnelly and Carbone, P.L.L.C. regarding the accident of Deputy Mark Webb on April 18, 2002.

The Commissioners received and reviewed a letter from Charter Communications informing they will be moving WGN from Channel 14 (Expanded Basic) to Channel 23 (Basic) and moving ABC Family from Channel 23 (Basic) to Channel 14 (Expanded Basic) on or before June 21, 2002; this change will affect customers serviced by the Scarbro headend.

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

The Commissioners received and reviewed a letter from the Division of Criminal Justice Services acknowledging receipt of the County's application for Fiscal Year 2002 Court Security Program funds.

The Commissioners received and reviewed a letter from the Regional Jail and Correctional Facility Authority informing that at its February 25, 2002 meeting they voted to raise the per diem one dollar and seventy-five cents (\$1.75) from \$43.25 to \$45.00 effective July 1, 2002 in order to pay for salary increases.

The Commissioners received and reviewed a questionnaire from Paul D. Melton informing he is conducting a preliminary feasibility study of constructing a large seating capacity, multi-purpose building on the Jackson County Fairgrounds, Jackson County, West Virginia and as part of this study they are analyzing existing or

planned facilities in other locations in West Virginia. For this study they are requesting that a designee complete the questionnaire for the Fayette County Memorial Building and return; Ms. Holly informed the Commissioners the original was forwarded to Gary Hough.

The meeting was adjourned at 12:26 p.m. The next scheduled meeting is May 7, 2002.

John E. Witt

FAYETTE COUNTY COMMISSION  
SPECIAL SESSION  
MAY 7, 2002  
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 7<sup>th</sup> day of May 2002.

Commissioner Witt called the meeting to order at 9:05 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 Witt called the Small Cities Community Development Block Grant public hearing to order at 9:00 a.m.

W. D. Smith, Executive Director, Region 4 Planning and Development Council informed the Commissioners that as sponsors this application is being presented for consideration for funding assistance from the Small Cities Community Development Block Grant Program. Mr. Smith informed the Commissioners that this grant application for the Page-Kincaid Public Service District requests \$1,500,000.00 of Small Cities, for a total project cost of \$5,900,000.00; these funds will assist in providing the Ingram Branch Wastewater Extension Project; Mr. Smith informed the Commissioners that this proposed project will construct sewer collection and treatment facilities to serve approximately 222 customers in the Ingram Branch and Wriston area of the Page-Kincaid Public Service District. No opposition.

Ms. Holly asked Mr. Smith if Southern Appalachian Labor School

(SALS) had applied for a Small Cities Block Grant for the dormitory.

Mr. Smith replied no.

Mr. Smith presented to the Commissioners a Resolution Formalizing a Fair Housing Program.

On a motion duly made by Commissioner Wender and seconded by Commissioner Lopez, the County Commission approved and authorized the adoption of said resolution.

Mr. Smith presented a Resolution adopting a Citizen Participation Plan to the Commissioners for a Small Cities Community Development Block Grant Funds.

On a motion duly made by Commissioner Wender and seconded by Commissioner Lopez, the County Commission approved and authorized the adoption of said resolution.

The public hearing was adjourned at 9:20 a.m.

Ms. Holly asked Mr. Smith if he knew of any other sources they could apply to for additional funding for the elevator contract, Ms. Holly informed Mr. Smith that the Commission is in the in the process of getting bids to build a shaft. Mr. Smith informed the Commissioners they could apply for a Small Cities Block Grant for additional funding for the elevator.

Commissioner Lopez suggested proceeding with the elevator project.

Commissioner Wender asked if the Commission could proceed now to apply for the Small Cities Block Grant for additional funding for the elevator.

Commissioner Wender offered a motion to cancel May 15 regular Commission meeting and change to May 17. Commissioner Lopez seconded. All approved.



Commissioner Lopez made a motion to send a letter of thanks to the Reverend Carl D. Coleman for all the work he's done in the Jodie area and congratulate him on the forthcoming bridge named in his honor. Commissioner Wender seconded. All approved.

Commissioner Wender made a motion to write a letter to the new deputies (Eddie Charles Gilkerson, II, Jess Robert McMullen, James Edward Dempsey, and Robert Cary Legg) congratulating them on being hired as deputies of Fayette County. Commissioner Lopez seconded.

Carl Harris, Assistant Prosecuting Attorney appeared before the County Commission to discuss a public nuisance ordinance. Also present was Paul Blake, Prosecuting Attorney, Karl and Phyllis Gray, concerned citizens.

Mr. Blake informed the Commissioners they can pass an ordinance for the county, but informed the Commissioners that the purposed County Dog Ordinance drafted by the West Virginia Legislative does not say where the money goes if someone is fined for their barking dog. Commissioner Wender asked Mr. Blake if there were anyone opinion the Commission could get regarding this ordinance. Mr. Blake replied no. Mr. Blake informed the Commission that in this ordinance the County doesn't have any authority to collect fees.

Karl Gray informed the Commissioner he was disappointed that so much time being put on dog issue; Mr. Gray informed the Commissioners that his interests here today are noisy trucks Powellton Coal Company is using on a hollow road in Powellton where he live. Mr. Gray suggested that the Commission write a letter to Powellton Coal Company. Mr. Gray informed the Commissioners that he had talked with the Department of Environmental Protection and was told that this is allowed.

Carl Harris, Assistant Prosecuting Attorney suggested to the Gray's that they should get an injunction on the bases of a nuisance.

Mr. Gray informed Mr. Harris he did not want to take that route.

Commissioner Witt asked Mr. Blake what the Commission might do. Mr. Blake informed the Commissioners that passing an ordinance without any teeth in it would be a waste of time.

Commissioner Wender asked to Mr. Blake to write a letter to the West Virginia Legislature.

Mr. Blake informed the Commissioners he would address a letter to the Commission on how they would collect the fines.

Commissioner Witt told the Commissioners he would discuss this matter with the West Virginia Association of County Commissioners Board.

Commissioner Witt asked to leave the bench to go to the third floor for inspection of votomatics and to test the tabulator for the upcoming Primary Election.

Attorney James Blankenship appeared before the Commission to present a petition of Carl Henry Robinson and Anna L. Robinson, his wife, and Delbert Ray Waddell and Phyllis Jean Waddell, his wife to abandon an unnamed and unused alley located in the Boothe Subdivision off Shirley Donnelly Road on Pea Ridge near Oak Hill, Plateau District.

Upon review of said petition Commissioner Lopez made a motion to set a hearing for June 14, 2002 at 10:30 a.m. to consider the Petition to abandon an unnamed and unused alley. Commissioner Wender seconded. All approved, order signed.

Fred Hypes, P.E. and Doug Schmidt with Dunn Engineer, Marvin Zimmerman, Manager, Howard Tyree, John Harper and Jerry Keffer with

Arbuckle Public Service District appeared before the Commission.

Mr. Hypes informed the Commissioners that he was hired to do a feasibility study for the Arbuckle Public Service District.

Mr. Hypes informed the Commissioners that by during this study he recommends service to the Eastern Plant, Brooklyn-Cunard which serves 300 customers; cost would be \$4 million to build west half and \$6 million to build the Eastern half. Mr. Hypes informed the Commissioners he broke the two phase projects into three phases, \$1.8 million for the Brooklyn-Cunard Landfill area to service 174 households.

Commissioner Lopez asked Dunn Engineer and Arbuckle Public Service District what are they asking the Commission for today?

Mr. Hypes informed the Commissioners he was here to ask the Commission to consider Arbuckle Public Service District next year for a Small Cities Block Grant for this project. Mr. Hypes informed the Commission that he would be going to Congressman Rahall and Senator Byrd's office for funding also.

Commissioner Witt asked Dave Pollard, County Resource Coordinator for his input.

Mr. Pollard informed the Commission that they already have a commitment.

Commissioner Wender asked if the Commission can make a commitment for one year from now.

Commissioner Wender asked Mr. Pollard to get with Mr. Hypes and Mr. Pollard will give the Commissioners his recommendation.

Commissioner Witt suggested to Mr. Hypes that they work closely with Mr. Pollard.

Commissioner Lopez informed the Commissioners that he received a

telephone call from Chuck Law asking if the Commission was interested in purchasing land that he owned in the Summerlee area.

Commissioner Lopez informed the Commissioners he asked Tim Richardson, Zoning Officer to go out and do an on-site inspection to see if it was something the county could utilize.

Tim Richardson informed the Commissioners he met with Chuck Law, owner of approximately 200 acres located in the Summerlee area.

Mr. Richardson informed the Commissioners that Mr. Law indicated that he was interested in offering this property for sale to the county for the potential of having a multiple use development.

Mr. Richardson informed the Commissioners that the property is located in an area that is approximately one mile from Route 19 off of the Summerlee Road exit; access to the property is all developed, a paved roadway, utilities of public water, electric (including three-phase) and natural gas is available on the site.

Mr. Richardson informed the Commissioners that a coal tippie as well as a deep mine once occupied a part of this property which are now removed.

Mr. Richardson suggested that an environmental impact study should be conducted to make sure of no significant impact as a result of this being an industrial property for a number of years.

Mr. Richardson recommended that the Commissioners tour the property to evaluate the potential of this project.

Commissioner Lopez asked about the expense of these studies and suggested going out to look at sometime before the last of the month if interested.

The Commissioners asked Tim Richardson and Dave Pollard to press for a price and get back with the Commission on May 17.

The Commissioners approved to schedule a special meeting on May 22 to certify the canvass of the Primary Election.

Discussion was held regarding the tearing down of houses under the demolition contract. Commissioner Wender asked Carl Harris, Assistant Prosecuting Attorney to review the demolition contract to see how a provision can be made to relieve the Commission of any liability for tearing down houses.

Commissioner Wender asked Carl Harris, Assistant Prosecuting Attorney to look at how a provision can be made to relieve the County of any liability.

The Commissioners asked that this be turned over to Paul Blake or Carl Harris to review and asked for their recommendation.

Ms. Holly informed the Commissioners she finally received the five Agreements from the West Virginia Development Office for the Legislative Digest Grants for the Fayette County REACT (\$5,000), the Fayette County Sheriff's Department (\$15,000), Christians Helping Others Food Pantry (\$8,000), Fayette County Emergency Food Assistance Center (\$8,000), and the Fayette County Weatherization Program (\$2,500).

Ms. Holly presented letters to the Commissioners for them to sign requesting that each agency submit copies of their checks payable to the vendors and paid invoices signed by an authorized agent of the organization dated and marked "Approved for Payment" to the Commission and they will submit the request for reimbursement to the West Virginia Development Office as required by the grant agreement. Letters signed.

The Commissioners received and reviewed a letter from the West Virginia Development Office informing that contracts for projects

funded through the Governor's Community Partnership Grant Program, Local Economic Development Assistance Program and the Industrial Park Assistance Program will not be extended without mutual written agreement between the grantee and the West Virginia Development Office, if a project will not be completed prior to June 30, 2002, the granter must submit a written request for a contract extension prior to May 30, 2002.

The Commissioners signed letters to the West Virginia Development Office requesting that the contracts for the Sewage Study-Project #00CPGP0170, Fire Hydrants-Project #00CPGP0127, Boomer Ballfield-Project #00CPGP0125, Gauneka-Ruritan Center-Project 01LEDA0077, Gauneka-Ruritans Building-Project 00CPGP0191, Marquis De LaFayette-Project #00CPGP0308, Sheriff's Department-Project #00CPGP0183 be extended to cover the period July 1, 2002 through June 30, 2003.

The Commissioners signed order designating the number of votomatics to be sent to each precinct for the Primary Election.

The Commissioners received and reviewed a letter from Tom Aiello, Assessor, requesting that an order be signed for Gary D. and Debra L. Martin to correct the double-assessment for tax year 2000.

Commissioner Wender moved that subject to the approval of the Assessor, Gary D. and Debra L. Martin be afforded tax relief for tax year 2000 in the total amount of \$340.94 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. Commissioner Lopez seconded. Order signed.

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 and Miners National Bank), Bank of Mount Hope, Inc., Branch Banking and Trust (BB&T) (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).

The Commissioners received and reviewed a request from Southern Appalachian Labor School (SALS) asking that the Commission send a letter expressing their support of their plan to develop a low-income housing project in Page.

Commissioner Wender made a motion that a letter is sent expressing their support of plans to develop a low-income housing project in Page for Southern Appalachian Labor School (SALS). Commissioner Lopez seconded. All approved, a letter signed.

The Commissioners signed a letter to William "Bill" White acknowledging receipt of his resignation as the Fayette County Flood Relief Housing Coordinator and thanking him for his efforts to assist the residents in their efforts to recover from the floods of 2001 and extend their best wishes for good health.

Commissioner Wender offered a motion that the County spends money for three vehicles for the Fayette County Sheriff's Department. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez made a motion to approve payroll and outstanding bills. Commissioner Wender seconded. All approved.

Ms. Holly presented to the Commissioners a request from the lifeguards at the Fayette County Park for bathing suits and trunks, cost \$723.00.

The Commissioners denied the request for bathing suits and trunks for the lifeguards at the Fayette County Park and asked Ms. Holly to tell Earl Pauley, Park Superintendent's that he is required to tell the lifeguards the appropriate style of swim wear (dress code) that he expect them to have.

The Commissioners received and reviewed a copy of the CPO Certificates and CPR and First Aid Cards of Tammy Gill and Peggy Bennett.

Ms. Holly informed the Commissioners she received a call from Patti Payne, Manager of C-PAC informing she had passed the Euthanization Class but the other person that was to attend did not go.

The Commissioners signed a letter to the West Virginia Development Office requesting second drawdown for the Courthouse Handicapped Accessibility Grant-Grant#99-169, amount \$9,900.00.

The Commissioners asked that the minutes of April 16 and April 24 be tabled for the next meeting.

Commissioners Wender received and read a petition from Monica Kern Hundley with Dunloup Creek Watershed Association to have Dunloup Creek dredged.

Commissioner Wender suggested that a letter be sent to Ms. Hundley acknowledging receipt of the petition and inform Ms. Hundley that her request should be made to the Governor's Task Force Long Term Flood Recovery Board, which is looking at mitigation of future flooding through dredging, water impoundments, etc.



The Commissioners received and reviewed C-PAC's expenditures for the month of April 2002; discussion was held regarding the recent months of the increasing amount of expenses they are submitting for reimbursement.

Commissioner Lopez asked about C-PAC expenditures and payroll.

Commissioner Wender suggested writing a letter to C-PAC requesting they make a report to the Commission at the next meeting to explain the rising costs with a summary of what is being accomplished by C-PAC.

The Commissioners received and reviewed the weekly fees collected and activity Reports by the Fayette County Animal Center for the weeks of April 19 to April 25-\$330.00, April 26 to April 30-\$165.00, and May 1 to May 2 -\$175.00.

The Commissioners received and reviewed from Lieutenant Chuck Moses a summary of the Fayette County Sheriff Department vehicles.

Ms. Holly informed the Commissioners she received from Earl Pauley, Park Superintendent for approval a copy of the legal that will be sent to the Fayette Tribune regarding the date and hours the pool would be opened. Ms. Holly informed this would be advertised for one week. Commissioner Wender suggested that Mr. Pauley add the cost of seasonal tickets in the legal.

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

The Commissioners received and reviewed e-mail from the USDA Rural Development Office informing of the different grants and loans that are available.

The Commissioners received and reviewed from Charter

Communications franchise fees for the period January 1, 2002 to March 31, 2002, amount \$9,1336.62.

The Commissioners received and reviewed from Verizon a check in the amount of \$41,006.99 for the Emergency Telephone System Fee for the month of March 2002.

The Commissioners received and reviewed 911 fees from AT&T Communications of West Virginia-\$48.00, Business Telecom, Inc.-\$8.00, Metro-Teleconnect Companies-\$52.92.

The Commissioners received and reviewed from the 911 Center copies of checks received for Alarm fees.

The Commissioners received and reviewed from the City of Oak Hill reimbursement check in the amount of \$1,340.75 for the confinement of inmates at the Southern Regional Jail for the month of March.

The Commissioners received and reviewed a reimbursement check from St. Paul Fire and Marine Insurance Company for Pete Lopez cruiser total loss.

The Commissioners received and reviewed a reimbursement check from the Emergency Services Office for Steve Cruikshank, OES Director salary.

The Commissioners received and reviewed letters from the Secretary of State Office regarding absentee voting and campaigning and a list of frequently asked election questions.

The Commissioners received and reviewed Situation Report regarding the flood that occurred on May 2, 2002 in McDowell County.

The Commissioners received and reviewed from the Sheriff of Fayette County an invitation to the Swearing in Ceremony of the new deputies (Eddie Charles Gilkerson, II, Jess Robert McMullen, James

Edward Dempsey and Robert Cary Legg).

The Commissioners received and reviewed a fax from the County Commissioners Association informing of Gilmer County Commission President disappointment of the lack of representation of County Commissioners at the Public Officials Workshop sponsored by the State of West Virginia Office of Emergency Services held March 23 and 24.

The Commissioners received and reviewed pledges of securities from the SunTrust Bank and Branch Banking and Trust (BB&T).

The Commissioners received and reviewed a letter from St. Paul acknowledging they received accident claim on Deputy Mark Webb vehicle.

The Commissioners received and reviewed a letter from the Erie Insurance Group informing that policyholder Holley Brothers Construction policies are being canceled and no coverage will be provided effective as of 12:01 a.m., Standard Time, May 30, 2002. Ms. Holly informed the Commissioners that the original had been forwarded to Dave Pollard, County Resource Coordinator.

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

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

The Commissioners received and reviewed second drawdown request from Southern Appalachian Labor School for the Flood Relief Grant allotment through the Economic Development Administration funds (EDA), amount \$7,080.00. The Commissioners approved subject to review and approval by Dave Pollard, County Resource Coordinator.

The Commissioners received and reviewed a copy of a memo to David Neal, E911 Coordinator, from Aaron L. Bess giving his two weeks

notice of resignation.

The Commissioners signed a letter to the Elected Officials informing that Michael Dougherty is scheduled to meet individually with each of them to discuss their office position classification and pay system on May 23, 2002.

The Commissioners received and reviewed a letter from Sheriff Bill Laird informing that four new deputy sheriffs have been hired to replace the budget position previously occupied by the following persons who are no longer employed by his department: Lawrence E. Washington, Leonard Bickford, C. E. Martin and B. L. Forren. Sheriff Laird informed the Commissioners that two would be assigned to be paid out of the General County Fund and two would be assigned to be paid out of the Excess Levy Fund.

The Commissioners received and reviewed a letter from Sheriff Bill Laird informing that Deputy Sheriff Curtis Adkins has been assigned to serve as a member of the TRIDENT Drug and Violent Crimes Task Force effective May 1, 2002; all overtime work during the period of this assignment is to be reimbursed through the grant currently being administered by the Raleigh County Commission.

The Commissioners received and reviewed letters from Paul Blake, Prosecuting Attorney informing that effective April 1, 2002 Iris E. Akers has been added to his staff replacing Kathy Bird in a secretarial position, annual salary \$16,000.00, Cathy Jo Canterbury and Debra Rinehart salaries would be increased by \$1,200.00 annually, and effective May 1, 2002, Christopher S. Morris salary would increase from \$30,000.00 to \$32,000.00 annually.

Ms. Holly asked the Commissioners about the long distance access code for WVU Extension Office. Commissioner Wender asked Ms. Holly

to check to see if her calls benefit Fayette County.

Commissioner Wender informed the Commissioners that Randy Housh, Housing Coordinator cell phone would not work in the basement.

Commissioner Wender suggested that Mr. Housh could use a couple of the extra lines that were used during the flood and suggested giving David Neal authorization to check on the extra line as soon as possible.

The Commissioners received and reviewed a fax from the County Commissioners' Association informing that at the Board meeting held on February 2, 2002 the members discussed the newly created Mapping and Addressing Board and a motion was made to survey counties to determine where each county is in on this process. Copy forwarded to David Neal, E911 Coordinator.

The Commissioners received and reviewed correspondence from Ann Ramsey regarding the project Recovery Team.

Commissioner Wender asked that Dave Pollard give his Quarterly Report on June 5, 2002 at 9:00 a.m.

The meeting was adjourned at 2:06 p.m. The next scheduled meeting is May 17, 2002.



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May 7, 2002

Howard Tyree - ARBUCKLE PSD

Doug Schmidt - Dunn Engineers

Fred Hynes, P.E. - Dunn Engineers

Marvin Z Zimmerman - Arbuckle PSD (Manager)

Jerry Keffer

Arbuckle PSD Board Sec

John Harper

A.P.S.D. - Chairman

FAYETTE COUNTY COMMISSION  
SPECIAL SESSION  
MAY 17, 2002  
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 17<sup>th</sup> day of May 2002 at 9:00 a.m. to conduct the canvass for the Primary Election held on May 14, 2002.

The Commissioners reconvened as Special County Commission meeting.

Commissioner Witt declared the Fayette County Commission in session for special commission meeting at 2:55 p.m. to receive bids for the Fayette County Courthouse renovation (elevator shaft).

A representative from J. D. Snead Associates, Inc. was present to present the bids received.

The Commissioners opened bids from Nichols Construction Company, Inc., amount \$145,000 base bid, alternate \$51,700, total \$196,700, Kyle Construction Company, amount \$158,800 base bid, \$54,000 alternate, total \$212,800, Flat Top Construction, amount \$92,148 base bid, \$51,720 alternate, total \$143,868, Boso and Boso, Inc., amount \$86,080 base bid, \$56,455 alternate, total \$142,535.

Commissioner Witt asked the Commission to entertain a motion to turn bids over to J. Dan Snead Associates and get their recommendation.

Commissioner Lopez made a motion to turn one copy of the bids over to J. Dan Snead Associates to get their recommendation.

Commissioner Wender seconded. Unanimous.

The Commissioners approved to store and not burn unused ballots

from Primary Election.

Commissioner Lopez moved to adjourn as Board of Canvassers and County Commission meeting at 3:12 p.m.

The Commissioners called meeting back to order at 3:24 p.m.

The Commissioners approved to certify Primary Election on Wednesday, May 22, 2002 at 9:30 a.m.

Ms. Holly informed the Commissioners that the deadline to request a recount is 3:12 p.m.

Ms. Holly informed the Commissioners she received one bid from Software Systems, Inc. for IBM AS400 Computer Hardware Upgrade/Migration Software.

The Commissioners asked Ms. Holly if she thought the upgrade would cost this much. Ms. Holly replied no, but informed the Commissioners she would review and try to cut back.

Commissioner Witt asked the Commissioners to let Ms. Holly review and come back and talk about later.

Commissioner Wender asked about networking to other companies.

Ms. Holly informed the Commissioners she would rather not, if you have a problem than you would have two or three different companies all saying it's not their problem.

Outstanding bills were approved.

The meeting was adjourned at 3:38 p.m. The next scheduled meeting is May 22, 2002.



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FAYETTE COUNTY COMMISSION  
SPECIAL SESSION  
MAY 22, 2002  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS Present: John L. Witt and John H. Lopez

The Fayette County Commission met in a special session on this 22<sup>nd</sup> day of May 2002.

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

Commissioner Witt informed the Commissioners he reviewed a letter from the City of Montgomery requesting that the Commission assist with a major clean-up of the county and asking that the Commission pick-up the cost of drop boxes for a one-week clean-up period this summer.

Ms. Holly informed the Commissioners that she forwarded a copy of the letter to Larry Parsons.

The Commissioners asked that this be deferred until May 29, 2002. Commissioners suggested getting more information.

Commissioner Witt announced that the Commission was here to certify the canvass of the Primary Election.

Ms. Holly presented the Abstract by voting precincts and an order to be signed to the Commissioners.

Commissioner Witt read the Order; Commissioner Lopez made a motion to certify the 2002 Primary Election. Commissioner Witt seconded. Unanimous.

The Commissioners signed order certifying the results of the canvass for the 2002 Primary Election. A letter and an order were forwarded to the Secretary of State.

The Commissioners discussed Chuck Law's property with Tim

Richardson, Zoning Officer and Dave Pollard, County Resource Coordinator.

Mr. Pollard informed the Commissioners that the property is flat, utility, and wastewater access. Mr. Pollard informed the Commissioners the property is well worth looking at.

Mr. Richardson informed the Commissioners that he will meet with Mr. Law again on Thursday to discuss.

Commissioner Lopez suggested to Mr. Richardson to tell Mr. Law that the County would consider 50-75 acres.

Commissioner Lopez suggested having Dave and Tim to do a little bit of leg work.

Commissioner Lopez asked that the Commissioners meet with Chuck Law on May 29 at 11:30 a.m. to inspect property.

The Commissioners signed order certifying the result of the Primary Election on the question of "Shall hunting on Sunday be authorized in Fayette County?"

The Commissioners asked that Steve Cruikshank, OES Director be placed on the agenda for May 29, 2002 at 10:30 a.m. to discuss the buy-out of property from FEMA.

Ms. Holly informed the Commissioners she had talked with Larry Parsons regarding the City of Montgomery request for the County to pick up the cost of drop boxes for a one week clean-up period. Ms. Holly informed the Commissioners that Mr. Parsons said this has already been done. Ms. Holly informed the Commissioners that Mr. Parsons said he would have the Fayette County Solid Waste Authority answer letter if the Commission wanted them to.

Ms. Holly informed the Commissioners she received recommendation from J. Dan Snead Associates recommending that Boso and Boso. Inc.

receive bid for the elevator shaft for the Courthouse.

Commissioner Lopez made a motion to award the bid to Boso and Boso, Inc. base bid \$86,080 for the elevator shaft contingent upon available funds that unless the source of funding required needs to be advertised to complete project total cost \$142,535. Commissioner Witt seconded. Vote passed 2-0.

By a request received from the janitor at the Prosecuting Attorney, the Commissioners approved to purchase a vacuum cleaner for the Prosecuting Attorney Office.

The Commissioners received and reviewed Workers' Compensation and Unemployment Report correspondence.

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

The Commissioners received and reviewed a check from the Sheriff of Raleigh County Commission for reimbursement for TRIDENT overtime for Garland Burke.

The Commissioners received and reviewed a check from Verizon in the amount of \$41,000.80 for the Emergency Telephone System Fees for the month of April 2002.

The Commissioners received and reviewed a check from Citizens Telecommunications Company in the amount of \$64.31 for 911 fees for the month of April.

The Commissioners received and reviewed a check from the Supreme Court in the amount of \$1,500 reimbursement for rent for the month of May.

The Commissioners received and reviewed several checks for 911 Fund Fees.

The Commissioners signed a letter to Barbara Baxter, Director,

Family Law Masters requesting reimbursement for rent in the amount of \$1,500 for the month of June.

The Commissioners received and reviewed a check from the West Virginia Development Office, reimbursement for the Sheriff's Department, Legislative Digest Grant #01-239, amount \$9,758.18.

The Commissioners received and reviewed from Gauneka-Ruritan Club final drawdown of the \$25,000 grant.

The Commissioners received and reviewed from the County Commissioners' Association of West Virginia the May Legislative Interim Schedule and the 2002 "Unofficial" Election Results for County Commissioners Seats.

The Commissioners received and reviewed a memorandum from the Fayette County Deputy Sheriff's Association inviting the Commission and Staff to attend the Annual Police Memorial Service at 12:00 noon on the front steps of the Courthouse on Wednesday, May 15, 2002.

The Commissioners received/reviewed and approved David Neal, E911 Coordinator request for replacing an archive device for the E-911 recording equipment, amount \$400.95.

The Commissioners received and reviewed an invoice from McNeil Fence for installing a fence at the Boomer Ballfield.

The Commissioners received and reviewed a letter from David Neal E911 Coordinator, informing that he has selected Cheryl Donnally as Probationary Part-time Communications Specialist to fill the vacancy created by the resignation of Aaron Bess, training would begin immediately, at a pay rate of \$6.50 per hour. The Commissioners approved.

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 April.

The Commissioners signed contract renewal to Request for Inmate Labor for the Fayette County Solid Waste Authority.

Ms. Holly informed the Commissioners that Sheriff Bill Laird called to schedule a meeting on June 5 at 10:30 a.m. to discuss the Court Security.

The Commissioners signed contract agreement for drug testing kits and drug screening with Quest Diagnostics.

Ms. Holly informed the Commissioners she received one bid for the IBM AS400 Computer Hardware Upgrade/Mitigation Software from Software System, Inc., amount \$291,607.76.

Ms. Holly told the Commissioners that because of the new system being installed the Tax Department would need a laser printer.

Ms. Holly informed the Commissioners she would review the bid to check and see if there are something's that could be eliminated.

Upon review by the County Administrator, Commissioner Lopez moved that the Commissioners approve and accept the bid of \$291,607.76 from Software System, Inc. for the IBM AS400 Computer Hardware Upgrade/Mitigation Software and proceed with installation. Commission Witt seconded. Unanimous.

The Commissioners received and reviewed from the National Association of Counties a press Advisory regarding Local Government Groups taking the Federal Communication Commission to Court over cable modem ruling; a press briefing to spotlight preemption and devastating financial impact on Nation's Community has been scheduled for May 14, 2002 at 1:30 p.m.

The Commissioners received and reviewed a letter from St. Paul Fire and Marine Insurance Company acknowledging receipt of claim

#GP09305710-09T008.

The Commissioners received and reviewed information regarding the renewal of Business Radio Licensing. The original copies were forwarded to Steve Cruikshank, OES Director and David Neal, E911 Coordinator.

The Commissioners received and reviewed from the West Virginia Division of Labor a "Certificate of Operation" to be posted in the elevator at the Courthouse Annex.

The Commissioners received and reviewed from Duncan Campbell, White House Office of Homeland Security a memorandum regarding homeland security efforts at the county and municipal level.

The Commissioners received and reviewed from the Federal Emergency Management Agency a copy of the State and Local Mitigation Planning how-to guide Understanding Your Risks identifying hazards and estimating losses. Original forwarded to Steve Cruikshank, OES Director.

Commissioner Lopez asked that a copy of Paul Blake, Prosecuting Attorney response to the Nuisance and Noise Ordinance be sent to Delores Baker.

The Commissioners received and reviewed from the West Virginia Housing Development Fund a fully executed copy of the Loan Application Agreement for their flood programs which will enable the Commission origination staff to obtain information from victims of the 2001 flooding, thereby enabling them to process applications.

Ms. Holly informed the Commissioners that Earl Pauley, Park Superintendent had given her a list of vehicles to be auctioned off on June 14, 2002 at 11:00 a.m.

The Commissioners received and reviewed a letter from the Office

of Emergency Services regarding funding from the FEMA-DR-1410-WV Hazard Mitigation Grant Program (HMGP) Notice of Intent form.

Ms. Holly presented to the Commissioners, from the USDA Rural Development Office, several funding opportunities and aid related to community development.

The Commissioners received and reviewed a letter from the Upper Kanawha Valley Economic Development Corporation asking that the Commission confirm payments to the UKVEDC of \$5,000 for the period ended December 31, 2001 for Gibbons & Kawask who are conducting an audit of their financial statements.

The Commissioners received and reviewed from SunTrust Bank a list of securities pledged as of April 30, 2002. The original copy was forwarded to the County Clerk's Office.

The Commissioners denied Kelvin Holliday, County Clerk request to unlock ballot room to get poll slips. Ms. Holly informed the Commissioners she called the Secretary of State Office and they confirmed that the ballot room should be locked 10-days from certification which is June 1. The Commissioners informed Mr. Holliday they agreed with the Secretary of State ballot room to stay locked.

Commissioner Witt informed the Commissioners he had received a call from Scott Muir, representative of Norfolk Southern requesting that a county employee go around with him to determine that the Environmental Condition 11 noise contour for the NS rail line segment from Fola Mine to Deepwater, West Virginia extends a distance of 24' from the centerline. Commissioner Witt suggested Tim Richardson, Zoning Officer and informed the Commissioners they can bill Norfolk Southern for expenses.

The Commissioners signed a letter expressing their support of

the plan by the Southern Appalachian Labor School (SALS) to seek Housing Preservation Grant funds.

The meeting was adjourned at 10:55 a.m. The next scheduled meeting is May 29, 2002.

A handwritten signature in blue ink is written over a horizontal line. The signature is cursive and appears to read "Matthew W. Warden".



FAYETTE COUNTY COMMISSION

REGULAR SESSION

MAY 29, 2002

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 29<sup>th</sup> day of May 2002.

Commissioner Witt called the meeting to order at 9:05 a.m.

Ms. Holly informed the Commissioners that she had contacted J. Dan Snead Associates last week regarding the base bid for the elevator shaft.

Dan Snead appeared before the Commissioners to present the contractor with the low bidder (Boso & Boso, Inc., \$86,080 base bid, \$56,455 alternate). Mr. Snead informed the Commissioners that in the contract he has included a provision when funds become available can go to the alternate bid. Mr. Snead presented the contract for the Commissioners to review.

Commissioner Wender asked Mr. Snead what was his time line and informed Mr. Snead that as of June 30 the grant expires.

Commissioner Wender suggested to Mr. Snead to call Boso & Boso and inform them that they need to sign as soon as possible.

Commissioner Lopez made a motion that Commissioner Witt sign elevator contract from Boso & Boso, Inc. once the Prosecuting Attorney has reviewed. Commissioner Wender seconded. Unanimous.

Paul Blake, Prosecuting Attorney was present and informed Mr. Snead that at this time he cannot recommend the Commission signing contract until he has seen all the documents.

Mr. Snead asked the Prosecuting Attorney to review the other

documents and get back with him.

Commissioner Wender asked if the contractor know about working around the courthouse schedule. Mr. Snead replied they have been made aware of this.

The Commissioners and the Prosecuting Attorney agreed to send the contract to Boso and Boso, Inc. for their review and opinion.

Commissioner Wender made a motion to send the contract to Boso & Boso, Inc. for review and opinion and if any comments or corrections they are to be forwarded to the Prosecuting Attorney. Commissioner Lopez seconded. Unanimous.

Carl Harris, Assistant Prosecuting Attorney appeared before the Commission to question about what is covered under the C-PAC contract.

Commissioner Lopez suggested giving Earl Pauley, Park Superintendent, the green light to work on cleaning up the buildings where the shelter was located before the flood.

Commissioner Lopez made a motion to get Mr. Pauley to clean the building.

Commissioner Wender informed the Commissioners he had concerns about moving next to the creek; Commissioner Wender suggested getting Mr. Pauley and C-PAC in to discuss. Commissioner Wender suggested moving further away from the creek.

Commissioner Lopez informed the Commissioners they have to utilize what they have and get moving don't have time to keep putting off.

Commissioner Witt informed the Commission that C-PAC is having internal problems and suggested to the Commissioners that Mr. Pauley met with the Commissioners to discuss.

Commissioner Witt informed Mr. Pauley would have estimates in two weeks on how much it would take to get the shelter up and running again.

Commissioner Lopez questioned about his motion.

Commissioner Wender suggested scheduling Earl Pauley and C-PAC to come up June 5, 2002 at 11:00 - 12:00 to discuss.

The Commissioners called the Zoning Hearing to order at 10:00 a.m. Present were Tim Richardson, Zoning Officer and Dave Pollard, County Resource Coordinator.

The first case for disposition was Z-489-02-1: On the County Commission's Own Motion for a change in land classification from (RR-1) Agricultural and Rural Residential District to PD-Planned Development District, on 1.065.41 acres, Wolf Creek Waters, Berwind Land Company property, located off of Appalachian Drive and Route 16, Plateau District.

Mr. Richardson informed the Commissioners that the recommendation of the Planning Commission to reclassify this property to PD-Planned Development District was passed by a vote of 10-0. No opposition present.

Commissioner Lopez made a motion to accept recommendation of the Planning Commission to reclassify 1.065.41 acres, Wolf Creek Waters, Berwind Land Company, located off of Appalachian Drive and Route 16, Plateau District from RR-1 Agricultural and Rural Residence District to PD-Planned Development District. Commissioner Wender seconded. Vote passed 3-0. Unanimous.

The next case the Zoning Officer presented to the Commission was case Z-490-02-1: Request of Richard L. Cantrell, contract the owner, for a change in land classification from RR-1 Agricultural and Rural

Residential District to PD-Planned Development District on 7.39 acres, Surf. 8.31/Wolf Creek, located on County Route 9, Gatewood Road, (formerly MB's Better Blooms) New Haven District.

Mr. Richardson informed the Commissioners that the recommendation of the Planning Commission to reclassify this property to PD-Planned Development District was passed by a vote of 8-2.

Several adjoining property owners and nearby residences spoke in opposition of this classification change.

Commissioner Lopez asked if there was an on-site inspection of the property.

Commissioner Wender asked what were the concern of the two Planning Commission members that voted against the reclassification.

Mr. Richardson replied the type of septic tank that would be installed for the number of cabinets.

Mr. Cantrell informed the Commissioners he would be working with Phil Peron with the Fayette County Health Department on the septic problems.

Commissioner Lopez made a motion to table the request until the County Commission can make an on-site inspection of the property. Commissioner Wender seconded. Vote passed 3-0.

Commissioner Wender asked Carl Harris, Assistant Prosecuting Attorney if there were anything in the West Virginia Code regarding noise control. Mr. Harris replied he cannot answer that question he does not have the Code in front of him, he would have to research.

The zoning hearing was adjourned at 10:45 a.m.

Steve Cruikshank, OES Director and Carl Harris appeared before the Commission to discuss the buy-out of property during the July 2001 flood.

Steve Cruikshank presented to the Commission their options to buy-out Karen Fitzgerald property, the County Commission would have to have a contractor to do the work, the State Office of Emergency Service will provide the funding for the purchase of the property, removal of structure and stabilization of banks.

Discussion was held regarding the Fitzgerald property in Kanawha Falls. Mr. Cruikshank informed the Commissioners that they are looking at the site.

Commissioner Lopez informed the Commissioners that the gentleman that was interested in the house was getting a moving company.

Commissioner Witt asked Mr. Cruikshank for his recommendation on the property and asked Mr. Cruikshank who make the decision regarding this property.

Mr. Cruikshank replied, the Fayette County Commission is considered the project manager it would be the decision of the Commission.

Ms. Holly asked the Commissioners if Steve Cruikshank going to be responsible for getting contractors. The Commissioners replied yes.

Jon Lopez with FEMA informed the Commissioners he would be doing an emergency application on the property in Deepwater. Mr. Lopez informed that FEMA did approve 30 applications.

Commissioner Wender offered a motion that the County Commission except the buy-out offered to the Karen Fitzgerald property; the county will provide contractors and estimates to do the work; the State Office of Emergency Services will provide all funds to cover the following: 1) purchased property, 2) removal of structure, 3) stabilization of banks, and any cost overruns will be paid by the

State Office of Emergency Services. Commissioner Lopez seconded.

Unanimous.

Commissioner Lopez asked for an update on the King's Property.

Ms. Holly informed the Commissioners that Steve Cruikshank has a \$78,000 check that needed to be deposited. Ms. Holly informed the Commissioners she needed authorization on whether or not she should deposit.

Commissioner Wender offered a motion to endorse check in the amount of \$78,000 for the FEMA emergency buy-out mitigation Karen Floyd Fitzgerald property in Kanawha Falls in our General County Fund. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from Steve Cruikshank, OES Director requesting a check from the Fayette County Commission in the amount of \$78,000 payable to James C. Blankenship, III, Escrow Account for the Hazard Mitigation Grant Program Emergency Buy-out of the Floyd-Fitzgerald property at Kanawha Falls. Approved.

The Commissioners recessed at 11:30 a.m. for lunch.

The Commission reconvened at 1:50 p.m.

Ms. Holly presented to the Commissioners a letter to the West Virginia Development Office on behalf of the Christians Helping Other Food Pantry requesting a change in the scope of Project #02CPGP0221 to building rent and truck repairs. A letter signed; Commissioner Lopez made a motion to approve and authorize the adoption of the amended resolution. Commissioner Witt seconded. Unanimous.

Commissioner Lopez made a motion that Budget Revision #3 for the General County Fund and Coal Severance Fund for Fiscal Year 2001-2002 be approved; Commissioner Wender seconded. All approved; budget revision signed.

The Commissioners signed a letter to Boso & Boso, Inc. asking that they review and approve a copy of the proposed agreement between the Fayette County Commission and Boso & Boso, Inc. for all construction, cutting, patching masonry, electrical, mechanical, plumbing, finishes, etc. for a new elevator shaft at the Courthouse.

The Commissioners signed congratulations' letters to Deputy James E. Dempsey, Deputy Robert C. Legg, Deputy Eddie C. Gilkerson, II and Jess R. McMullen for their recent employment in the Fayette County Sheriff's Department.

Commissioner Wender asked Ms. Holly to find the ruling on the Elected Official hiring of employees for their office.

The Commissioners signed a letter to Reverend C. D. Coleman extending their sincere appreciation for his tireless efforts for the community and citizens of Jodie and offered their congratulations for the naming of the new highway bridge (C. D. Coleman Bridge) to be constructed across the Gauley River at Jodie.

The Commissioner signed a letter to Dunloup Creek Watershed Association informing that their request to have the Dunloup Creek dredged should be made to the Governor's Task Force Long Term Flood Recovery Board.

The Commissioners received and reviewed a letter from Paul Blake, Prosecuting Attorney, regarding the Nuisance and Noise Ordinance. Commissioner Lopez asked that a letter and a copy of Mr. Blake's letter be sent to Delores Baker.

Commissioner Wender suggested sending a letter to the County Commissioners' Association of West Virginia asking that they review West Virginia Code 7-1-3ii (Senate Bill 3 "Barking Dog" legislation) and informed them that the Fayette County Commission feel that this

enforcement provision needs to be addressed during the next legislative session and request their assistance in reviewing this matter for additional legislative action.

The Commissioners signed Renewal of License for the Fayette County Park and received copy of Renewal of License for the Fayette County Assessor's Office.

Ms. Holly asked the Commissioners if they would approve minutes of April 16, 2002 and April 24, 2002.

Commissioner Wender offered a motion to approve minutes of April 16. Commissioner Witt seconded. Vote passed 2-0.

Commissioner Wender had several questions regarding the minutes of April 24. After reviewing, Commissioner Wender offered a motion to approve minutes of April 24. Commissioner Witt seconded. Vote passed 2-0.

The Commissioners signed Contract and Agreement between the Fayette County Board of Health and the Fayette County Commission and approved to pay \$5,000 for fiscal year 2002-2003.

The Commissioners approved drawdown of \$5,000 to the Fayette County Health Department for fiscal year 2001-2002.

Commissioner Wender offered a motion to sign agreement to hire Dr. Donald C. Newell, Jr. as part-time Fayette County Health Officer. Commissioner Witt seconded. Vote passed 2-0.

The Commissioners approved payment of \$7,830.00 to McNeil Fence Company for first and final drawdown for the Boomer Ballfield of the Governor's Community Partnership Grant #00-349.

The Commissioners signed a letter to the West Virginia Development Office requesting final drawdown for the Boomer Ballfield Improvements.



Jim Lively, Sr. of Jim Lively Insurance brought renewal of Liability Insurance to be signed. The Commissioners approved.

Commissioner Wender asked Mr. Lively if property from the Berwind Company for Minden Park could be included in the County's insurance. Mr. Lively replied yes.

Ms. Holly asked the Commissioners if they wanted her to give Carl Harris, Assistant Prosecuting Attorney a copy of this motion to dismiss by Virginia Blankenship. Commissioner Wender informed the Commissioners he would have to abstain because Ms. Blankenship is a former mother-in-law and asked that this be held until June 5, 2002 when Commissioner Lopez is here to vote.

The Commissioners received and reviewed a list of the various property owners in the buy-out.

The Commissioners denied the request of Kelvin Holliday, County Clerk to unlock ballot room.

Ms. Holly informed the Commissioners she had talked with the Secretary of State Office and was told the room could not be unlocked until June 1. Mr. Holliday asked the Commissioners to unlock on Monday, June 3.

The Commissioners approved to schedule a special meeting to unlock ballot room on June 3 at 8:30 a.m.

Ms. Holly presented an invoice to the Commissioners from Kelvin Holliday, County Clerk for approval of J. C. and Mary Moss election expenses.

After reviewing, Commissioner Wender informed the Commissioners that the Moss's should be paid thirty-six and a half cents for mileage. Commissioner Wender made a motion to approve expenses of J. C. and Mary Moss with the adjustment of their mileage from twenty

cents to thirty-six and a half cents. Commissioner Witt seconded. Vote passed 2-0.

Sheriff Laird appeared before the Commissioners requesting that the Commission get the Legislative Delegation to get involved with getting the DREAP Program extended. Sheriff Laird informed the Commissioners that Legislative is scheduled to meet on June 9, 10, and 11. Sheriff Laird informed the Commissioner he had talked with Larry Parsons regarding the Program; Sheriff Laird asked the Commissioners if it was okay with them that he draft a Resolution for the Commissioner to sign so that he can present to the Legislation. The Commissioners asked the Sheriff to draft resolution and they would put on their letterhead. Ms. Holly informed the Commissioners that their resolutions are put on legal size paper and not the letterhead of the County Commission.

Commissioner Wender made a motion to approve outstanding bills and payroll. Commissioner Witt seconded. Vote passed 2-0.

Commissioner Wender offered a motion subject to approval received from Tax and Revenue Department to release payment to pay final payment to Fayette Awning for windows at the Memorial Building, pending approval by Charlie Jones and John Witt. Commissioner Lopez seconded. Unanimous.

Ms. Holly presented an invoice for \$843.92 for architectural services, amount \$660.00 and for legal advertisements, amount \$183.93 from J. D. Snead Associates to the Commissioners.

Commissioner Wender made a motion to approve the invoice in the amount of \$843.92 to J. D. Snead Associates. Commissioner Witt seconded. All approved. Vote passed 2-0.

Ms. Holly asked Commissioner Wender if he had heard anything

back from the e-mails regarding sick leave policy. Commissioner Wender replied no but would check into.

The Commissioners received and reviewed notice of a Greenbrier Pipeline Projects Public Scoping meeting being held at Mount Hope Middle School on Thursday, June 13, 2002.

Commissioner Witt made a motion to approve Jackie Hickman's overtime. Commissioner Wender seconded.

The Commissioners received and reviewed notice that GASB Statement 34 Regional Workshop is scheduled for July 16-19 at the Revenue Center. Ms. Holly informed the Commissioners that she would like to attend. Commissioner Wender moved that Ms. Holly attends Workshop. Commissioner Witt seconded. Vote passed 2-0.

Ms. Holly presented a letter to the Commissioners regarding the WVU Extension Office Contribution for Agent Salary for fiscal year 2002-2003, Ms. Holly asked Commissioner Wender if he checked on the Contribution for Agent Salary for WVU Extension Office on how they will be shared. Commissioner Wender asked Ms. Holly to hold until Monday.

Ms. Holly informed the Commissioners she talked with Karen Arrington regarding long distance code, and was told by Ms. Arrington that she has a phone card, long distance no longer a problem has to telephone supervisor in Charleston once weekly and other counties not related to Fayette County business? The Commissioners asked Ms. Holly to leave as is no long distance code.

The Commissioners received and reviewed from Thelma Kincaid, Circuit Clerk, a notice that effective June 1, 2002, Bonnie Sarver will be on Medical Leave, Anna Vandall will replace Ms. Sarver as a full-time part-time employee effective June 1, 2002 and Linda Myers

is retiring effective Friday, May 31, 2002, Mary Whisman will be replacing Ms. Myers as a full-time employee effective June 1, 2002.

The Commissioners received and reviewed pool date openings at the Fayette County Park. Commissioner Witt suggested that next year the pool will open Memorial Day weekend and close Labor Day. Commissioner Wender suggested asking Earl Pauley, Park Superintendent, to explain why pool is not opened on Memorial Day weekend.

The Commissioners received and reviewed a copy of a letter to David Neal, E911 Coordinator informing that effective May 28, 2002 Brian Hawver resigned as dispatcher for the Fayette County E911 Center.

The Commissioners received and reviewed from the West Virginia New Hire Reporting Center notice that they have not received any new hire reports in the last 180 days; Ms. Holly informed the Commissioners that she forwarded the original to Debbie Aliff, Payroll Clerk. Commissioner Witt asked Ms. Holly to check into.

The Commissioners received and reviewed from AT&T Communications 911 Fees for the month of April.

The Commissioners received and reviewed Oath from Sharon Cruikshank, member of the Fayette Transition Team. Original forwarded to the County Clerk's Office.

The Commissioners received and reviewed Workers' Compensation correspondence.

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

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

The Commissioners received and reviewed minutes, financial statements and audit from the Fayette County Solid Waste Authority.

The Commissioners approved an invoice from the Fayette County Health Department for \$500.00 contribution for organic water sampling in Mahan.

The Commissioners received and reviewed a resume from Tiffanie Bishop.

The Commissioners signed a letter to Delores Baker informing her that based on a discussion and the review of West Virginia Code 7-1-3ii by Paul Blake, Prosecuting Attorney, the Commission has decided not to enact a nuisance and noise ordinance at this time due to the lack of any enforcement provisions.

The Commissioners signed an order reappointing Leon Newman as a member of the Deepwater Public Service District Board.

The Commissioners received and reviewed a fax from the County Commissioners' Association informing of the loss of Mrs. Kathy Mason the wife of County Commissioners' Association Board member Don Mason, Marshall County Commissioner.

The Commissioners received and reviewed a check from the West Virginia Development Office for the Courthouse Handicapped Accessibility Legislative Digest Grant 99-169, amount \$9,900.00.

The Commissioners signed a letter to the West Virginia Development Office requesting third drawdown for the Courthouse Handicapped Accessibility, amount \$1,054.74.

The Commissioners received and reviewed a letter from St. Paul Fire and Marine Insurance Company acknowledging receipt of claim #GP0930571009T001.

The Commissioners received and reviewed a letter from the

Division of Criminal Justice Service informing they have not received the required reports for the Court Security Grant 01-C5-06 for the months of January, February and March.

The Commissioners received and reviewed from the Office of Emergency Services a FEMA-DR-1410-WV Hazard Mitigation Grant Program (HMGP) Notice of Intent. The Commissioners asked that Steve Cruikshank prepare and submit application.

Ms. Holly informed the Commissioners she received a letter from the Fayette County Health Department informing that Bert Lawhorn has requested they order the pre-exposure shots to protect him from possible rabies exposure. Cost would be approximately \$327.00 for a series of three shots. The Commissioners approved subject to Ms. Holly finding out how long the shots are good for.

The meeting was adjourned at 3:37 p.m. The next scheduled meeting is June 5, 2002.



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FAYETTE COUNTY COMMISSION  
SPECIAL SESSION  
JUNE 5, 2002  
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 5<sup>th</sup> day of June 2002.

Due to Commissioners Witt laser surgery on his throat,  
Commissioner Lopez called meeting to order at 9:06 a.m.

The Commissioners called the zoning hearing to order.

Commissioner Lopez informed this is a continuance of zoning case Z-490-021 which was tabled May 29, 2002.

Commissioner Lopez informed everyone present, that the Commissioners did inspect the property.

Commissioner Lopez addressed the audience concerned with the re-zoning of this property stating that the recommendation of the Planning Commission was 8-2 to approve the application.

Commissioner Lopez informed that the Commission has concerns of a buffer zone, a privacy fence, requesting a letter of intent of the proposal from Richard Cantrell stating he would agree too re-zoning of the one acre from B-2 in addition to this property to P-D also.

The Commissioners gathered information on other operations in the Fayetteville area to use as input in their decision; the Commissioners asked Mr. Cantrell about the septic system that was to be used; Mr. Cantrell stated that it was a filtered system that would improve the water discharged compared to what was being discharged previously.

After listening to comments from concerned neighbors and

adjoining property owners, the Commissioners offered the following motion: Commissioner Wender made a motion to table, with the following concerns to be addressed: Mr. Cantrell to meet with the installation company of the septic system to provide the Commission with details of the installation and operation of said system, have the health department approval of the system, delivers detailed documentation of hours of operation, gives a plan of entrance and exit of the property because of concerns of danger on the curve entering the property. Commissioner Lopez seconded.

The Commissioners asked the Prosecuting Attorney's Office for an opinion concerning the covenants being enacted on this application and are these enforceable with future owners of this property?

After listening to the concerns of the citizens, Commissioner Wender made a motion to table this request until June 14, 2002 at 10:00 a.m. Commissioner Lopez seconded. Vote passed 3-0.

The zoning hearing of this meeting was adjourned.

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.

Commissioner Wender made a motion to go into Executive Session. Commissioner Lopez seconded.

Back from Executive Session Commissioner Wender informed the Commissioners had received a request for a copy of the Preliminary Report prepared by Rick Eades of the Timber and Mine sites and their relationship to July 2001 flood damages. Based on the recommendation of the Prosecuting Attorney the study would be made public, the Commission is going to provide copies of the study to the public libraries and newspapers.



Selina Vickers, Fayette County Flood Recovery Team appeared before the Commission.

Commissioners Wender informed the Commission that he had asked Ms. Vickers to come in to request money from the US Economic Development Authority Grant, but found that the balance of the grant had been earmarked to pay something else.

Ms. Vickers informed the Commissioners that they have 613 cases, and 98 have been closed.

Ms. Vickers asked the Commissioners if they know of any grants or any funding she might apply for to cover the Administration cost.

Commissioner Wender informed the Commissioners they have two groups that will be coming in and help work on the homes (Appalachian Flood Related Projects and Christians Endeavors). Ms. Vickers informed the Commissioners they will be here for six to eight months.

Richard Bendure, Data Design appeared before the Commissioners to discuss computers upgrade for the Voter's Registration Office.

Mr. Bendure talked about the historical background on when the State installed the system; talked about the annual support and telephone support upgrading; any minor updates would be covered by Data Design, major rewrites are funded by the Secretary of State.

Commissioner Wender asked Mr. Bendure in 1999 did company pay an annual fee and how much? Mr. Bendure informed the annual fee now is \$1600 but in 1999 it was \$1500; Mr. Bendure informed the Commissioners that he is not recommending the ram memory upgrade; Mr. Bendure informed the total software and annual support renewal and SQL upgrade would be \$2,964.00; Commissioner Wender asked if this cost for SQL was a one time cost. Mr. Bendure replied yes.

Commissioner Lopez made a motion to approve upgrades for the

Voter's Registration Office; the Commissioners informed Mr. Lopez that Mr. Bendure had not completed his proposal; Mr. Bendure informed the Commissioners that the enhanced signature scanning would cost \$1,909, preventive maintenance is included.

Commissioner Lopez made a motion to rescind his first motion and move that upgrades are approved. Commissioner Wender seconded.

Commissioner Wender moved to approve outstanding vouchers. Commissioner Lopez seconded.

Commissioner Wender made a motion that the first half of the June payroll be approved. Commissioner Lopez seconded.

The Commissioners approved moving the County Commission meeting of June 26 to June 27.

Earl Pauley, Park Superintendent, appeared before the Commission to give estimates on the cost of building a puppy room, cat room and an office building for the Fayette County Animal Shelter.

Mr. Pauley informed the Commissioners that he had received a bid from Ricky Myles of \$16,000 for the building of the puppy room, cat room and office room (68x24).

Commissioner Lopez asked about making the building two-story.

Commissioner Wender made a proposal that Earl Pauley sits down with C-PAC and comes up with a design and preliminary cost to build a shelter.

Patti Payne with C-PAC was present and she suggested getting more lights installed.

Commissioner Lopez asked that a motion be made to go ahead with refurbishing the three buildings.

Commissioner Wender made a motion to refurbish the existing three buildings. Commissioner Lopez seconded.

Commissioner Wender made a motion that the Commissions meet with C-PAC and Earl Pauley to discuss design and preliminary cost of a shelter. Commissioner Lopez seconded.

Patti Payne appeared before the Commission and presented a copy of C-PAC expenditures. Commissioner Wender questioned Ms. Payne about the \$14,139.10 increase for the month of May compared to July 2001 allotment of \$9,399.30.

Commissioner Wender asked Ms. Payne about the increase.

Ms. Payne informed the Commissioners they use to house 25 animals now its up to 50, purchased dog house, tarp needed more cages, purchased the Dog Warden a dart gun and a dart sticks.

Ms. Payne informed the Commissioners they have not hired any extra employees. Ms. Payne informed the Commissioners as a right now C-PAC has seven employees and one dog warden.

Ms. Payne informed the Commissioners that the monthly expenses will be decreasing.

Randy Housh, Flood Relief Housing Coordinator introduced Mary Cathy Burns and Lee Deforth to the Commissioners. Mr. Housh informed the Commissioners they would be working on the Appalachian Flood Related Project over the next eight-week period, would be housed at the Mount Hope Middle School they bring their own supplies. Mr. Housh informed the Commissioners they will start work next Monday.

Bert Lawhorn, Dog Warden, presented his resignation to the Commissioners.

Commissioner Witt asked Mr. Lawhorn if he would withhold resignation until they get things resolved with C-PAC.

Sheriff Laird appeared before the Commissioners with request that the Commission sign Resolution to the Governor, Senators and

Delegates asking that the DREAP Program is continued in Fayette County beyond the projected termination date (June 30, 2002).

Commissioner Wender made a motion that the Fayette County Commissions adopts the Resolution for the continuance of the DREAP Program and send copies of the Resolution to the Governor, Senators and Delegates. Commissioner Lopez seconded. All approved.

Commissioner Lopez made a motion that Ken Eskew is appointed to serve as a board member of the Coal Heritage Highway Authority. Commissioner Wender seconded. All approved.

The Commissioners discussed the increased cost of the Regional Jail.

Ms. Holly informed the Commissioners she has not received weekly deposits from the Fayette County Animal Center since May 3, informed the Commissioners that she called Pattie Payne, was told that she was working on deposits.

Carl Harris, Assistant Prosecuting Attorney, presented an addendum to the C-PAC Agreement to the Commissioners. Mr. Harris informed the Commissioners that in the addendum he added that all equipment and materials purchased by C-PAC from C-PAC funds be the sole property of C-PAC and that all equipment and materials purchased by C-PAC from C-PAC funds or other monies for which C-PAC is reimbursed from the Commission directly or through the monies provided in the budget from the Commission to C-PAC, will be the property of the Commission and C-PAC will not purchase any equipment or material costing in excess of \$100.00 without the prior approval of the Commission.

Commissioner Wender made a motion to approve the amendment of the C-PAC contract. Commissioner Lopez seconded. Unanimous.

The Commissioners signed minutes of the zoning hearing held on May 29, 2002.

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 appreciation letter to Leon Lilly and the American Electric Power for their help in installing the lamp to light the Fayette County Courthouse bell tower.

Ms. Holly informed the Commissioners that she has prepared a letter to Bert Wolfe Ford to remind them of their agreement to reimburse to the Commission \$924.27 within 90 days. Ms. Holly informed the Commissioners that the deadline expired March 7, 2002 and as of this date no reimbursement has been made. Ms. Holly told the Commissioners she is asking Bert Wolfe Ford for immediate payment of \$924.27 to be received in this office no later than 4:00 P.M. on June 10, 2002, or the Commission will proceed with further action. The Commissioners approved, a letter signed.

The Commissioners signed a letter to the County Commissioners' Association requesting their assistance in reviewing the WV Code 7-1-3ii (Senate Bill 3 "Barking Dog" legislation); the Commissioners informed that based upon the opinion of our Prosecuting Attorney, Paul Blake, the Commission has decided not to enact an ordinance.

The Commissioners received and reviewed a letter from the Fayette County National Bank informing that the following security which is pledged to the Fayette County Commission will be called on June 3, 2002 (Cusip 31364GQV4) and they will substitute this called security with (Cusip 3133MJ3H1).

The Commissioners signed an order 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 reappointing Tom Bell, Daniel Wright, Carolyn Hill, Pat Wendell, and Ann Skaggs to the Fayette County Historic Landmark Commission, terms to expire June 30, 2005.

The Commissioners signed letters to the West Virginia Public Service Commission and the Secretary of State giving a list of the Public Service District, the current board members and the date term end for each district.

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, 2002-June 30, 2003 for local mental health services through the Fayette-Monroe-Raleigh-Summers Mental Health Council, Inc.

Ms. Holly informed the Commissioners she has prepared a letter to the West Virginia State Auditor's responding to their "Notice of Conditional Approval of the levy Estimate of Fayette County" dated April 9, 2002; gave a 4-year history as documentation for the amount estimated for delinquencies, exonerations, uncollectible taxes and tax discounts.

The Commissioners signed title to a 1998 Jeep purchased from the West Virginia State Agency for Surplus Property.

The Commissioners signed a letter to the Division of Motor Vehicles requesting they issue a county license plate (issued at no change) for 1998 Jeep.

The Commissioners signed Application for a Permit to Operate the Fayette County Park/Playground and Harlem Heights Park.

The Commissioners signed Wright Express Universal Fleet Card application.

The Commissioners signed Resolution for the continuance of the DREAP Program.

The Commissioners reviewed a letter from Kelvin Holliday, County Clerk with quotes for books needed for his office and a request for a new copier. The Commissioners approved lower bid of \$5,986.00 from Dayton Legal Blank, Inc. for books.

Commissioner Wender informed the Commission that before purchasing a new copier for the County Clerk to first check for the original cost, the date it was purchased and the cost of repairs for the copier in use now.

Ms. Holly informed the Commissioners she received an explanation from the Fayette County Health Department answers to the questions that were raised about the pre-exposure rabies vaccinations for Bert Lawhorn.

The Commissioners approved rabies vaccinations only if Bert Lawhorn stays.

The Commissioners approved invoices from Lee's Carpet.

The Commissioners approved overtime for Debbie Berry.

The Commissioners approved \$50.00 fee for Quest Diagnostics.

The Commissioners received and reviewed a memorandum from Sheriff William Laird regarding Travel Advance for Investigation for Detective Jack Brown and another officer of \$300.000 to Erie, Pennsylvania for purposes of the investigation of Jeremy Bell.

The Commissioners received and reviewed Work Order Invoice from

Tri-State Roofing and Sheet Metal Company.

The Commissioners received and reviewed minutes from Page-Kincaid Public Service District for the month of May 31, 2002.

The Commissioners received and reviewed from the County Commissioners' Association the June Legislative Interim Schedule for June 9, 10, and 11, 2002.

The Commissioners received and reviewed correspondence from the County Commissioners' Association.

The Commissioners received and reviewed a proposed contract from Dan Snead regarding the courthouse elevator. The Commissioners asked that this be forwarded to Boso and Boso to review.

The Commissioners received/reviewed and approved request from James Perdue, Maintenance Supervisor for a lawn mower from Lowe's, cost \$139.00.

The Commissioners received and reviewed reimbursement from 4-C Economic Development Authority for Local match for the Comprehensive Plan.

The Commissioners received and reviewed a notice from the West Virginia State Tax Department informing of the West Virginia Sales Tax Holiday exemption beginning Friday, August 2, 2002 at 12:00 a.m. and ends on Sunday, August 4, 2002 at midnight.

The Commissioners received and reviewed from Thelma Kincaid, Circuit Clerk amended a budget statement to transfer \$1,300.00 from Employees Salaries and Wages to Circuit Clerk Extra Help for the month of June.

The Commissioners received and reviewed from Thelma Kincaid, Circuit Clerk amended a budget statement to increase salaries of Judy Learmonth (\$2,179.59), Sue Massey (\$2,179.59), Cathy Jarrett



(\$1,875.00), Mary Crist (\$1,650.00) and Deborah Smith (\$1,500.00) beginning June 1, 2002.

The Commissioners approved for Thelma Kincaid, Circuit Clerk to hire a person for six weeks to sort, check, and package the 25,000 grey secrecy write-in envelopes in preparation for the November election beginning July.

The Commissioners received and reviewed a letter from Allegheny Energy two news releases regarding the business performances of its two key subsidiaries, Allegheny Power and Allegheny Energy Supply.

Commissioner Wender suggested that Gene Kistler be scheduled on the agenda to give an update of the Greenbrier Pipeline Project.

The Commissioners received and reviewed Settlement Statement on the Karen S. Fitzgerald property.

The Commissioners received and reviewed a letter from the National Association of Counties (NACo) regarding the renewal of membership.

The Commissioners received and reviewed a fax from NACo asking that the County Commission send a letter opposing the President's proposed \$45 million cut to the Payments in Lieu of Taxes (PILT) program for Fiscal Year 2003.

Ms. Holly informed the Commissioners she received a Motion to Dismiss from Virginia Blankenship regarding Richard Cantrell request for re-zoning. Ms. Holly informed the Commissioners that Carl Harris, Assistant Prosecuting Attorney recommended that the Commission deny her request for dismissal.

Commissioner Witt said he would talk with Jamie Blankenship and suggested holding until the next Commission meeting and ask Carl Harris, Assistant Prosecuting Attorney to review.

The Commissioners request that Steve Cruikshank, OES Director, submit a written update on the Animal Shelter.

The Commissioners signed letters' to the West Virginia Development Office requesting first drawdowns for the Princess Theatre (Grant #02-382), Christians Helping Others Food Pantry (Grant #02-470), Fayette County Sheriff's Department (Grant #02-474), and the Fayette County Weatherization Program (Grant #02-471).

The Commissioners reviewed a letter sent to the Elected Officials asking that they submit their Annual Report to the State Tax Commissioners.

The Commissioners signed and approved the West Virginia Cooperative Extension Service funds for the Fiscal Year 2002-2003.

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

The Commissioners received and reviewed Official Oath of Office from Leon Newman, a member of the Deepwater Public Service District.

The meeting was adjourned at 1:43 p.m. The next scheduled meeting is June 14, 2002.



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FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
JUNE 14, 2002  
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 14<sup>th</sup> day of June 2002.

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

Sheriff Laird and Tom Woodrum, Chief Tax Deputy presented to the Commissioners the delinquent tax books.

Commissioner Witt informed the Commissioners they need to write a letter to the Governor and the Department of Motor Vehicles expressing their concerns about the automative interface being a loss to Fayette County and its citizens.

Ms. Holly presented a Motion to Dismiss to the Commissioners from Virginia Blankenship regarding the re-zoning application of Berwind Corporation.

The Commissioners asked Paul Blake, Prosecuting Attorney, what the Commission should do with the order.

Mr. Blake recommended denying the Motion to Dismiss.

Commissioner Lopez made a motion to accept recommendation of Paul Blake, prosecuting Attorney to deny Virginia Blankenship Motion to Dismiss. Commissioner Witt seconded. Commissioner Wender abstained. Vote passed 2-0.

Mr. Blake informed the Commissioners he is working with the Sheriff on trying to collect delinquent taxes.

Commissioner Wender informed the Commissioners that a meeting was held with 4-C Economic Development Authority and Paul Lansat with

Sun Mountain Entertainment Complex to discuss a joint application to Economic Development Grant Committee with the Fayette County Commission and 4-C Economic Development authority and Sun Mountain Entertainment Complex.

Commissioner Wender informed the Commissioner that Sun Mountain will transfer the 207-acre amphitheater site along with the 40-foot common use access road to the public ownership; 4-C Economic Development Authority will act as "lead agency" to file a \$5-\$7 million-dollar application with the West Virginia Economic Development Committee; Fayette County Commission will collect a Payment-in-Lieu of Taxes in the amount of 1% of total gross sales of all amphitheaters related activities including concessions.

Commissioner Wender informed the Commissioners that for them to proceed they should do a Resolution.

Paul Blake, Prosecuting Attorney, informed the Commission that before they do a resolution he would like to review Paul Lansat Proposal in writing.

Commissioner Witt informed the Commissioners he would like to have a meeting with Judy Radford of 4-C Economic Development Authority to discuss.

Ms. Holly informed the Commissioners that she received contract agreement for the elevator from Dan Snead and that Greg Boso of Boso and Boso, Inc. had stopped by and signed.

Commissioner Lopez moved to sign elevator contract agreement with Boso and Boso, Inc. Commissioner Wender seconded. Unanimous.

Carl Harris, Assistant Prosecuting Attorney, informed the Commissioners that by requesting that Richard Cantrell re-zone the property to Planned Development the Commission could control what can

be put on the property.

Commissioner Wender offered a motion to appoint Jeff Proctor a member of the Fayette County Building Commission to fill vacancy due to the death of Joseph Deligne. Commissioner Lopez seconded. Unanimous; a letter of appointment signed and an Oath of Office Form mailed.

The Commissioners signed minutes of the zoning hearing held on June 5, 2002.

Commissioner Wender made a motion that C. R. "Bud" Hill is reappointed a member of the Fayette County Building Commission. Commissioner Lopez seconded. Unanimous.

Commissioner Wender made a motion to transfer the sum of \$42,806.68 for the fiscal year 2001-2002 from the Magistrate Court Fund to the Fayette County General Fund; Commissioner Lopez seconded. Unanimous. Order signed.

Carl Harris, Assistant Prosecuting Attorney, suggested that the Commissioners talk with Legislatures about charging for housing of the prisoners; Commissioner Wender asked Mr. Harris if he would draft a letter for the Commission to sign.

Commissioner Lopez made a motion to transfer \$7,515.22 from the Fayette County Worthless Check Fund to the General County Fund for reimbursement of previous expenditures; Commissioner Wender seconded. Unanimous. Order signed.

Commissioner Wender made a motion to transfer the balance of \$164,017.58 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. Commissioner Lopez seconded. Unanimous. Order signed.

(See attached order)

Commissioner Wender made a motion to reimburse the General County Fund to the greatest extent possible for expenditures for the Special Election for the Renewal of Existing Additional County Levy the sum of \$61,426.54 to be transferred from the Fayette County Excess Levy Election Expense Fund to the Fayette County General Fund. Commissioner Lopez seconded. Unanimous. Order signed. (See attached order)

The Commissioners received and reviewed a letter from the Solid Waste Management Board informing that the term of office for William Toney to the Fayette County Solid Waste Authority will expire on June 30, 2002.

Commissioner Lopez made a motion to reappoint William Toney as a member of the Fayette County Solid Waste Authority. Commissioner Wender seconded. Unanimous. Order signed; a letter informing Mr. Toney of his reappointment signed and an Oath of Office form mailed.

The Commissioners signed an order, appointing Ken Eskew a member of the Coal Heritage Highway authority. A letter of appointment signed and an Oath of Office form mailed.

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


The County Commission meeting adjourned. The Commission reconvened to hear the 10:00 a.m. Zoning Hearing.

The Commissioners called to order the continuance of a zoning request Z-490-02-1 of Richard Cantrell. Present were Richard Cantrell, Tim Richardson, Zoning Officer, Carl Harris, Assistant Prosecuting Attorney, Philip Perone, Fayette County Health

ORDER

On this the 14<sup>th</sup> day of June, 2002, the County Commission of Fayette County meeting in Regular Session and acting pursuant to statute does hereby order the balance of the Fayette County General School Fund in the amount of \$164,017.58 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 prisoners incarcerated by magistrates.

FAYETTE COUNTY COMMISSION

  
John L. Witt, President

  
John H. Lopez, Commissioner

  
Matthew D. Wender, Commissioner

SHERIFF OF FAYETTE COUNTY  
FAYETTEVILLE, WV 25840

CHECK NO  
VENDOR

DATE

VOUCHER NO.	VOUCHER DATE	INVOICE NO.	DESCRIPTION	AMOUNT
4330	06/14/2002		01831	164017.58
TOTAL THIS CHECK				

DETACH HERE AND RETAIN THIS PORTION FOR YOUR RECORDS

164017.58

THE SHERIFF OF FAYETTE COUNTY  
FAYETTEVILLE, WV 25840

Fayette County National Bank  
Fayetteville, WV 25840

69-220  
515

000401

DATE	AMOUNT
06/14/2002	\$164017.58

EXACT AMOUNT OF  
 HUNDRED SIXTY-FOUR THOUSAND SEVENTEEN DOLLARS AND 58 CENTS  
 GENERAL SCHOOL FUND

PAY TO THE ORDER OF  
 Fay. Co. General Fund

*John S. Hill*  
 Clerk

*Robert C. Holliday*  
 Sheriff

⑈000401⑈ ⑆051502201⑆14 0120 3⑈



ORDER

On this the 14<sup>th</sup> day of June, 2002, the County Commission of Fayette County meeting in Regular Session and acting pursuant to statute and in accordance with Purpose (d.) Election Expenses for Excess Levy as approved by the voters of Fayette County at the Special Election held on the 21<sup>st</sup> day of February, 1987, and having reviewed the various expenditures for the Special Election for the Renewal of Existing Additional County Levy held on the 9<sup>th</sup> day of February, 2002, that have been paid from the General Fund and itemized as follows:

<u>PURPOSE</u>	<u>AMOUNT</u>
Employees' Salaries & Wages	\$ 50,304.44
7.65% FICA	933.29
9.5% Retirement	482.01
2.84% Workers' Compensation	1,428.65
Travel	1,889.01
Legal Advertisements	1,236.46
Postage	272.42
Building Rents	300.00
Ballots	1,267.35
Precinct kits/poll slips	2,991.10
Notices of Appointment of Election Officials	86.83
Post Cards	138.00
Heater	96.98
TOTAL	<u>\$61,426.54</u>

and having determined that it is necessary to reimburse the General Fund to the greatest extent possible for said expenditures, does hereby order the sum of \$61,426.54 to be transferred from the Fayette County Excess Levy Election Expense Fund to the Fayette County General Fund in reimbursement thereof.

FAYETTE COUNTY COMMISSION

*John L. Witt*

John L. Witt, President

*John H. Lopez*

John H. Lopez, Commissioner

*Matthew D. Wender*

Matthew D. Wender, Commissioner

ATTEST:

*Kelvin E. Holliday*

Kelvin E. Holliday, Clerk  
of County Commission of Fayette County

Department, Sam Argento representing Eljen Company, and concerned citizens.

The Commissioners read a letter they received from Wayne D. Inge, an attorney requesting that this hearing be rescheduled due to a prior commitment which Mr. Inge not to be able to attend. The Commissioners denied Mr. Inge request.

Mr. Cantrell addressed the concerns presented by the Commission, the Septic service-Mr. Sam Argento representing the Eljen Company from whom the septic system will be purchased was present and explained the operation of said system and provided numbers that complied with the Heath Department requirements.

Phillip Perone from the Fayette County Health Department confirmed that the figures met county and state specifications.

The Commission received questions from opposing residences: If flooding would affect this treatment system? Mr. Argento replied no; the residence questioned Mr. Cantrell's existing operation, does he control his clients now, opposing neighbors say they have been told that he does not. Mr. Cantrell stated, this will not be the same type of operation, questioned as to liquor consumption on the site? Mr. Cantrell responded, liquor consumed only in the restaurant.

Mr. Cantrell pointed out that the previous business located here had a maximum of 200 vehicles a day coming and going in May of last year, generally an average of 80 vehicles a day without any problems. Mr. Cantrell informed the Commissioners that this proposed business would have less than these numbers.

Commissioner Witt asked Carl Harris, Assistant Prosecuting Attorney, if conditions are placed on this project subject to its request can these covenants be enforced with future owners. Mr.

Harris replied yes.

Commissioner Wender offered a motion to approve this request with the following conditions: 1-liquor to be served in the restaurant with meals only; 2-music to be limited to indoors (except a band outdoors, once a month); 3-sale of beer and wine limited to the restaurant only; 4-acknowledge that the 1 acre that is presently zoned to B-2 will be brought back before the Planning Commission and referred to the County Commission to be reclassified to P-D with the same conditions as the 7 acres. Commissioner Lopez seconded. Unanimous, vote passed 3-0.

Discussion was held regarding the one acre adjoining the property that will be inclusive with this transaction.

Commissioner Wender offered a motion to refer this one acre to the Planning Commission to be re-zoned from B-2 "General Business District" to P-D "Planned Development District." Commissioner Lopez seconded. Unanimous, vote passed 3-0.

There was no other business; the zoning hearing was adjourned.

Attorney Jamie Blankenship appeared before the Commission with the petition of Carl Henry Robinson and Anna L. Robinson, his wife, and Delbert Ray Waddell and Phyllis Jean Waddell, his wife to abandon an unnamed and unused alley located in the Boothe Subdivision off Shirley Donnelly Road on Pea Ridge near Oak Hill, Plateau District. Jean Carol Stegal and other residents appeared to oppose the portion of the unnamed and an unused alley sought to be abandoned. After a brief discussion, Commissioner Wender made a motion to deny the petitioners request to abandon an unnamed and unused alley located in the Boothe Subdivision off Shirley Donnelly Road on Pea Ridge near Oak Hill. Commissioner Lopez seconded. Unanimous, vote passed 3-0.

Commissioner Wender asked to be excused at 11:30 a.m. for Flood Advisory meeting in Charleston.

The Commissioners signed a letter to the Division of Criminal Justice Services requesting the approval to extend the Court Security Grant project period through September 30, 2002.

The Commissioners signed Request for Reimbursement for the Court Security Grant project, amount \$23,405.00.

The Commissioners approved incorporated banking institutions within the County to act as County depositories for the Fiscal Year beginning July 1, 2002 (Fayette County National Bank, Branch Banking & Trust, Bank of Mount Hope, Inc., and United National Bank). Order and letters were signed.

Commissioners Lopez made a motion that Budget Revision #4 for the General County Fund and Coal Severance Fund for Fiscal Year 2001-2002 be approved; Commissioner Witt seconded. All approved; budget revisions signed. (See attached order)

The Commissioners approved request of authorization for Commissioner Witt to sign Economic Development Authority Grant.

The Commissioners received and reviewed a letter from Earl Pauley, Park Superintendent informing the Commissioners of an accident at the Fayette County Park on June 13, 2002 (Samantha Nichols).

Commissioner Witt questioned about Mr. Pauley submitting a bill to reimburse Daniel Pauley for the use of his personal vehicle for towing Dog Warden Truck.

The Commissioners approved the invoice but asked Ms. Holly to inform Mr. Pauley that this for one time only and in the future Mr. Pauley to call a wrecker or utilize a county vehicle if available.

At a Regular Session of the County Commission of Fayette County held on June 14, 2002, the following order was made and entered:

SUBJECT: The revision of the 2001-2002 General County Fund budget of the County Commission of Fayette County.

The following resolution was offered by John H. Lopez;

RESOLVED: That subject to the approval of the State Auditor as ex officio chief inspector of public offices, the County Commission of Fayette County does hereby direct that the budget be revised as shown on budget revision number three (4), a copy of which is entered as part of this record.

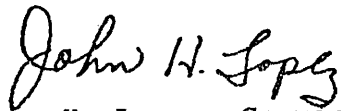
The adoption of the foregoing resolution having been moved by John H. Lopez, and duly seconded by John L. Witt, the vote thereon was as follows:

John L. Witt	Aye;
John H. Lopez	Aye;
Matthew D. Wender	Absent.

Whereupon, John L. Witt, President, declared said resolution duly adopted, and it is therefore ADJUSTED and ORDERED that said resolution be and the same is, hereby adopted as so stated above, and John L. Witt is authorized to fix his signature on the attached "Request for Revision to Approved Budget" to be sent to the State Auditor for approval.

The undersigned members of the County Commission of Fayette County do hereby state that the attached request for revision to the General County Fund Budget is requested prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists.

  
John L. Witt, President

  
John H. Lopez, Commissioner

absent

Matthew D. Wender, Commissioner

Department of Tax and Revenue  
Chief Inspector Division  
P. O. Box 3102  
Charleston, WV 25331-3102

2001-02 001 4 1 of 1  
FY FUND REV NO. PG. OF NO.

**REQUEST FOR REVISION TO APPROVED BUDGET**  
(§ 11-8-26a)

Contact:  
Charlotte Holly  
telephone: 304-574-4228  
Fax: 304-574-4255

Fayette County Commission  
GOVERNMENTAL ENTITY  
P. O. Box 307  
STREET OR P. O. BOX  
Fayetteville, WV 25840  
CITY ZIP CODE

RECEIPTS: (net each acct.)

ACCOUNT NUMBER	ACCOUNT CATEGORY	APPROVED AMOUNT	DEBIT (INCREASE)	CREDIT (DECREASE)	REVISED AMOUNT
306	Gas & Oil Tax	\$ 33,989	\$35,304		\$ 69,293
394	General School	295,300		\$ 7,167	288,133

NET INCREASE/~~(DECREASE)~~ \$28,137

EXPENDITURES: (net each acct.)

ACCOUNT NUMBER	ACCOUNT CATEGORY	APPROVED AMOUNT	DEBIT (DECREASE)	CREDIT (INCREASE)	REVISED AMOUNT
402	County Clerk	\$269,751		\$ 1,800	\$271,551
403	Circuit Clerk	250,031		8	250,039
406	Assessor	338,974		3,176	342,150
413	Election Co Clk	152,500		2,000	154,500
700	Sheriff Law Enf	516,722		100	516,822
717	Central Garage	141,954		4,000	145,954
900	Park	270,451		11,460	281,911
986	County Commiss	264,281		5,593	269,874

NET INCREASE/~~(DECREASE)~~ \$28,137

DEPARTMENT OF TAX AND REVENUE USE ONLY

POSTED \_\_\_\_\_ BY \_\_\_\_\_  
FOR THE STATE TAX COMMISSIONER BY:  
\_\_\_\_\_  
DIRECTOR - CHIEF INSPECTOR DIVISION

AUTHORIZED SIGNATURE  
FOR GOVERNING BODY  
*John R. Witt* President  
06/14/02  
ENTITY APPROVAL DATE

PLEASE NOTE:  
SUBMIT WHITE AND PINK COPIES TO DEPARTMENT OF TAX AND REVENUE, RETAIN YELLOW COPY AS RECORD OF SUBMISSION.

COUNTIES ONLY  
TRANSFERRED TO GENERAL FUND FROM SPECIAL FUNDS  
BE ACCOUNT TO WEST VIRGINIA CODE § 7-1-9, MUST  
STATE TAX BY PRIOR WRITTEN APPROVAL FROM THE  
COMMISSIONER

At a Regular Session of the County Commission of Fayette County held on June 14, 2002, the following order was made and entered:

SUBJECT: The revision of the 2001-2002 Coal Severance Fund budget of the County Commission of Fayette County.

The following resolution was offered by John H. Lopez;

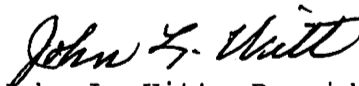
RESOLVED: That subject to the approval of the State Auditor as ex officio chief inspector of public offices, the County Commission of Fayette County does hereby direct that the budget be revised as shown on budget revision number three (4), a copy of which is entered as part of this record.

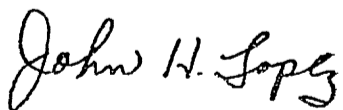
The adoption of the foregoing resolution having been moved by John H. Lopez, and duly seconded by John L. Witt, the vote thereon was as follows:

John L. Witt	Aye;
John H. Lopez	Aye;
Matthew D. Wender	Absent.

Whereupon, John L. Witt, President, declared said resolution duly adopted, and it is therefore ADJUSTED and ORDERED that said resolution be and the same is, hereby adopted as so stated above, and John L. Witt is authorized to fix his signature on the attached "Request for Revision to Approved Budget" to be sent to the State Auditor for approval.

The undersigned members of the County Commission of Fayette County do hereby state that the attached request for revision to the Coal Severance Fund Budget is requested prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists.

  
John L. Witt, President

  
John H. Lopez, Commissioner

absent

Matthew D. Wender, Commissioner

Department of Tax and Revenue  
 Chief Inspector Division  
 P. O. Box 3102  
 Charleston, WV 25331-3102

2001-02      002      4      1 of 1  
 FY      FUND      REV NO.      PG. OF NO.

**REQUEST FOR REVISION TO APPROVED BUDGET**

(§ 11-8-26a)

Fayette County Commission

GOVERNMENTAL ENTITY

P. O. Box 307

STREET OR P. O. BOX

Fayetteville,

WV 25840

CITY

ZIP CODE

contact:

Charlotte Holly  
 telephone: 304-574-4228  
 fax: 304-574-4255

RECEIPTS: (net each acct.)

ACCOUNT NUMBER	ACCOUNT CATEGORY	APPROVED AMOUNT	DEBIT (INCREASE)	CREDIT (DECREASE)	REVISED AMOUNT
305	Coal Sev Tax	\$203,917	\$77,478		\$281,395

NET INCREASE/DECREASE ~~(DECREASE)~~ \$77,478

EXPENDITURES: (net each acct.)

ACCOUNT NUMBER	ACCOUNT CATEGORY	APPROVED AMOUNT	DEBIT (DECREASE)	CREDIT (INCREASE)	REVISED AMOUNT
986	County Commiss	\$232,202		\$77,478	\$309,680

NET INCREASE/DECREASE ~~(DECREASE)~~ \$77,478

DEPARTMENT OF TAX AND REVENUE USE ONLY

POSTED \_\_\_\_\_ BY \_\_\_\_\_  
 FOR THE STATE TAX COMMISSIONER BY:  
 \_\_\_\_\_  
 DIRECTOR - CHIEF INSPECTOR DIVISION

*John B. Witt*      06/14/02  
 AUTHORIZED SIGNATURE      ENTITY APPROVAL DATE  
 FOR GOVERNING BODY      President

**COUNTIES ONLY**  
 TRANSFERS TO THE GENERAL FUND FROM SPECIAL FUNDS  
 CREATED PURSUANT TO WEST VIRGINIA CODE § 7-1-9, MUST  
 BE ACCOMPANIED BY PRIOR WRITTEN APPROVAL FROM THE  
 STATE TAX COMMISSIONER

PLEASE NOTE: SUBMIT WHITE AND PINK COPIES TO DEPARTMENT OF TAX AND REVENUE. RETAIN YELLOW COPY AS RECORD OF SUBMISSION.



The Commissioners received and reviewed from the Fayette County Animal Control, Weekly Fees Collected for the month of May, the Activity Report for the month of May, and the Monthly Revenue Report.

The Commissioners approved C-PAC allotment of \$10,039.98 for the month of June.

The Commissioners received and reviewed a letter from the C-PAC Board of Directors. (See attached)

The Commissioners received and reviewed a fax from Biddle Williams asking the Commission to send a letter to the West Virginia State Agency for Surplus Property stating that the Pax Regional Community Center is an instrumentality of the Fayette County Commission.

Carl Harris, Assistant Prosecuting Attorney, told the Commissioners he would not recommend. Mr. Harris informed the Commissioners that they can't certify that this organization is instrumentality when it's not; The Commissioners asked Ms. Holly to inform Mr. Williams of their decision.

The Commissioners received and reviewed a letter from the New River Convention and Visitors Bureau requesting permission to place a small sign about 2 ft. in the Courthouse yard from June 14 to June 21 for a blood drive in honor of Bonnie Sarver. The Commissioners approved but not to go beyond June 21.

The Commissioners received and reviewed a letter from Hank Woodson, President/CEO of the Plateau Medical Center informing that due to a change in his employment he will not be able to serve as a member of the Fayette County Local Emergency Planning Committee. The Commissioners asked Ms. Holly to send a copy of this letter to Steve Cruikshank, OES Director and ask if he has any recommendation.

June 5, 2002

Fayette County Commission  
Fayetteville, W.V.

*Ask Bennett  
to pay for front  
5/1/02*

Commissioners

The Citizens for the Prevention of Animal Cruelty, Inc., would like for you to know that our budget steadily increased these past few months for many reasons.

The location we are in was not made to house animals, however, we used some of the monthly allotment to make some needed changes. We had a few 10 x 10 kennels that we house some animals in, and were in dire need of more. We also purchased gravel and had it put down so that the animals were not in mud, as every time it rained, water would drastically enter their premises. The company that delivered the gravel gave it to us at a discounted price, and spread it for us where we asked them to. They did a great job. We also understood that some of the surrounding municipalities were upset that animals in their area were not being picked up, and we had no room to house them. It was suggested that we could put animals back down at the flooded building, however, we all know that the building is "unfit" for such use. We did not feel that we could take proper care of the animals in such an environment, and going off and leaving them was not an option. It was just not feasible to do so, for the animals nor our crew, hence, that is why we decided to purchase gravel, kennels and dog houses. We did what we felt was best, and it was. We were still under budget.

We have also purchased other items such as a dart gun, darts, etc, which were tools to help the dog warden(humane officer) to better do his job.

In reference to the freezer, we were never informed that the freezer could have been replaced, free or not. All paperwork that had been at the office prior to Ms. Adkins leaving, is gone. We were informed, after the fact by Ms. Holly, that our former office manager knew of this information. We were never informed of any such information. (We, and Danni Nichols personally, as she was and is at the office quite frequently, had also told our office manager many many times, that no matter what, we were never to go over \$11,000.00.)

We were to always stay under that, so that we would always have "a reserve" if need be, and, to never spend that amount unless absolutely necessary. Upon Danni asking that person, prior to purchasing the freezer and some

other needed items, how much money we had in the account, she was told that "we're fine, we have plenty."

She felt no reason at that time to not trust our employee, and this was the one time that she did not look at the book.)

We choose to not voice anything publicly, upon the advice of our lawyer.

Being a private entity, we are not required to do so, by law.

Regardless of the ups and downs, our accomplishments are many. Citizens for the Prevention of Animal Cruelty, Inc., has adopted out "more" animals to the public than has ever been accomplished. They are "healthy" animals too. The animals, and our organization, are fortunate that a county commission such as yourselves, care enough about them to allow us to give these animals the proper care that they deserve while they are at the facility. For many, it is their last chance, and they deserve the care and attention that we can offer them.

The general public that visits the facility daily, has nothing but good to say about it. The comment most of them make is "how clean" it is. They are pleasantly surprised, and the animals are "healthier" for it. This enables us to do a better job of finding homes for these animals.

In other matters, our organization would like to make a few suggestions.

One being that the municipalities that we serve, be required to pay the required fee for the service. At this point in time, none of them do. It will further enhance the money coming into the county.

We have had some other problems arise that concern us greatly. We would like to see the dog warden have a log book assigned to him, that will enable him to keep a record of the time and place that he goes on each call. We feel that it would be better if we, and the county commission, have a record of where he is at all times. He can be very unavailable at times. He hardly comes into the office anymore. It is becoming increasingly difficult to contact him. We feel that this is because of the recent person leaving the facility, as they were very close friends. This should not however, cause him to not do his job properly, and to not be in contact with our office. He was hired to be a "liason."

We have also had an animal that was turned in by its owner that had bitten a child. The owners wanted it euthanised. Before leaving to take the euthanasia class, Ms. Payne had left orders requiring that the animal be euthanised on one of the days she was to be gone. Upon returning, when she asked about that animal, she was told by the office manager and one of the caretakers, and I quote, "You wanted him gone, so he's gone."

In actuality, upon speaking with the owners of the dog, what happened is the dog warden called the owners, convinced them to take the dog back because "he was such a good dog," and they did.

That dog then attacked a man and tore him up pretty bad, and now the owners are responsible for the mans doctor bills. Needless to say, they are very upset, as is our shelter manager, and we as a group.

We as a Board are going to speak with Mr. Lawhorn. We had a meeting shortly before some employees chose to leave, however he showed up an hour late, and we were almost ready to adjourn the meeting. He never informed us he would be late. Needless to say, he was very upset, but never voiced it. We do know that he feels that since he is now "your" employee, that he doesn't "have to concern himself with our needs," whatever those needs might be.

He is upset that we have not hired another person to work "his days off." (He does need time off, and we heard that the Commission had given him two days off, Sunday and Monday. We hope this is true.)

In reviewing his "work-orders" that he turns in to the shelter manager, (which happen to be taped to the office door or left in an "in box." It seems he goes out on calls a lot, but the amount of dogs he brings in continues to go "down." Hence, some of our Board of Directors felt that we didn't need to hire another person. Besides, we can only hold approximately 25 large animals at this time. If we have one or two more people bringing in animals, we have nowhere to put them, and could not keep them the length of time required by law. We would like to state again that much of the problem is due to his closeness with two of the former employees. The three of them had a very hard time dealing with the animals being euthanised.

They let their emotions get involved, which is understandable. We all do at times, however, we have come to the realization that we cannot save them all, no matter how hard we try. We would also like to add that Mr. Lawhorn is "very good" with animals. He has a kind heart when it comes to animals.

We as a Board, would like to speak with him prior to you the commission doing so, except for the fact that we would like you to require him to have a log book, ASAP. We just wanted to inform you of what is going on and why. We feel that this should be done in a timely manner, and not in front of the public.

In closing, we would also like for you to know that we are currently working with some "major" contacts in a huge last effort to raise or obtain money to purchase land with so we can all have the shelter we would like. This will hit the press the latter part of next week.

Should this work, the money may become available to the county, or it could be made available to our organization, we aren't sure yet.

In closing, Citizens for the Prevention of Animal Cruelty Inc., would like to thank the County Commission for trusting in us and enabling us to do a job that must be done with caring and kindness. One must realize that even though these animals cannot "speak" our language, they feel pain and emotion just as we do. They do suffer.

One thing is certain, how an individual treats the animals makes it obvious to everyone how they will also treat their fellow human beings.

Sincerely,

Board of Directors, Citizens for the Prevention of Animal Cruelty, Inc.

Ms. Holly informed the Commissioners she received a call from Steve Thompson with the House Committee for Governor's Organization requesting a copy of the flood study done for Fayette County. Copy sent.

The Commissioners received and reviewed copies of the Annual Reports for the period beginning June 1, 2001 through May 31, 2002 from Paul Blake, Prosecuting Attorney, Thomas Aiello, Assessor, and William Laird, IV, Sheriff.

The Commissioners received and reviewed various reimbursements for alarm fees (\$4,550.00), 911 fees (Frances Z. Durham-\$20.00, Charter Communications-\$736.00, Business Telecom, Inc.-\$8.00, Metro Teleconnect Co.-\$43.12), jail fees (City of Mount Hope-\$42.25 and the City of Oak Hill-\$735.25), and the Comprehensive Plan Update Grant local match from 4-C Economic development Authority (\$2,240.00).

The Commissioners received and reviewed a letter form the West Virginia Development Office acknowledging receipt of the Small Cities Block Grant application submitted by the Commission requesting \$1,500,000 for the Page-Kincaid Public Service District/Ingram Branch wastewater extension.

Discussion was held regarding the Regional Jail expenses.

Outstanding bills were approved.

The Commissioners received and reviewed notice of the County Commissioners Training Service Program being held August 4-6, 2002.

The Commissioners received and reviewed an invoice from the County Commissioners' Association for 2002-2203 dues, amount \$2,400.00. Approved.

The Commissioners received and reviewed from AmeriCorps Promise Fellows Request for Proposals: Deadline for Proposal July 12, 2002,

Grant Year October 1, 2002 to September 31, 2002. Copy forwarded to Dave Pollard, County Resource Coordinator.

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

The Commissioners received and reviewed Agenda of the Fayette County Democrat Executive Committee held June 17, 2002.

The Commissioners received and reviewed Oath of Office for pat Phillips Wendell, member of the Fayette County Historic Landmark Commission.

The Commissioners received and reviewed a letter from the Office of Emergency Services informing they will be holding a series of regional workshops regarding Section 322 of the Disaster Mitigation Act of 2000 (DMA2K) requiring local governments to prepare mitigation plans in order to be eligible to receive funding under the Hazard Mitigation Grant Program (HMGP). Original forwarded to Steve Cruikshank, OES Director.

The Commissioners received and reviewed a letter from the West Virginia American Water Company informing that after year-end 2001, a 400KW generator was installed at the Oak Ridge Booster Station, residents and business served by the New River Regional Water Treatment Plant should not experience interruption in fire and domestic water service as a result of the generator installation.

The Commissioners received and reviewed 2001 Annual Report from the West Virginia Housing Development Fund.

The Commissioners received and reviewed a fax from the County Commissioners Association informing that former Wirt County Commissioner Herman Fuller died and Commissioner John Sorrenti of Hancock County recently suffered a heart attack.

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

The Commissioners received and reviewed pledges of securities from SunTrust Bank and Branch Banking and Trust.

The Commissioners received and reviewed correspondence from USDA Rural Development informing of the Grant Guidelines applicants can apply for the improved health care. Copy forwarded to Dave Pollard, County Resource Coordinator.

The Commissioners received and reviewed a letter from the Attorney General informing that the Consumer Protection and Antitrust Division have settled a lawsuit with several vitamin manufactures and as part of the settlement, approximately \$845,000 will be available to fund non-profit or charitable programs that will benefit the health and/or nutrition of West Virginia. Copy forwarded to Dave Pollard, County Resource Coordinator.

The Commissioners received and reviewed from Jim Anderson, USDA Rural Development notices regarding U. S. Office of Community Services Funding Opportunities and \$15 million offered for Community Tech Centers.

The Commissioners received and reviewed from the Division of Highway an Order, ordering the abandonment of Marting Road-CR2/4.

The Commissioners received and reviewed a check from the West Virginia Development Office in the amount of \$10,000 for the Boomer Ballfield Grant, Legislative Digest Grant #00-349.

The Commissioners signed a letter to the Division of Highways concurring with the Fayette Transition Team recommending denial of their request to cut trees adjacent to the 84 Lumber property on U. S. Route 19 near Mount Hope, Fayette County, West Virginia.



The Commissioners signed Budget Order for Fiscal Year 2002-2003 giving Fayette County Commission employees \$100.00 a month pay raise.

Ms. Holly informed the Commissioners that she was still holding checks for Lee's Carpet (\$1,823), and Fayette Awning and Glass (\$14,750). The Commissioners asked that they be released.

The Commissioners received and reviewed a letter from FMRS Health Systems, Inc. informing they have been directed by the West Virginia Department of Health and Human Resources and the West Virginia Bureau of Behavioral Health Services and Health Facilities to begin billing County Commissions for physicians/psychologist participation in mental hygiene proceedings.

The Commissioners received and reviewed a copy of the Assessor's Fiscal Year 2002-2003 Valuation Fund Budget.

Ms. Holly informed the Commissioners she received a call from W. D. Smith, Executive Director, Region IV Planning and Development Council and Russell Deering, a member of the Gauley River Public Service District requesting assistance for funding to refurbish the water storage tanks.

The Commissioners received and reviewed Statement of Expenditures for Fayette County Park for the month of June.

The Commissioners received and reviewed a letter from the Department of Tax and Revenue authorizing the release of the final payment to Advanced Alarm Technologies for the Court Security Grant.

The Commissioners received and reviewed reimbursement check from the Sheriff of Raleigh County for overtime for TRIDENT project 01-DC-11.

The Commissioners signed a letter to Brian Kastick, Cabinet Secretary Chairman, Disaster Recovery Board to clarify the facts

surrounding the proposed third drawdown of West Virginia Gives funds to the Fayette County Flood Recovery Team and to request of Mr. Kastick the body distributing these donated funds through the West Virginia V.O.A.D. that the Fayette County Recovery Team will have access to these funds (Fayette County's share of \$90,000).

The Commissioners received and reviewed Final Budget Report of the Fayette County Park for Fiscal year 2003. Copy forwarded to Earl Pauley, Park Superintendent.

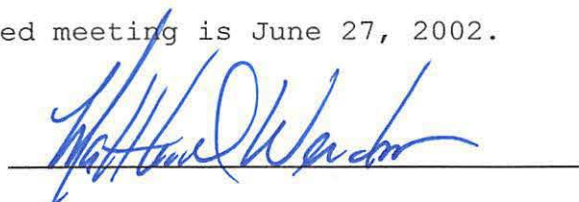
The Commissioners received and reviewed a bulletin from the West Virginia Compensation Programs Performance Council informing that on May 29, 2002 they voted to adopt Resolution 40; this Resolution allows WV Workers' Compensation Division to hold in place the Fiscal Year 2002 rates for Fiscal Year 2003.

The Commissioner received and reviewed a letter from Governor Bob Wise inviting the Commission to join him at the Charleston Civic Center on Wednesday, June 12 at 9:00 a.m. to learn more about the Local Option Economic Development Act amendment that will be on the ballot in November.

The Commissioners received/reviewed and approved from Kelvin Holliday, County Clerk, his recommendation to purchase 10 canvass jackets for plat books for Fiscal year 2002-2003 from Dayton Legal Blank.

The Commissioners received and reviewed a letter from Kelvin Holliday, County Clerk, informing he received a fax from Data Design verifying upgrades discussed and approved at the June 5, 2002 County Commission meeting.

The meeting was adjourned at 12:15 p.m. for the Fayette County Commission auction. The next scheduled meeting is June 27, 2002.



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FAYETTE COUNTY COMMISSION  
SPECIAL SESSION  
JUNE 21, 2002  
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 21<sup>st</sup> day of June 2002.

Commissioner Witt called the meeting to order at 8:31 a.m.

Larry Parsons appeared before the Commissioners to request that the Commissioners continue funding of the DREAP Program. Mr. Parsons informed the Commissioners that this funding would be used to clean the creeks in Fayette County.

Mr. Parsons informed the Commissioners that more than 300 tones of trash and debris and more than 5,000 scrap tires have been removed from streambeds.

Mr. Parsons informed the Commissioners that they need to revisit all locations.

Commissioner Lopez asked Mr. Parsons about the clean-up of the Animal Shelter in Beckwith.

Mr. Parsons informed the Commissioners that the crew finished up Wednesday.

Commissioner Wender informed the Commissioners he had talked with Delegate David Perry and he told him he would try to obtain funding.

Commissioner Lopez suggested getting Senator Shirley Love and Delegate David Perry on the agenda to discuss what money is available that the county can benefit from.

Commissioner Lopez informed the Commission that the DREAP Program ends June 30, 2002.

Commissioner Wender suggested that the Commission write a letter

to Senator Shirley Love, Delegates David Perry, John Pino and Tom Louisos saying that the Commission approve a match of funds in an amount of up to \$25,000 contingent upon the approval of an equal amount from the State of West Virginia.

Commissioner Lopez made a motion that letter be sent to our Legislative informing that the Commission approves a match of funds in the amount of up to \$25,000 contingent upon the approval of an equal amount from the State. Commissioner Wender seconded.

Commissioner Wender made a motion to transfer the Dog Wardens' salary and supervision to the Sheriff Department budget effective July 1, 2002; Commissioner Lopez seconded. All approved.

The Commissioners discussed sending a letter of support of a joint application to the Economic Development Grant Committee with Fayette County Commission and 4-C Economic Development Authority and Sun Mountain Entertainment Complex.

Commissioner Wender informed the Commissioners that Sun Mountain will transfer the 207-acre amphitheater site along with the 40-foot common use access road to the Fayette County Building Commission; 4-C Economic Development Authority will act as "lead agency" to file a \$5-\$7 million application with the WV Economic Development Committee; Fayette County will collect a Payment-in-Lieu-of Taxes in the amount of 1% of total gross sales of all amphitheaters related activities including concessions.

Commissioner Wender offered a motion that the Commissioners write a letter in support of this project to the West Virginia Economic Development Authority. Commissioner Lopez seconded.

Commissioner Wender informed the Commissioners that W. D. Smith, Executive Director, Region 4 Planning and Development Council will be making an application on behalf of the Commission for an additional

one and a half million for acquisition of a business park site. Commissioner Wender asked that the Commission go on record supporting this application for the possible property acquisition sites': Berwind Corporation, Nuttall Heirs, Shaffer Equipment Maple Lane and Summerlee.

Ms. Holly informed the Commissioners she sent a list of names to the Sheriff as to who would have to have access to swipe cards after hours.

Ms. Holly informed the Commissioners she has prepared forms for the United States Department of Commerce for the Economic Development Administration drawdown.

Ms. Holly informed the Commissioners that the financial status report, the federal cash transactions report, and a \$56,000 request for reimbursement has been prepared. Commissioner Witt signed request for reimbursement. Ms. Holly gave a summary of the scope of work to the Commissioners.

Patti Payne appeared before the Commissioners to discuss building an animal shelter.

Commissioner Wender suggested to Ms. Payne to get with the US National Human Organization and have them bring down information and plans for an animal shelter.

Commissioner Witt suggested writing a letter to Dave Pollard, County Resource Coordinator, and Tim Richardson, Zoning Officer asking that they submit a daily log when they will be in their office. Commissioner Witt suggested that Tim Richardson stay in the Zoning Office until 12:00 p.m.; Commissioner Lopez suggested having the two in on June 27 at 11:30 a.m. to discuss a schedule.

The meeting was adjourned 10:08 a.m. The next scheduled meeting is June 27, 2002.



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FAYETTE COUNTY COMMISSION

SPECIAL SESSION

JUNE 27, 2002

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 27<sup>th</sup> day of June 2002.

Commissioner Witt called the meeting to order at 9:04 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 Planning and Zoning Hearing minutes of June 14, 2002.

The Commissioners signed Application for Certificate to operate Courthouse Incinerator for the period July 1, 2002 - June 30, 2003.

The Commissioners signed an order transferring the excess money as of June 18, 2002 of the Fayette County Home Confinement Fund, in the amount of \$14,985.07 as certified by the Sheriff of Fayette County, to the Fayette County General County Fund to defray the costs of housing county inmates.

Commissioner Witt read a letter from Carl Harris, Assistant Prosecuting Attorney regarding his opinion on the Coal Severance Taxes. (See attached)

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 2002.

The Commissioners received and reviewed a memo from the County



Office of the  
**FAYETTE COUNTY  
PROSECUTING ATTORNEY**

108 East Maple Avenue  
Fayetteville, West Virginia 25840  
(304) 574-4230  
Fax (304) 574-0228

Prosecuting Attorney:  
PAUL M. BLAKE, JR.

Assistants:  
Carl L. Harris  
Thomas J. Steele, Jr.  
Brian D. Parsons  
Christopher S. Morris

To: Fayette County Commission  
From: Carl L. Harris, Assistant Prosecuting Attorney  
Date: June 25, 2002  
Subject: Severance Taxes

Gentlemen:

Apparently a question has arisen as to the expenditure by the County of money received by it from the severance taxes. The question is whether or not the municipality in the County should share in that portion allocated to the County. I have reviewed W. Va. Code § 11-13A-5a and W. Va. Code § 11-13A-6 and would report that the municipalities receive directly a portion of the severance tax and are not entitled by law to any of the severance tax received by the County.

Should you have any other questions in regard to this please do not hesitate to contact me and I will be happy to meet with you regarding the same.

J

Commissioners' Association informing that on June 10, 2002 the Board of Directors of the County Commissioners' Association passed two resolutions one in support of passage of Amendment 1-Local Option Economic Development Amendment and two in support of passage of HJR-104; Amendment 2-that will allow excess levies to run for up to five years, rather than the current limits of three years.

Commissioner Wender informed the Commissioners he would like to review the resolutions and asked that this be held until July 3, 2002.

The Commissioners signed the Fayette County Commission Budget Statement for Fiscal year July 1, 2002 thru June 30, 2003.

Commissioner Witt informed the Commissioners he received a letter from the Roseann Beery with the Fayette County Chapter of the American Red Cross requesting the use of the Fayette County Memorial Building for their 9<sup>th</sup> Annual Christmas Festival and Craft Show for November 1, 2002 and November 2, 2002; Ron Dempsey, custodian for Fayetteville High School and a volunteer for the Red will be there on Friday from 2:00 p.m. - 4:00 p.m. and all day Saturday.

Commissioner Lopez made a motion to approve use of the Fayette County Memorial Building for an Annual Christmas Festival and Craft Show. Commissioner Wender seconded. All approved.

Commissioner Wender made a motion to reimburse funds to the Fayette County General Fund for previous expenditures and advances to the Dog Tax Fund the sum of \$10,000 be transferred from the Fayette County Dog Tax Fund to said General County Fund. Commissioner Lopez seconded. Order signed.

The Commissioners approved Dog Tax supplemental Salary for Tom Aiello, Assessor, amount \$626.60.



Commissioner Wender suggested writing a letter to the Assessor informing him that the Commissioners are interested in increasing the collection of dog taxes in the County and request that he prepare a proposal to the Commission on how to increase the collection of dog taxes in Fayette County and how the Commission can help the Assessor accomplish this goal.

Commissioner Wender asked Carl Harris, Assistant Prosecuting Attorney, if the County could request reimbursement for a fee for picking up animals.

Mr. Harris informed the Commissioners he would check and review and let them know.

Ms. Holly asked the Commissioners if they wanted to transfer the \$100,000 to the Building and Improvement Fund or leave in the General County Fund.

Commissioner Wender made a motion to leave the \$100,000 in the General county Fund. Commissioner Lopez seconded. Unanimous

Commissioner Lopez made a motion that Budget Revisions #5 for the General County Fund and Coal Severance Fund for Fiscal Year 2001-2002 be approved; Commissioner Wender seconded. All approved; budget revision signed.

Carl Harris, Assistant Prosecuting Attorney, informed the Commissioners he had checked on their question regarding the municipalities charging animal fees; Mr. Harris informed the Commissioners that he found no provisions.

Commissioner Wender made a motion to cancel July 3 County Commission meeting; Commissioner Lopez seconded. All approved.

Russell Deering with the Gauley River Public Service District appeared before the Commission to request assistance for funding to

refurbish water storage tanks.

Mr. Deering informed the Commissioners they have eight tanks in the system.

Mr. Deering told the Commissioners that he has appeared before the Nicholas County Commission, they gave him a letter of support but have not committed any money; W. D. Smith submitted application to the Governor.

Commissioner Wender asked if these tanks are dedicated to the prison only. Mr. Deering replied no.

Commissioner Lopez suggested that the Commissioners send a letter of support but no commitment subject to what Commissioner Witt find out from Nicholas County Commission.

Commissioner Wender made a motion that Ms. Holly writes two letters: first a letter committing \$5,000 match contingent that Nicholas County Commission commits a match of money and subject to the State funding to complete 100% of the project, second a letter endorsing the project. Commissioner Lopez seconded. All approved.

The Commissioners suggested that C-PAC install an answering machine. Commissioner Wender suggested making Sheriff Laird aware of and let him take care of.

Commissioner Witt informed the Commissioners that he received a letter from Hank Woodson informing that due to a change in his employment he will not be able to serve as a member of the Fayette County Local Emergency Planning Committee.

Commissioner Lopez made a motion to send a letter to Hank Woodson expressing their appreciation for the service he provided to the citizens of Fayette County as a member of said Local Emergency Planning Committee. Commissioner Wender seconded. All approved.

Commissioner Witt made a motion to write a letter to Plateau Medical Center extending their sincere good wishes to the staff and management of Plateau Medical Center in the recent purchase of their facilities by Community Health Systems, Inc. Commissioner Lopez seconded. All approved.

Commissioner Witt informed the Commissioners he received a letter from Dave Pollard, County Resource Coordinator, informing that 4-C Economic Development Authority has made the final payment of their \$60,000 commitment to the Comprehensive Plan and Unified Development Code. Mr. Pollard informed the Commissioners that the contract came in under budget by \$2,240 amount of the final 4-C invoice. Mr. Pollard is requesting that the Commission consider transferring this \$2,240 to the Fayette Transition Team account. Mr. Pollard informed the Commission that these funds would be used for additional documents' preparation as needed when the new Planning Commissioners come on board as well as for local match requirements on the Flex E-Grant. Request went to 4-C for approval.

The Commissioners received and reviewed a request for reimbursement from the WVU Extension Office, amount \$1,464.53 for 4-H supplies for the 4-H Leaders Association. Commissioner Wender made a motion to approve reimbursement to the 4-H Leaders Association. Commissioner Lopez seconded. All approved.

Ms. Holly informed the Commissioners she received a letter from the West Virginia Development Office informing that the Fayette County Courthouse grant (Elevator) will be extended for a 90-day period, beginning July 1, 2002; the contract will be extended to September 1, 2002; an invoice for expenses related to this grant that has not been reimbursed prior to the expiration of this contract must

be postmarked no later than September 15, 2002.

Commissioner Wender asked that a letter be sent to Boso and Boso informing them that the Commission is not responsible for any invoices after September 15, 2002.

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

The Commissioners received and reviewed two Official Oaths of Office correspondence.

The Commissioners received and reviewed an accident report from the Fayette County Park on Lucus Skeen cut big toe on the side of pool. (See attached)

The Commissioners received and reviewed from the Bureau of Land Management for Fiscal Year 2002 payments in Lieu of Taxes amount deposited \$34,780.00.

Commissioner Wender suggested drafting a letter to Tom Aiello, Assessor, informing him after reviewing the payment-in-lieu-of taxes (PILT) the Commission is interested in reviewing a comparison of the amount of taxes on the tax roll at the time of transfer on each parcel of real estate versus the amount of PILT that the Commission receive from the Department of the Interior and request that his staff prepare a report for the Commission of this comparison of taxes versus PILT of the parcels of real estate in Fayette County which are owned by the U. S. Department of the Interior.

The Commissioners received and reviewed a check from Verizon in the amount of \$41,088.89 for the Emergency Telephone System for the month of May 2002; a check from AT&T Communication of WV in the amount of \$8.00; a check from Metro-Teleconnect Companies in the amount of \$41.16; and a check from Citizens Communication in the

**FAYETTE COUNTY PARK**

RT 2 BOX 236

FAYETTEVILLE, WV 25840

304-574-1111

**ACCIDENT REPORT-PERSONAL INJURY**

PARK OR POOL

DATE OF REPORT 6-23-02  
 NAME OF INJURED Lucas Skeen  
 SEX male  
 SOCIAL SECURITY # \_\_\_\_\_  
 TELEPHONE 574-3187  
 ADDRESS OF INJURED 132 Linberg Ave.  
Fayetteville WV  
25840

DATE OF INJURY 6-23-02  
 TIME 2:50 AM  PM  
 DAY OF WEEK Sunday

DESCRIPTION OF ACCIDENT Cut Big toe on side  
of pool

PIECE OF EQUIPMENT INVOLVED IF ANY \_\_\_\_\_

DESCRIPTION OF INJURY ~~Wound~~ Heavily bleeding  
on bottom of foot

WHAT WAS CAUSE OF INCIDENT? CHECK ONE  
 PARTICIPATING IN UNSAFE ACT  LACK OF KNOWLEDGE  
 DEFECTIVE FACILITIES OR EQUIPMENT  PERSONAL FACTORS

WITNESS TO ACCIDENT \_\_\_\_\_  
 PHONE NUMBER \_\_\_\_\_

WAS INJURED TRANSPORTED TO MEDICAL FACILITY BY AMBULANCE?  
 YES   NO

NAME OF AMBULANCE \_\_\_\_\_  
 DESTINATION OF AMBULANCE \_\_\_\_\_  
 FAMILY MEMBER CONTACTED \_\_\_\_\_  
 UNDER 18 A PARENT'S SIGNATURE IS REQUIRED \_\_\_\_\_  
 SIGNATURE OF PERSON FILLING OUT REPORT \_\_\_\_\_  
 SIGNATURE OF PARK SUPERINTENDENT \_\_\_\_\_  
 NUMBER OF GUARDS ON DUTY \_\_\_\_\_

amount of \$64.21 for 911 fees for the month of May.

Ms. Holly informed the Commissioners that from the auction held on June 14 they made \$978.00.

Commissioner Wender suggested drafting a letter to Sheriff William Laird informing him that the Commission is interested in pursuing alternative methods of reducing and for recovering the monthly expenditures for the Regional Jail charges and request that the Sheriff provide the Commission with a report on the current status of accounts receivable due the County for invoices to municipalities for costs paid by the Commission for the confinement of inmates at the Southern Regional Jail and asks that this report be on monthly basis in the future.

Michael Jackson, with the Minden Community Center appeared before the Commission to request funding for equipment

Discussion was held, and Commissioner Lopez informed Mr. Jackson that the appropriate time to request for funding is the first of the year.

Commissioner Wender informed Mr. Jackson that he thought they were trying to establish a Community Park. Commissioner Wender informed Mr. Jackson he would talk with Jesse Bibbs regarding this matter.

Ms. Holly informed the Commissioners that Earl Pauley, Park Superintendent came in to inquire if the Commissioners had an account at Sears he needs to purchase a washer and dryer for the animal shelter.

Commissioner Witt suggested waiting until two weeks prior to moving into the shelter; Commissioner Witt suggested looking into Mr. Pauley's request.

The Commissioners received and reviewed a Rough Draft of an Exotic Entertainment Restriction Ordinance from Roane County Commission.

The Commissioners received and reviewed reimbursement checks from the West Virginia Development Office for the Princess Theatre, Grant #02-382, amount \$5,000, Fayette County Weatherization Program, Grant #02-471, amount \$2,500, Sheriff Department, Grant #020-474, amount \$4,842.96 from the Legislative Digest Grant.

Ms. Holly informed the Commissioners she received the replacement checks for two FEMA stale-dated checks, amounts \$18,269.17 and \$22,276.26.

The Commissioners received and reviewed a letter from the Criminal Justice Services informing that the application for funds under the Fiscal year 2001 Local Law Enforcement Block Grant Program was not among those selected for funding.

The Commissioners received and reviewed a letter of Notification that CC Coal Company intends to conduct blasting activities on Surface Mine Permit #S-3014-96. Copy forwarded to Tim Richardson, Zoning Officer.

The Commissioners received and reviewed Business Registration Certificate for the Fayette County Park for the period July 1, 2002-June 30, 2004.

The Commissioners received and reviewed a letter from Tom Aiello, Assessor, informing that after a review of the Assessor's Regular County budget for the Fiscal Year 2001-2002, he releases any residual funds for the last Fiscal Year to be transferred into the General County Fund.

The Commissioners asked that Kelvin Holliday, County Clerk,

request for a document scanner is held until July 15, 2002 for review.

The Commissioners received and reviewed from ACS a copy of the Support Migration transfer worksheet informing of the unused support dollars of \$1,988.67 which will be transferred to the new Customer Support Agreement for Budget/Accounting and payroll.

Commissioner Witt informed the Commissioners that the Supreme Court has dug in three different locations in putting in the cable for the Circuit Court; Commissioner Witt informed the Commissioners he would inquire about how Fayette County can get reimbursed and would mention this to Judge John Hatcher.

Ms. Holly informed the Commissioners that she did get them to install a fiber optic cable to the Prosecuting Attorney's Office.

The Commissioners met with Tim Richardson, Zoning Officer to ask about a schedule for the Zoning Office. Commissioner Witt suggested that Tim Richardson keep a daily log of where he goes and whom he sees, he should stay in the office until noon, any time off Tim Richardson and Dave Pollard would have to contact Charlotte Holly, County Administrator, Commissioner Witt suggested putting a message on their voice mail regarding the hours of the Zoning Office.

The Commissioners suggested asking that Tim Richardson, Zoning Officer and Dave Pollard, County Resource Coordinator workout a schedule and schedule a meeting on July 15 at 10:30 a.m. to discuss.

Harold Bragg asked about the status of the mapping/addressing system. Commissioner Witt replied he didn't know.

Commissioner Wender asked to have David Neal, E911 Coordinator to come in on July 15, 2002 to give an up date of the mapping/addressing system.



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

The commissioners received and reviewed Pledge Security Notification from SunTrust Bank.

The Commissioners received and reviewed e-mail from Upper Kanawha Valley Organization Enterprise Community informing they are in the process of starting up a Junior Achievement program to instruct entrepreneurship in the area.

The Commissioners received and reviewed from the Secretary of State a copy of the voters' turnout figures for the May 14, 2002 Primary Election.

The Commissioners received and reviewed correspondence from Patti Payne, C-PAC regarding the Dog Warden. Copy forwarded to the Sheriff.

The Commissioners received and reviewed from the Federal Licensing, Inc. and the Business Radio Licensing renewals from the Federal Communication Commission. Original forwarded to David Neal, E911 Coordinator.

The Commissioners received and reviewed Public Meeting Notice to file an application with the West Virginia Development Office for a Small Cities Community Development Block Grant, funds for an addition to the Southern Appalachian Labor School facility and to complete the Elevator Installation in the Courthouse.

The Commissioners received and reviewed from the Internal Revenue Service a Notice of Levy on wages for an employee; discussion was held, no decision made.

Carl Harris, Assistant Prosecuting Attorney asked the Commissioners to hold off on doing anything regarding the Notice of a

levy from the Internal Revenue Service until he called and make inquires regarding the matter. Mr. Harris informed the Commissioners he would get back with them.

The Commissioners received and reviewed from Kelvin Holliday, County Clerk, a request to contract with Tom Malone for book repair in the amount of \$8,041.00. The Commissioners asked that this be submitted for next year budget Fiscal Year 2003-2004.

Commissioner Lopez suggested that the Shaffer site, the Summerlee site be scratched for use as in Industrial Park plans. The Commissioners decided to table for discussion on July 15.

The Commissioners received and reviewed form the Fayette County Animal Control Center weekly fees collected for June 1 to June 20.

The Commissioners received and reviewed copies of Shelter Rental Agreements for the Fayette County Park.

The Commissioners signed letters to Senator Shirley Love, and Delegates David Perry, John Pino and Tom Louisos requesting their assistance in securing State funds to continue the flood mitigation efforts through the cleaning of trash and debris and other repairs to streambeds and other public properties in Fayette County and to inform them that the Fayette County Commission approved a match of funds in an amount of up too \$25,000 contingent upon the approval of an equal amount from the State of West Virginia.

The Commissioners signed a letter to Brian M. Kastick, Chairman, West Virginia Economic Development Grant Committee to confirm that the Fayette County Commission has set aside a sum of \$100,000 in its Fiscal Year 2002-2003 Budget for the development of a business/industrial park site in Fayette County.

The Commissioners signed a letter to Brian M. Kastick, Chairman,

West Virginia Economic Development Grant Committee requesting funding assistance to evaluate, purchase and develop a business/industrial site within Fayette County to be utilized to create high standard jobs for the residents of the region.

The Commissioners signed letters to our Senators and Delegates requesting their support of the following two projects applications which are being submitted to the West Virginia Economic Development Grant Committee on behalf of Fayette County: Number 1-\$2 million for a Business Park project to evaluate purchase, and develop a business industrial site within Fayette County to be utilized to create high standard jobs for the residents of the region and Number 2-\$7 million to the Sun Mountain project to provide additional equity for construction of the Sun Mountain Entertainment Complex Amphitheater in Fayette County. The Project is expected to provide a tremendous regional economic impact since the project is located adjacent to Corridor L which links Nicholas, Fayette, and Raleigh Counties.

The Commissioners signed letters to Carmet Foster and William Dickens expressing their appreciation for the hard work and leadership they provided to the citizens of Fayette County as a volunteer supervisor of the DREAP workers assigned to the flood cleanup effort in the Dunloup Creek area.

Ms. Holly asked the Commissioners if they are going to discuss the Final Draft of the Job Classification Report and Pay Scales. The Commissioners informed a discussion will be held on July 15.

The Commissioners received and reviewed the Annual Report from Kelvin Holliday, County Clerk for the period beginning July 1, 2001 through May 31, 2002.

The Commissioners received and reviewed reimbursement check from

the West Virginia Development Office from Legislative Digest Grant #99-169 for Courthouse Handicap Accessibility Grant, amount \$1,054.74.

The Commissioners approved to pay an invoice from Morris Plants for flowers for the courthouse lawn, amount \$90.00.

The Commissioners received and reviewed invitation from Plateau Medical Center inviting the Commission to the celebration of New Beginning with Community Health Systems.

The Commissioners received and reviewed request from Paul Blake, Prosecuting Attorney to issue a check in the amount of \$1,700.00 payable to him out of the "Investigation and Detection of Crime" line item of his budget. (See attached)

Ms. Holly informed the Commissioner that John David had sent in a drawdown request on behalf of Southern Appalachian Labor School (SALS) from the Economic Development Authority and informed the Commissioners that she had prepared a check. The Commission informed Ms. Holly they approve only if Mr. David submitted the 4<sup>th</sup> quarter report.

The meeting was adjourned at 12:15 p.m. The next scheduled meeting is July 15, 2002.





**FAYETTE COUNTY  
PROSECUTING ATTORNEY'S OFFICE**

108 East Maple Avenue  
Fayetteville, West Virginia 25840  
(304) 574-4230  
Fax (304) 574-0228

Prosecuting Attorney:  
**PAUL M. BLAKE, JR.**

Assistants:  
Carl L. Harris  
Thomas J. Steele, Jr.  
Brian D. Parsons  
Christopher S. Morris

June 24, 2002

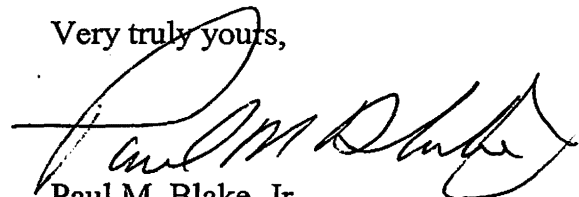
Ms. Charlotte Holly  
County Administrator  
Fayette County Commission  
P. O. Box 307  
Fayetteville, WV 25840

Dear Ms. Holly:

Please have a check issued to me in the amount of \$1,700.00, payable out of the "Investigation and Detection of Crime" line item of my budget.

Thank you for your attention to this matter.

Very truly yours,

  
Paul M. Blake, Jr.

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FAYETTE COUNTY COMMISSION  
SPECIAL SESSION  
JULY 12, 2002  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBER Present: John L. Witt, Matthew D. Wender

The Fayette County Commission met in a special session on this 12<sup>th</sup> day of July 2002.

Commissioner Witt called meeting to order at 12:00 noon.

Commissioner Wender made a motion to adopt resolution to the West Virginia Development Office regarding a Small Cities Block Grant Elevator and Southern Appalachian Labor School (SALS) application. Commissioner Witt seconded. Vote passed 2-0.

Larry Parsons appeared before the Commission with a request to keep Dave Duncan on par-time for Christian Endeavors for as long as the groups are here working.

Mr. Parsons informed the Commission that Christian Endeavors the larger group will be here until August 8 but there's not enough homes and work to keep busy.

Commissioner Wender made a motion to keep Dave Duncan through the end of the first week of August and Mr. Parsons will let the Commission know if needed or not. Commissioner Witt seconded. Unanimous.

Mr. Parsons informed the Commissioners that it's a possibility that the Division of Environmental Protection will pay part of Mr. Duncan's salary.

Mr. Parsons informed the Commissioners he will let them know if they need to discontinue sooner.

Commissioner Witt requested permission to proceed with

renovation of outside basement room.

Commissioner Wender made a motion to proceed to make good usable space. Commissioner Witt seconded subject to Commissioner Lopez approval. Vote passed 2-0.

The Commissioners discussed adding animal shelter to Friday's Agenda to discuss.

Commissioner Witt informed he received a letter from the Fayette County Health Department informing that Richard Cantrell proposal to establish an on-site sewage system for his campground will meet the requirements of the health department, but it must also meet the requirements of the Division of Environmental Protection.

Steve Cruikshank, OES Director, appeared before the Commission to give an update on the Hazard Mitigation Plan. Mr. Cruikshank informed the Commissioners they must have a hazard mitigation plan, informed the Commissioners that some grant money is available (\$4,500) propose multi-jurisdictional plan and request permission to use grant money to hire someone to develop a plan.

Commissioner Witt suggested holding off until Monday, July 15, 2002.

Mr. Cruikshank asked the Commissioners if he had permission to pursue State mandated plan and grant money.

Commissioner Wender made a motion to authorize Mr. Cruikshank, OES Director to pursue a county-wide Hazard Mitigation Plan and employ person on full or part time bases dependent of outside funding sources. Commissioner Witt seconded. Vote passed 2-0.

Ms. Holly informed the Commissioners she received a call from Patti Payne informing that the grass needs mowing at the Animal Shelter and asked if Earl Pauley, Park Superintendent can send

someone to mow or let C-PAC borrow a mower.

Ms. Holly informed the Commissioners she asked Patti who mowed grass last year but she did not know; Ms. Holly called Mr. Pauley and asked him if he knew who cut the grass at the temporary shelter last year, Mr. Pauley said he did not know and he did not send anyone to cut gras their last year.

Ms. Holly told the Commissioners that Mr. Pauley said he did not have any extra mowers or weedeaters at this time.

The Commissioners suggested C-PAC bring mower and mow the lawn.

The meeting was adjourned at 1:10 p.m. The next scheduled meeting is July 15, 2002.

A handwritten signature in blue ink is written over a horizontal line. The signature is cursive and appears to read "William W. ...".



FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
JULY 15, 2002  
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 15<sup>th</sup> day of July 2002.

Exonerations were approved and signed.

Kelvin Holliday, County Clerk, appeared before the Commission to introduce Judy Webb part-time absentee voting clerk for the General Election.

Mr. Holliday asked the Commission if they would approve paying for the elected officials and their employees to attend the Customer Communication Workshop Training Session given by Chuck Kinder, cost \$20.00 per person.

Barbara Hickman, Mayor of the City of Oak Hill was present and spoke in support of the training session. Ms. Hickman informed the Commissioners that the sessions will be held September 11 and 12 at Smokey's on The Gorge.

Commissioner Wender offered a motion to approve to pay for each elected official and their employees to attend the training.

Commissioner Lopez seconded. All approved.

Ms. Hickman informed the Commissioners that on August 3 the Friends of the Lewis House is having an auction to raise money for the renovation of the Library, and anyone interested may attend.

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

Commissioner Witt informed the Commissioners he plans to attend the County Commissioner's Association Seminar being held August 3 through August 6.

The Commissioners signed a letter to the Fayette County Board of Education members extending their sincere best wishes as they commence their duties in the new fiscal year as members of the Fayette County Board of Education.

Commissioner Lopez made a motion to sign resolution in support of Amendment 1-Local Option Economic Development Amendment. Commissioner Wender seconded. Unanimous.

Commissioner Lopez made a motion to sign resolution in support of Amendment 2-Increasing maximum number of years of an Excess Levy. Commissioner Wender seconded. Unanimous.

Ms. Holly informed the Commissioner that the West Virginia Division of Criminal Justice Service has approved a Court Security Fund Grant for \$5,500 for the purpose of enhancing the county's court security.

Commissioner Lopez made a motion to authorize 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 provision of the Court Security Fund grant program. Commissioner Wender seconded. All approved; Grant Contract Agreement and Resolution signed.

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

The Commissioners received and reviewed from the State Auditors' response to the Commissioners letter dated June 25, 2002 asking for

clarification about the distribution of coal severance tax funds to counties and municipalities.

The Commissioners signed Quarterly Tax Report for the Fayette County Park for April, May, June.

Ms. Holly informed the Commissioners she talked with Steve Cruikshank, OES Director, June 28, 2002 about the invoices relating to the flood. Ms. Holly informed the Commissioners that she has not received any response. Commissioner Lopez suggested having Mr. Cruikshank to come in at 11:30 to discuss.

Commissioner Wender informed the Commissioners that the Commission should consider benefits under Article II, Chapter 7 regarding Park & Memorial Building should be followed under the Park Commission. Commissioner Wender informed the Commission that they should consider an eleven-member board, individuals should be someone who works with youth programs, landscaping, etc. The Commissioners asked that this be put on the agenda for discussion.

The Commissioners signed a letter to Tom Aiello, Assessor, requesting that he prepare a proposal on how to increase the collection of dog taxes in Fayette County and how the Commission can help accomplish this goal. (See attached)

The Commissioners signed a letter to Tom Aiello, Assessor requesting that he prepare a report for the Commission of comparison of taxes versus PILT of the parcels of real estate in Fayette County which are owned by the U.S. Department of Interior. (See attached)

Discussion was held regarding the amount of money that was allocated to pay Larry Parson's salary. Ms. Holly informed the Commissioners that they had increased Mr. Parsons salary from \$21,200 to \$25,000 for this 2002-2003 Fiscal Year Budget. Ms. Holly informed

the Commissioners she found out that Mr. Parsons salary had been increased in January by the Fayette County Solid Waste Authority to \$26,000.

Ms. Holly asked the Commissioners if they were going to increase Mr. Parsons salary for this fiscal year budget.

Commissioner Lopez suggested asking the Fayette County Solid Waste Authority to pay the \$2,200 difference for this Fiscal Year and the Commission will look at the next fiscal year.

Commissioner Wender offered a motion to write a letter to Tim Hannah, President of the Fayette County Solid Waste Authority to inform them of their decision. Commissioner Lopez seconded. All approved.

Discussion was held regarding janitorial service for the Prosecuting Attorney's Office.

The Commissioners suggested asking James Perdue, Maintenance Supervisor for a proposal on how he wanted the janitors to work.

Commissioners Wender made a motion to reappoint Ann Cavalier to the 4-C Economic Development Authority for a three-year term. Commissioner Lopez seconded. Unanimous.

The Commissioners signed second and final drawdown to the West Virginia Development Office for the Princess Theatre Grant #02-382.

The Commissioners signed first and final drawdown to the West Virginia Development Office for the Fayette County Emergency Food Assistance Center Grant #02-473.

The Commissioners signed second drawdown to the West Virginia Development Office for Christians Helping Others Food Pantry Grant #02-470.

Commissioner Wender moved that outstanding bills and payroll are

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**

July 15, 2002

CHARLOTTE N. HOLLY, C.P.A.  
ADMINISTRATOR

Mr. Thomas E. Aiello  
Assessor  
Courthouse Annex  
Fayetteville, West Virginia 25840

Dear Tom:

The members of the Fayette County Commission are interested in increasing the collection of dog taxes in the County.


We request that you prepare a proposal to us on how to increase the collection of dog taxes in Fayette County and how the Fayette County Commission can help you accomplish this goal.

Thank you for your assistance in this matter.

Sincerely yours,

  
John L. Witt, President

  
John H. Lopez, Commissioner

  
Matthew D. Wender, Commissioner

FCC:jch

JOHN H. LOPEZ  
SMITHERS, WV  
COMMISSIONER

JOHN L. WITT  
FAYETTEVILLE, WV  
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CHARLOTTE N. HOLLY, C.P.A.  
ADMINISTRATOR

July 15, 2002

Mr. Thomas E. Aiello  
Assessor  
Courthouse Annex  
Fayetteville, West Virginia 25840

Dear Tom:

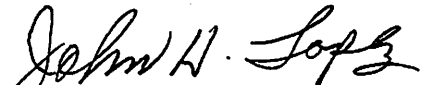
After reviewing the payment-in-lieu-of-taxes (PILT) received by the Fayette County Commission from the U. S. Bureau of Land Management, we are interested in reviewing a comparison of the amount of taxes on the tax roll at the time of transfer on each parcel of real estate versus the amount of PILT that we receive from the Department of the Interior.


We request that you and your staff prepare a report for us of this comparison of taxes versus PILT of the parcels of real estate in Fayette County which are owned by the U. S. Department of the Interior.

Thank you for your assistance in this matter.

Sincerely yours,

  
John L. Witt, President

  
John H. Lopez, Commissioner

  
Matthew D. Wender, Commissioner

FCC:jch

approved. Commissioner Lopez seconded. All approved.

Tim Richardson, Zoning Officer, appeared before the Commissioners to ask if they wanted Scott Muir with Norfolk Southern to send them a written report on his survey of the homes from Fola Mine to Deepwater for noise-sensitive receptor locations or have him come in and give an oral report.

Commissioner Witt asked Mr. Richardson to have Scott Muir come in and give the report.

A copy of the expense report submitted by Tim Richardson to Norfolk Southern was reviewed by the Commissioners.

Tim Richardson, Zoning Officer and Dave Pollard, County Resource Coordinator informed the Commissioners they have worked out a schedule: Mr. Richardson would be in the office 8:00 a.m. to 12:00 noon, Monday thru Friday, Mr. Pollard would be in the office from 1:00 p.m. thru 3:00 p.m., Tuesday thru Thursday, others by appointment only.

David Neal, E911 Coordinator, appeared before the Commission to give an update of the addressing/mapping project. Mr. Neal informed the Commission that one of the delays was the flood.

Mr. Neal reported on the number of mobile data (1,554 roads), structure data (1,482 homes), unnamed roads (460) and driveways (186 access roads) for this project.

Mr. Neal informed the Commissioners that they would be eligible for reimbursement from the Governor Statewide mapping if they follow the standards.

Mr. Neal informed the Commissioners that 51 signs have been ordered and installed; property owners collect money to buy signs, and this will go through the 911 Fund.

Commissioner Wender asked Mr. Neal the percentage of project completion. Mr. Neal replied 90% completion of data collected and 15% to 20% assigned numbers outside of the municipalities.

Mr. Neal informed the Commissioners that DMSC Map Information software is now Plat Equipment who brought DMSC; Mr. Neal informed the Commissioners they would have to transfer information to ArcView Software Map Hardware.

Commissioner Witt asked Mr. Neal if the Commission still has final approval on road names. Mr. Neal replied yes. Commissioner Witt asked about the time frame.

Mr. Neal informed the Commissioners that the estimated cost for four terminal positions would be \$20,000 to \$30,000.

Commissioner Wender asked Mr. Neal if he could give some thought on how the Commission could fund the project.

Commissioner Wender asked if system would be identical to neighboring counties. Mr. Neal replied yes.

Mr. Neal informed the Commissioners of several different projects that needed to be taken care of. Commissioner Witt asked that these be discussed at another meeting.

Commissioner Witt asked about the cell towers, informed Mr. Neal that the Commissioners had been receiving a lot of complaints about the reception in the valley area.

Mr. Neal requested uniform shirts (Polo type) for 911 Emergency employees. No decision was made.

Deputy Deanna Saxton with the D.A. R. E. program appeared before the Commissioners to thank the Commissioners for their support of the D. A. R. E. Program. Ms. Saxton showed the Commissions a picture of the 2001-2002 participants of the program.



Earl Pauley, Park Superintendent, appeared before the Commissioners to present a sketch and cost for a new animal shelter.

Commissioner Lopez informed the Commissioners they need to try and recoup all the FEMA monies spent as soon as possible; need to get invoices submitted for approval.

Steve Cruikshank, OES Director was present, Mr. Cruikshank informed the Commissioners he needs copies of all the materials and invoices.

Commissioner Lopez questioned Mr. Cruikshank about the time for turning invoices in.

Mr. Cruikshank informed no problem through the end of the year.

Commissioner Wender asked Mr. Cruikshank to put FEMA on notice that the Commission is going to rebuild the shelter and asked if there is a time frame on when they can be reimbursed.

Commissioner Wender informed the Commissioners that Patti Payne is talking with D. Giacomo of the National Humane Society.

The Commissioners asked Ken Eskew to be the coordinator over the animal shelter.

Commissioner Witt asked Mr. Pauley if he had heavy equipment to work with. Mr. Pauley replied yes. The Commissioners approved for Mr. Pauley to proceed.

The Commissioners informed the animal shelter is top priority.

The Commissioners discussed having Carl Harris, Assistant Prosecuting Attorney make recommendation regarding the bridge to the 4-H camp.

The Commissioners received and reviewed Workers' Compensation correspondence.

The Commissioners received and reviewed a letter from St. Paul

Fire and Marine Insurance Company acknowledging receipt of an accident claim.

The Commissioners received and reviewed from Jim Lively Insurance and increase of insurance premiums for the Fiscal Year 2002-2003 from St. Paul's a renewal proposal for the term July 1, 2002 to July 1, 2003 and for computer coverage, July 22, 2002 to July 22, 2003.

Commissioner Wender asked about checking into other insurance carriers. Commissioner Wender asked the Commissions permission to ask Mr. Lively to explore coverage and compare with other companies. Commissioner Wender recommended checking with the Board of Risk and Insurance Management and try and underwrite another policy.

The Commissioners received and reviewed a check from the Public Service Commission in the amount of \$29,751.14 representing a disbursement of Wireless E911 subscriber's fees.

The Commissioners received and reviewed jail fees checks form the Town of Fayetteville (\$43.25), the City of Mount Hope (\$129.75) and the City of Oak Hill (\$692.00) for the month of June.

The Commissioners received and reviewed checks from Citizens Communication Company for \$64.21 and Operating Account for \$904.00 for E911 fees.

The Commissioners received and reviewed a check from the Sheriff of Raleigh County for reimbursement for TRIDENT project 01-DC-11 for overtime for Garland Burke, amount \$1,072.03.

The Commissioners received and reviewed 911 alarm fees.

The Commissioners received and reviewed and approved Sheriff's Commission for tax year 2001, amount \$15,000.00

Ms. Holly informed the Commissioners that Tuesday, July 16, Wednesday, July 17 and Thursday, July 18 she will be attending a

State's Auditor's Training Session and next week she may be taking some vacation days.

Ms. Holly informed the Commissioners she received a letter from the West Virginia Economic Development Grant Committee acknowledging receipt of a grant application in the amount of \$2,000,000 for Business/Industrial Site.

Commissioner Witt asked that Dave Pollard, County Resource Coordinator and Thrasher Engineering be scheduled to meet with the Commission at the next meeting.

Discussion was held regarding including on the Fayette County Park Rules and Regulations no off the road motorized vehicles allowed on park premises.

Commissioner Lopez made a motion to include on the Fayette County Park Rules and Regulations no off the road motorized vehicles allowed on park premises. Commissioner Wender seconded. All approved. The Commissioners asked Ms. Holly to inform Earl Pauley, Park Superintendent of their decision.

Discussion was held regarding the Deepwater Park. Commissioner Wender suggested that since money is in the budget would it be possible that the Christian Endeavor Group assist in cleaning up the Deepwater Park. Commissioner Wender suggested getting Larry Parsons to check and see what all need to be done.

Commissioner Lopez made a motion that Budget Revision #1 for the Coal Severance Tax Fund for fiscal year 2002-2003 be approved; Commissioner Wender seconded. All approved; budget revision signed.

The Commissioners received and reviewed Oath of Office from Thomas Bell, member of the Fayette County Historic Landmark Commission and Jeff Proctor, member of the Fayette County Building

Commission. Originals forwarded to the County Clerk's Office.

The Commissioners received and reviewed a letter from the West Virginia Development Office informing that the Fayette County Courthouse Project #99CPGP0150 contract has been extended to October 15, 2002 to cover the construction contract.

The Commissioners received and reviewed from J. Dan Snead and Associates Inc. fire alarm, panel board, and switch submittals for the Fayette County Courthouse Elevator project.

The Commissioners received and reviewed a letter from the West Virginia Development Office approving to change the scope of the Christians Helping Others Food Pantry grant to assist with monthly office rental payments and repairs to the pantry's delivery truck. Copy mailed to Christian Helping Others Food Pantry.

Ms. Holly asked the Commissioners if they wanted to talk about the Job Classification and Pay Scales Final Report. The Commissioners asked to hold until July 31.

The Commissioners approved an invoice from Michael Dougherty, WVU Extension Specialist.

The Commissioners received and reviewed Shelter Rental Agreement for the Fayette County Park.

The Commissioners received and reviewed from West Virginia Development Office a letter informing that contract extension for the Fayette County Courthouse, Gauneka Ruritans Center, Fayette County Emergency Food Center, Sheriff's Renovations, Gauneka Ruritans Building, Marquis De LaFayette, Fire Hydrants, Boomer Ballfield, Comprehensive Plan, Sheriff's Department, Princess Theatre, Fayette County Youth Soccer, REACT, Food Pantry, Weatherization Program and Sheriff Office has been extended to June 30, 2003 for grants awarded

during fiscal year 2000, 2001, and 2002; this is the final time extension for grants awarded in fiscal year 2000; contracts for these projects will not be extended beyond June 30, 2003.

The Commissioners received and reviewed pledges of securities for current depositories.

The Commissioners received and reviewed a letter from the West Virginia Development Office informing that Fayette County Commission-Page-Kincaid Public Service District-Ingram Branch Wastewater Extension Project is up for technical review. Copy forwarded to Alice King and Dave Pollard.

The Commissioners received and reviewed a letter from Judge John Hatcher regarding the odor from the men's public restroom in the basement. Copy forwarded to James Perdue, Maintenance Supervisor.

The Commissioners approved upgrade to Kelvin Holliday, County Clerk laptop, amount \$302.50.

The Commissioners received and reviewed a letter from the West Virginia Development Office regarding the Synthetic Fuel Non-Producing Counties Fund-Fiscal Year 2002 Allocation and Uses informing the amount for disbursement to synthetic fuel non-producing counties in fiscal year 2002, ending June 30, 2002 is \$1,231,779.90, this amount will be divided equally among the current 50 non-producing counties, granting each county commission \$24,635.59; these funds are expected to be disbursed prior to August, 15, 2002.

The Commissioners received/reviewed and approved request of a \$2,000 contribution for Fiscal Year 2002-2003 for Play-itville Committee.

The Commissioners received and reviewed from the County Commissioners' Association updates of Legislative sessions and

schedules.

The Commissioners received and reviewed 911 responses for the month of June.

The Commissioners received and reviewed lawsuits from Gloria King/Mary L. McCurdy and Steptoe and Johnson.

The Commissioners received and reviewed a letter from Charter Communications informing that effective August 1, 2002 they will consolidate employees from the Oak Hill Office to a new customer service center at 115 Dye Drive in Beckley.

The Commissioners received and reviewed from the Fayette County Animal Control Center weekly fees collected from June 21, 2002 to July 11, 2002, monthly revenue report for the month of June and approved allotment for July 2, 2002 for \$9,945.15.

The Commissioners received and reviewed from the Division of Highways an order, ordering the addition of Circle Drive-Salem to the State Local Service System.

The Commissioners received and reviewed estimates of an accident on a 1999 Chevy Metro from King Coal Chevrolet.

The Commissioners received and reviewed from Thelma Kincaid, Circuit Clerk, a summary of interest earned from checking account from July 2001 through June 2002.

The Commissioners received and reviewed from Page-Kincaid Public Service District minutes for the month of June 2002.

The Commissioners received and reviewed a letter from the State Auditor informing they reviewed the Commission's response to their Notice of Conditional approval of the Levy Estimate for the Fiscal Year ending June 30, 2003 and find that all conditions of the approval have been satisfactorily corrected or explained.

The Commissioners received and reviewed from the West Virginia Lottery information regarding the Limited Video Lottery Act.

The Commissioners received and reviewed a letter from the Public Service Commission regarding Mary Gilbert request for new water service on Arrowwood Road near Fayetteville. Original forwarded to Dave Pollard, County Resource Coordinator.

The Commissioners received and reviewed a copy of a letter from the Public Service Commission to Senator John Rockefeller informing that Mary Gilbert problem in receiving public water service has been referred to the Water and Wastewater Division for response. Original forwarded to Dave Pollard, County Resource Coordinator.

The Commissioners received and reviewed Hotel Occupancy Tax for April, May, June, amounts \$8,012.85; the Commissioners approved 50% allotment to the New River Convention and Visitors Bureau, amount \$4,006.28.

The Commissioners received and reviewed a letter from Congressman Nick Rahall regarding a response to his letter of support on behalf of the Fayette County Commission's Small Cities Block Grant application requesting \$1,500,000 for the Page-Kincaid Public Service District's Ingram Branch Wastewater extension project.

The Commissioners received and reviewed from the West Virginia Development Office a memorandum requesting that the Annual Small Cities Block Grant Reporting Forms, the Annual Program Income Activity Reporting Forms, and a letter of intent form (by July 19, 2002) be completed and returned by August 19, 2002 for the New Haven Public Service District water project and the Comprehensive Planning Grant project. Copies forwarded to Alice King, Dave Pollard and Rod Lang.

The Commissioners received and reviewed Certificate to Operate Courthouse Incinerator for July 1, 2002 to June 30, 2003.

The Commissioners received and reviewed a letter from St. Paul Fire and Marine Insurance Company regarding claim #GP09305710095002, Deputy Deanna Saxton vehicle.

The Commissioners signed a letter to Sheriff William Laird informing their interest in pursuing alternative methods of reducing and for recovering monthly expenditures for Regional Jail charges and asking that he provide a report on the current status of accounts receivable due the County for invoices to municipalities for costs paid by the Commission for the confinement of inmates at the Southern Regional Jail.

The Commissioners approved an invoice to the Fayette County Chamber of Commerce, amount \$160.00 for A Chuck Kinder training session.

The Commissioners received and reviewed from Verizon a check in the amount of \$41,353.41 for the Emergency Telephone System Fee for the month of June 2002.

The Commissioners received and reviewed a copy of a letter from the Attorney General's Office from James McMillan regarding a speeding ticket he received on Highway 19 in Fayetteville.

The Commissioners received and reviewed a letter from C. Randy White informing he is in support of the Fayette County Commission and their request for a successful application to the West Virginia Economic Development Grant Committee regarding economic development in Fayette County.

The Commissioners received and reviewed a message from Kelvin Holliday, County Clerk, requesting they unlock votomatic room as soon



as possible to get frames for printer for the General Election.

The Commissioners received and reviewed reimbursement from the Federal Emergency Management Agent for Steve Cruikshank, OES Director salary.

The Commissioners received and reviewed Certificate of Insurance for Verizon Select Services.

The Commissioners received and reviewed a letter from Sheriff William Laird informing that the application for funding assistance through the Fiscal Year 2001 Local Law Enforcement Block Grant Program was not selected for funding during this recent funding cycle.

The Commissioners approved request from Pax Regional Community Center for Fiscal Year 2002-2003 contribution, amount \$2,000.00.

Commissioner Wender asked if the Commission received anything from the Flood Recovery Team regarding a drawdown.

Commissioner Wender informed no decision on Flood Recovery Team quilt.

The meeting was adjourned at 1:26 p.m. Next scheduled meeting is July 27, 2002.



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FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
JULY 31, 2002  
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 31<sup>st</sup> day of July 2002.

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

Exonerations were approved and signed.

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

Upon returning from the Executive Session, Commissioner Witt informed discussion was held regarding a personnel matter, no action taken.

Commissioner Lopez made a motion to reconvene as County Commission meeting. Commissioner Wender seconded.

Carl Harris, Assistant Prosecuting Attorney, appeared before the Commission to discuss county parks and recreation commission.

Mr. Harris informed the Commissioners that he reviewed the Code but it doesn't say anything about leasing the property, only conveying the property.

Mr. Harris informed the Commissioners that once they give the property to the County Parks and Recreation Commission it's theirs to do whatever they want. Mr. Harris recommendation not form a Parks and Recreation Board.

After a brief discussion, Commissioner Wender suggested inviting Kent Carper, Director of Parks and Recreation to come in and talk with the Commission regarding this matter.

Commissioner Lopez suggested asking Raleigh and Nicholas Counties.

Commissioner Witt informed the Commissioners he would talk with Stephen Zoeller of Kanawha County Commission.

The Commissioners decided to try and schedule Kent Carper and Tom Blankenship for August 16 to discuss.

Commissioner Wender informed the Commissioners he was disturbed about the media implying that the KKK rally is to take place at the Courthouse.

The Commissioners informed the media that was present that no formal requests have been received and no permits or permission has been given for the KKK to use County property.

The Commissioners informed the media they would instruct the Sheriff that there is to be no use of County property for that purpose on that day.

Commissioner Wender made a motion to move August 15 County Commission meeting to August 16 and approve first half payrolls on August 7. Commissioner Lopez seconded.

Commissioner Lopez informed the Commissioners he received a request for the Commission to follow Kanawha County in pushing to abolish smoking in restaurants.

Ms. Holly informed the Commissioners that this is a Health Department matter and presented the Commissioners the Fayette County Clean Indoor Air Regulations booklet prepared by the Fayette County Health Department in 1999.

Carl Harris, Assistant Prosecuting Attorney, appeared before the Commission to inform them that Georgia-Pacific is planning reorganization and needed permission of the Commissioners (the bond

issuers) to sign Resolution and the form of the Assignment and Assumption Agreement.

Mr. Harris informed the Commissioners he sees no problem with the Commissions signing, but informed the Commissioners he has not received the information from Georgia-Pacific.

Commissioner Wender asked Mr. Harris to review and make recommendations at the next County Commission meeting, August 7, 2002 at 9:15 a.m.

Commissioner Wender informed the Commissioners he received a request from citizens in the Charlton Heights area to have the speed limit reduced from 25 mph to 15 mph and install speed bumps.

Commissioner Wender suggested writing a letter to the Division of Highways regarding reducing the speed limit on River View Drive in Charlton Heights.

Commissioner Lopez asked that the Commission hold off writing the letter to the Division of Highways, let him talk with Mike Cobb, Supervisor with the Division of Highways.

Dave Pollard, County Resource Coordinator, appeared before the Commissioners to report on his meeting with Thrasher Engineering regarding industrial parks sites.

Mr. Pollard informed the Commissioners that Thrasher Engineering lowered the cost from \$20,000 to \$14,000. Mr. Pollard filed an application on Friday with the Economic Development Authority for \$10,000 grant.

Commissioner Lopez asked Mr. Pollard if the \$10,000 was secured. Mr. Pollard replied no.

Commissioner Wender made a motion to accept a contract with Thrasher Engineering for \$14,000 and if the Commission does not get

the grant for \$10,000 the Commission will pay. Commissioner Lopez seconded. The Commission approved.

Mr. Pollard informed the Commissioners that they submitted a proposal to the West Virginia Economic Development Grant Committee to set aside up to \$2 million for Fayette County by October 15 to see this project through to fruition, including site procurement and development; Mr. Pollard informed the Commissioners that Thrasher Engineer will be back with a full blown engineering report on August 20, and the Commission will decide which tract of land to pursue toward establishing an industrial park.

Steve Cruikshank, OES Director and Jon Lopez, FEMA, appeared before the Commissioners to discuss the Hazard Mitigation process.

Mr. Cruikshank informed the Commissioner of the one emergency buyout of flood property at Kanawha Falls during last summer's floods.

Mr. Cruikshank informed the Commissioners that 28 properties are to be bought under regular FEMA procedures.

Commissioner Wender informed the Commissioners he received a letter from Senator Michael Oliverio requesting feedback on the implementation of the new non-excuse absentee voting policy and other election law changes; Commissioner Wender request Kelvin Holliday, County Clerk, respond but present his response to the County Commission prior to sending.

Carol Jones, Minden Community Center appeared before the Commission to request assistance in getting weeds cut along the road and four abandoned houses that need to be torn down.

Commissioner Witt asked Ms. Jones if weeds and bushes are on State property.

Commissioner Witt informed the Commissioners he will get with Larry Parsons and try to meet with Ms. Jones at Minden.

Ms. Jones informed the Commissioners her hours of work are from 8:00 a.m. to 4:30 p.m. would be available after 4:30 p.m.

Commissioner Wender asked Commissioner Witt would it be possible for him to talk with ACE regarding purchasing lots for the cost of demolishing.

Commissioner Witt will get with Ms. Jones next week.

The Commissioners received and reviewed a letter from Sheriff William Laird requesting that authorization be given for the purchase of a separate portable radio for the daily use for the Home Confinement Supervisor. The purchase price for this Motorola HT1250 Portable Radio with a microphone is \$752.25; Sheriff Laird informed the Commissioners that they are required to photograph and process all persons sentenced to home confinement prior to each equipment installation, therefore, Sheriff Laird is requesting a lettered I.D. sign that could be used at the time of the photographing of these persons. The purchase price for this item is \$106.45, including shipping.

Commissioner Lopez made a motion to approve the purchase of a portable radio with a microphone (\$751.25) and a letter I.D. sign (\$106.45) for the Home Confinement Supervisor. Commissioner Wender seconded. Unanimous.

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

Commissioner Wender made a motion to approve first drawdown request on the elevator from Dan Snead for Boso and Boso, amount

\$19,440.72. Commissioner Witt seconded. Unanimous.

Commissioner Wender suggested writing a letter to J. Dan Snead to remind him of the urgency to expedite the construction of the elevator shaft at the Courthouse for funding reason, the time spent on the job site by Boso & Boso has been minimal as evidenced by the time sheets, progress on the project is not evident and is becoming an inconvenience to the Commission due to the delay and asks that he investigate the lack of progress to date on the project and expedite the construction process.

The Commissioners received and reviewed additional letters from Dan Snead to Boso & Boso regarding the dust from the work on the elevator, AIA Documents A312 Performance Bond and Insurance.

The Commissioners received and reviewed a copy of a letter from the City of Montgomery to David Neal, E911 Coordinator, informing that as of July 1, 2002, the City will use Hutch's Body Shop and Wrecker Services for all services in Montgomery, and will no longer use the rotation system with Three River Auto located in Gauley Bridge or Gauley Auto Sales located in Gauley Bridge.

After a brief discussion, the Commissioners asked Commissioner Wender to talk with Mayor Melba White regarding this matter.

Ms. Holly informed the Commissioners she received several invoices that have come in since Debbie Berry been on vacation. Ms. Holly asked the Commissioners if they wanted to approve for payment today or hold until next Commission meeting. The Commissioners asked Ms. Holly to hold until next County Commission meeting.

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 August 2002.

The Commissioners signed a letter to the Upper Kanawha Valley Community Center (UKVCC) informing the Commission is pleased to support the nutrition meal program at the Upper Kanawha Valley Community Center.

The Commissioners signed a letter to the West Virginia Development Office requesting first drawdown for the Fayette County REACT Grant #02-445.

Commissioner Lopez made a motion that Budget Revision #1 for the General County Fund for Fiscal Year 2002-2003 be approved; Commissioner Wender seconded. All approved, budget revision signed.

Ms. Holly informed the Commissioner that she has gone over the computer purchase lease. Ms. Holly informed the Commissioners the cost would be \$291,607.76; Tom Aiello, Assessor to contribute \$75,000; Ms. Holly informed the Commissioners they set aside \$100,000 in this Fiscal Year 2002-2003 for the purchase of new computers; Ms. Holly informed the Commissioners they have the option of buying or financing the computers.

Commissioner Wender made a motion that Ms. Holly proceed with the purchase of the IBM AS400 Computer Hardware Upgrade/Mitigation Software computer lease. Commissioner Lopez seconded. Unanimous.

Commissioner Wender asked Ms. Holly to check and see on the possibility to lease or finance the \$100,000 balance with the ability to buyout early with no penalty.

Commissioner Lopez made a motion to have the Komatsu repaired at the Fayette County Park. Commissioner Wender seconded. Unanimous. Commissioner Witt said the equipment is completely down and can't be moved. Commissioner Witt informed the Commissioners he would talk with Earl Pauley, Park Superintendent, before releasing the check.



Ms. Holly presented to the Commissioners Fire Levy Protection Agreements and Fire Levy Pumper Replacement Agreements from Steve Cruikshank, OES Director, for the period July 1, 2002 through June 30, 2003. Commissioner Wender asked to hold until next meeting.

Commissioner Wender asked the Commissioners to have Steve Cruikshank, OES Director, to prepare a written report on how the funding of the levy to each department, how the money is apportioned, if they have any other revenue and financial need.

Ms. Holly presented a request from the WVU Extension Office for Linda Casey to attend a one-day Mistake-Free Grammar and Proofreading Workshop. The Commissioners approved.

Discussion was held, the Commissioners approved for County Commission employees to attend the Mistake-Free Grammar and Proofreading Workshop.

The Commissioners received and reviewed thank-you card from Play-itville.

The Commissioners received and reviewed a letter from Region 4 Planning and Development Council regarding a progress report for the Fiscal year 2001 Small Cities Block Grant-Fayette County Commission-Paint Creek/Plum Orchard Water Extension, Project #01SCBG41X.

Commissioner Witt informed the Commissioners he asked James Perdue, Maintenance Supervisor to get back with him regarding the Prosecuting Attorney's Office.

The Commissioners received and reviewed Fayette County Fire Levy 2001-2002 Levy 7 Year 3 Balance Sheet Records.

The Commissioners received and reviewed several Unemployment Compensations and Workers' Compensation correspondence.

The Commissioners received and reviewed Employer Loss Activity

Statement from the Workers' Compensation Division.

Commissioner Wender suggested sending a letter to Paige Skaggs, Chief of the Ansted Fire Department, extending their appreciation for his 16½ years of service and dedication as Fire Chief to the citizens in the area.

Ms. Holly informed the Commissioners that the Public Employees Insurance Agency (PEIA) employer rate projected for the basic life insurance will increase effective August 1, 2002.

The Commissioners received and reviewed checks from 911 fees (\$56.84), cable franchise fees (\$14,960.85), alarm fees (\$225.00), and jail fees (\$1,297.50).

The Commissioners received and reviewed from the Fayette County Board of Education, Fiscal Year 2002-2003 allotment for the WVU Extension Office, amount \$19,237.00.

The Commissioners received and reviewed a check from St. Paul Fire and Marine Insurance Company in the amount of \$847.38 for damage to the 1999 Chevy Metro belonging to the Fayette County Health Department. Check forwarded to the Health Department.

The Commissioners received and reviewed a check from the West Virginia Development Office in the amount of \$1,280.00 for Christians Helping Others Food Pantry Grant #02-470.

The Commissioners received and reviewed from the Criminal Justice Service a check in the amount of \$23,405.00 for the Court Security Grant #01-CS-06.

The Commissioner received and reviewed a right-of-way deed from the Division of Highways.

The Commissioners received and reviewed from the Secretary of State Office a list of candidates who were nominated in the May 14,

2002 primary election.

The Commissioners received and reviewed a copy of a fax from Tim Richardson, Zoning Officer, to Scott Muir, Norfolk Southern informing Mr. Muir that the Fayette County Commission is requesting that he present the final product of his survey from Alloy to the Nicholas County line at a Commission meeting.

The Commissioner received and reviewed a letter from region 4 Planning and Development Council regarding Technical Review Letter-Fiscal Year 2002 Small Cities Block Grant-Nicholas County Commission-Page-Kincaid Public Service District-Ingram Branch Wastewater Extension Projects.

The Commissioners received and reviewed from the Fayette County Animal Control Center weekly fees collected for the week of July 12 through July 18, 2002 (\$180.00), and for the week of July 19 through July 25, 2002 (\$265.00).

The Commissioners received and reviewed from Patti Payne, Manager, C-PAC a copy of her Certified Animal Euthanasia Technician Certificate.

The Commissioners received and reviewed pledges of securities from the Wachovia Bank, N. A. and SunTrust Bank. Original forwarded to the County Clerk's Office.

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

The Commissioner received and reviewed a letter from Sheriff William Laird giving a follow-up to the Commissioners recent letter concerning the increase in expenditures for regional jail costs in the past fiscal year and regarding the Commission's request to provide a report of the status of accounts receivable due the County

from municipalities.

The Commissioners received Dave Pollard, County Resource Coordinator Quarterly Report. Commissioner Wender asked to schedule Mr. Pollard for the next County Commission meeting to give a report.

The Commissioners received and reviewed response from the West Virginia Conservation Agency regarding the Dunloup Creek Watershed Association.

The Commissioners received and reviewed a memo from David Neal, E911 Coordinator, regarding personnel changes that have taken place in the past few weeks; Mr. Neal informed the Commissioners that Joe Brooks has been terminated as probationary Part-time Communications Specialist effective July 19, 2002 (currently reviewing applications for a replacement); Charles Bennett has successfully completed the mandatory training and probationary period as of July 1, 2002, salary has been adjusted to match the remaining regular full-time Communications Specialist and he plans to fill the current vacant full-time positions when the Probationary part-time personnel complete the mandatory requirements.

Ms. Holly presented to the Commissioners from Earl Pauley, Park Superintendent, current invoices for the Animal Shelter. Ms. Holly informed the Commissioners Mr. Pauley told her that he has discussed with Steve Cruikshank and he did give him copies.

The Commissioners received and reviewed from Earl Pauley, Park Superintendent, a request to purchase a tint meter, cost \$279.00. The Commissioners voted to not purchase.

Ms. Holly informed the Commissioners that Steve Cruikshank, OES Director, was told the Commission has to set-up a separate Hazard Mitigation account.

Ms. Holly informed the Commissioners she had talked with Judy Radford with 4-C Economic Development Authority regarding the Fayette Transition Team request to use the balance of the Comprehensive Plan funds for additional document preparation as needed when the new Planning Commissioners come on board and for local match requirements on the Flex-E-Grant; Ms. Holly informed the Commissioners that Ms. Radford told her she had no problem in using the balance for copies for the Comprehensive Plan, but she did not know anything about using the funds for the Flex-E-Grant.

Ms. Holly informed the Commissioners she talked with Thelma Kincaid, Circuit Clerk was told that Judge John Hatcher wants the telephone number changed that jurors' use to call in.

Ms. Holly informed Commissioners she had written a letter to Ms. Kincaid informing her she contacted Verizon to connect a private line through the Courthouse telephone system in order to use the voice mail system for juror purposes.

The Commissioners received and reviewed from the Association of West Virginia Solid Waste Authorities an invitation to their 14<sup>th</sup> Annual Conference being held at the Mountaineer Conference Center on October 20 through October 22, 2002.

The Commissioners received and reviewed from the Fayette County Health Department Water Bacteriologist Report for the Fayette County Park.

Outstanding bills were approved.

The Commissioners asked Ms. Holly to circulate to elected officials and their staff information with registration form regarding a training program being held at the Class VI River Runners Smokey's restaurant on September 11 and September 12 by Chuck Kinder,

Director of Training for the State Auditor's office.

The Commissioners received and reviewed Grant application, minutes and financial report from the Fayette County Solid Waste Authority for the month of June.

The Commissioners received and reviewed from the Vision Service Program Privacy Notice.

The Commissioners received and reviewed from the U. S. Environmental Protection Agency information regarding the Calvert County Maryland's Success in Controlling Sprawl.

The Commissioners received and reviewed a request from Virgil L. Kincaid regarding rescinding Kimberly Kincaid as Executrix of the Estate of Linda Kincaid.

The Commissioners asked that this be forwarded to Carl Harris, Assistant Prosecuting Attorney to review and advise.

The Commissioners received and reviewed an invoice from the Fayette County Park to the City of Ansted for tires purchased for two cruisers, amount \$404.64. (See attached)

Commissioner Wender made motion to adjourn County Commission meeting. Commissioner Lopez seconded. All approved.

The meeting was adjourned at 12:50 p.m. The next scheduled meeting is August 7, 2002.



Matthew Wender

FAYETTE COUNTY PARK

RT.2 BOX 236  
 FAYETTEVILLE, W.V. 25840

Shirley Noble, Recorder

◆◆◆ INVOICE

**TO:** TOWN OF ANTED  
 P.O. BOX 798  
 ANSTED, W.V. 25812

DATE	CUST NO.	SALESPERSON	TERMS	
7/21/02		Must be paid within	30 DAYS	
QTY	DESCRIPTION	PER UNIT	TOTAL	
4	225-60-16 TIRES	51.60	206.40	
4	225-70-15 TIRES	49.56	198.24	
<b>SUBTOTAL</b>			404.64	
Tax rate %				
<b>SHIPPING / HANDLING</b>				
<b>PAYMENTS</b>				
<b>AMOUNT</b>			404.64	

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FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
AUGUST 7, 2002  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS Present: John L. Witt, Matthew D. Wender

The Fayette County Commission met in a regular session on this 7<sup>th</sup> day of August 2002.

Commissioner Witt and Wender introduced Kent Carper, Kanawha County Commissioner and Stephen Zoeller, Director of Parks and Recreation Commission.

Commissioner Witt called the County Commission meeting to order at 9:20 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.

Carl Harris, Assistant Prosecuting Attorney, appeared before the Commission to inform them that he did review the Resolution from Georgia-Pacific Corporation and recommend the Commissioners sign.

Commissioner Wender made a motion to approve the resolution do not object to the form of the Assignment and Assumption Agreement with Georgia-Pacific Corporation; Commissioner Witt seconded. Vote passed 2-0.

Commissioner Wender made a motion to sign Participation Agreement to continue to participant in the Public Employees Insurance Program (PEIA); Commissioner Witt seconded. Vote passed 2-0.

Commissioner Witt asked Ms. Holly to write a letter of



appreciation to Kent Carper and Stephen Zoeller.

The Commissioners received and reviewed a proposal from J. Dan Snead and Associates, Inc. regarding a new animal shelter building. The fee for the architectural engineer reference work will be \$7,500. The Commissioners asked that this be put on hold. No decision was made.

Sheriff Bill Laird appeared before the Commissioners to inform them that he was here to discuss three areas; (1) vehicle accidents, (2) courthouse security, and (3) community corrections action.

Sheriff Laird informed the Commissioners he is taking steps to reduce the increase in auto policy premiums.

Sheriff Laird presented a copy of the Law Enforcement Division Policies and Procedures to the Commissioners.

Sheriff Laird informed the Commissioners he is establishing a three-member Accident Review Board that will include the Chief Deputy, Garland Burke and one other deputy; Commissioner Witt asked the Sheriff about appointing an outsider instead of a deputy.

Sheriff Laird informed the Commissioners he is trying to establish a remedial training and prevention training course.

Sheriff Laird informed the Commissioners that Donald Underwood a former State Trooper offered an Emergency Vehicle Accident Prevention Training Course, 16 hours hands on driving plus classroom time, cost would be \$125 per person total \$4,800.00; Sheriff Laird informed the Commissioners this would possibly be paid from the Concealed Weapon Fund.

Commissioner Wender asked the Sheriff if St. Paul offer a course similar to this one. Sheriff Laird informed the Commissioners that St. Paul sent a claim loss person in last year, not sure if they

would send one again. Commissioner Wender asked the Sheriff to talk to St. Paul regarding this matter.

Sheriff Laird informed the Commissioners he needs to meet with David Neal, E911 Coordinator, and Steve Cruikshank, OES Director to discuss the safety of monitoring public response to calls.

Commissioner Wender asked the Sheriff if 911 needed additional training to help sort out the level of the emergencies.

Sheriff Laird told Commissioner Wender that the 911 Center has received the basic in-service training.

Sheriff Laird informed the Commissioners he would talk with St. Paul to see if they have the training service available; Sheriff Laird informed the Commissioners he would like for the Commission to take the action within the next 60 days to start a training course.

Commissioner Wender asked the Sheriff to make the deputies aware of the increase of the liability premium.

Commissioner Witt told the Sheriff that this seems like a really good policy.

Sheriff Laird spoke to the Commissioners regarding an update of the Court Security.

Sheriff Laird informed the Commissioners he received a 60-day extension; card swipes for the two side doors have been installed, and cards are ready to be issued. Sheriff Laird informed the Commissioners that the distributions of cards have been delayed until Friday.

Sheriff Laird told the Commissioners that individuals that have the swipe cards can enter the two side doors from 7:30 a.m. to 4:30 p.m.; this includes the members of the Fayette County Bar Association who are assigned the swipe cards.

Sheriff Laird informed the Commissioners that the Magistrate Court wants to operate the public access to the Magistrate Office, but the State Fire Marshall is not in favor of blocking the public's access to enter the Magistrate Court.

Sheriff Laird informed the Commissioners that Ed Holtsclaw has redirected money for the cost overrun of the courthouse doors.

Sheriff Laird informed the Commissioners he has applied for another grant for the Family Law Master Office and was successful in getting a grant in the amount of \$5,6000.00 for a closed circuit grant to monitor the system for the Family Law Master Office.

Sheriff Laird talked to the Commissioners about the increase in the Regional Jail cost.

Sheriff Laird informed the Commissioners that a program called the Community Corrections Act is available to seed money for counties to implement the program and progress. The Sheriff informed the Commissioners that he and Judge John Hatcher will make a trip to the northern panhandle to gather more information and will report back to them.

Commissioner Witt asked the Sheriff how many prisoners are in the regional jails that are State prisoners and the county is paying for.

Sheriff Laird informed Commissioner Witt that the County is not billed for the State prisoners.

Commissioner Wender asked Sheriff Laird about the Home Confinement Program.

Commissioner Wender asked the Sheriff to take a look at the Home Confinement Program including the Home Confinement rates and shift costs to the Home Confinement Fund from the General County Fund.

Commissioner Wender asked the Sheriff to look at the possibility of raising the Home Confinement cost and send recommendation to the Commission and Judge John Hatcher.

Commissioner Witt asked how many inmates are on home confinement?

Sheriff Laird replied the average is 25 to 30 people are on Home Confinement; Deputy Fitzwater is in charge of this program.

Sheriff Laird informed the Commissioners that there's a possibility they would change Home Confinement monitoring to the 911 Center.

Commissioner Wender asked Sheriff Laird to come back in 30-days with recommendation regarding the Home Confinement Program.

Sheriff Laird asked that he be given 60-days.

Commissioner Wender suggested scheduling Sheriff Laird to report back in mid-October.

Commissioner Wender informed the Commissioners that Carl Harris, Assistant Prosecuting Attorney filed an intervenor status on Dominion Gas.

Ms. Holly informed the Commissioners she received a letter from Virgil Kincaid an inmate at the Mount Olive Correction Center requesting that the Commission replace Kimberly Kincaid as executor of the Estate of Linda Kincaid and appoint Linda Roberts.

The Commissioners asked Ms. Holly to send a copy of the letter to Carl Harris, Assistant Prosecuting Attorney to review and respond.

Commissioner Wender asked about the status of the Cantrell Zoning Hearing lawsuit.

Carl Harris, Assistant Prosecuting Attorney, informed the Commissioners that he and Cantrell lawyers have filed a response, and

that the Fayette County Commission may have to come back and issue an order Findings of Fact.

Commissioner Wender asked Mr. Harris what steps should the Commission be taking to prevent problems in the future, i.e., recording the meetings or sign up sheets.

Mr. Harris suggested to the Commissioners(1) the Commission should probably record everything in regards to a particular Zoning hearing, but don't feel the Commission need to record all the Fayette County Commission meeting(2)the Commission need sign up sheets for everyone attending a particular zoning issue(3) the Commission should have paperwork at the end of the hearings, acted draft order with findings of fact and decision.

Dave Pollard, County Resource Coordinator appeared before the Commission to give his Quarterly Report.

Mr. Pollard informed the Commissioners they have a commitment from the federal government to fund a \$450,000 feasibility study for an extension to Kilsyth; Small Cities Block Grant to do the plant upgrades.

Mr. Pollard informed the Commissioners he would be meeting with a DEP representative on Tuesday to authorize a bigger study of the New River Watershed.

Commissioner Wender asked about Arbuckle Public Service District; Mr. Pollard informed the Commissioners that they would look at Arbuckle Public Service District but they have not called back.

Tim Richardson, Zoning Officer, appeared before the Commissioners to inform them that an individual had paid \$30 for a permit to put a trailer on property in the Mount Hope area, but later called and asked if the Zoning Office would issue the permit for his

trailer for property in the Beckwith area instead.

Mr. Richardson asked the Commissioners for their suggestion.

Commissioner Wender asked Mr. Richardson how often do he get this request.

Mr. Richardson replied this is the first.

Commissioner Witt asked Mr. Richardson to go ahead and use the permit to put the trailer on the property in Beckwith.

Tim Richardson presented, the Commissioners a letter from Leon Cooper, Chairman of the Planning Commission asking that Gene Kistler, Charles Dummitt, Leon Cooper, Al Gannon, and Pat Day be reappointed as members of the Fayette County Planning Commission.

Commissioner Witt asked to hold until August 16, 2002.

Tim Richardson questioned the Commissioners about the Planning and Zoning Commission and the Board of Zoning Appeals using the third floor to hold their meetings. Mr. Richardson informed some of the people who attend these meeting are elderly and cannot walk up these steps.

Commissioner Witt suggested to Mr. Richardson that he get in touch with the American Legion about using their building to hold their meetings.

Ms. Holly suggested Mr. Richardson to get in touch with Judge Charles Vickers about using the Law Library or Mike Parsons, Chief Magistrate about using the Magistrate Court to hold their meetings. Commissioner Witt said that he would check with Judge Vickers about using the rooms.

Ms. Holly informed the Commissioners she received a fax from John David, Chairman of the West Virginia Rainbow Coalition requesting a permit to conduct a rally for peace, civil rights, and

social justice on the grounds of the Courthouse on October 26, 2002, beginning at 11:00 a.m.

Commissioner Wender suggested asking Sheriff Laird for his comments and asked if this would set a stage for a confrontation.

Commissioner Wender suggested to the Commissioners to get advice from the Sheriff and Prosecuting Attorney and ask that they attend the August 16 County Commission meeting with their recommendation. Commissioner Witt suggested denying the West Virginia Rainbow Coalition request and that a letter be written informing the WV Rainbow Coalition that it is a long-standing policy of the County Commission not to permit rallies on county-owned property and that the Commission has serious public safety concerns related to the conduct of rallies by two organizations in the same locale at the same time. The Commissioners clarified that a permit recently issued by the Town of Fayetteville to another organization is not for use on county-owned property, and that the Commission has not permitted said use.

Commissioner Witt made a motion to deny request and that there be no rallies or demonstration on courthouse property. Commissioner Wender seconded. Vote passed 2-0.

The Commissioners signed a letter to Paige Skaggs extending their appreciation for his 16½ years of service and dedication as Fire Chief of the Ansted Certified Fire Department to the citizens in the Ansted area.

The Commissioners signed order designating for the General Election the total number and type of election boards for the various precincts and that the county executive committees of the Democrat and Republican parties are to submit a list of those persons

nominated and the positions for which they are designated. This shall be filed in writing with the Commission no later than September 10, 2002.

The Commissioners signed letters to the West Virginia Development Office requesting first drawdown for the Fayette County Youth Soccer Association, Grant #02-472, amount \$1,500.00 and the Fayette County REACT, Grant #02-445, amount \$1,836.00.

The Commissioners signed a letter to the West Virginia Development Office requesting third drawdown for the Christians Helping Others Food Pantry, Grant #02-470, amount \$2,280.00.

The Commissioners signed a letter to the West Virginia Development Office requesting fourth drawdown for the Courthouse Handicapped Accessibility, Grant #99-169, amount \$34,995.46.

The Commissioners asked Ms. Holly to write a letter to the West Virginia Senate Finance Office to request a breakdown of the different ways Legislative Digest grants are administered and the funding sources for said grants.

Commissioner Wender made a motion to approve first half payrolls and outstanding bills. Commissioner Witt seconded. Vote passed 2-0.

Commissioner Wender asked that Sheriff Laird be put on the agenda for October 15, 2002 to give an update in the Home Confinement Program.

Commissioner Wender asked to put on the agenda in the near future, Kelvin Holliday, County Clerk, to give status of money collected and grants to County, how much Fayette County has paid into funds, fee for property transfer tax, document recording fees, and how much we charge for the State Excise Tax.

Ms. Holly informed the Commissioners she received a call from



Steve Cruikshank, OES Director, asking that the Commission title the two utility trailers.

The Commissioners asked Ms. Holly to relay to Mr. Cruikshank that the Commission feel that these vehicles should be titled to the Fayette County FireFighters Association.

Ms. Holly told the Commissioners that she informed Mr. Cruikshank of their request for him to submit a written explanation on the funding of the Excess Levy Funds.

The Commissioners signed Fire Levy Pumper Replacement Agreements for Ansted Certified Fire Department, Boomer Volunteer Fire Department, Montgomery Volunteer Fire Department, Pax Volunteer Fire Department, Oak Hill Volunteer Fire Department, and Smithers Volunteer Fire Department for the period July 1, 2002 through June 30, 2003.

The Commissioners signed Fire Levy Protection Agreements for Ansted Certified Fire Department, Armstrong Creek Volunteer Fire Department, Boomer Volunteer Fire Department, Gauley River Volunteer Fire Department, Meadow Bridge Volunteer Fire Department, Montgomery Volunteer Fire Department, Mount Hope Volunteer Fire Department, Nuttall Volunteer Fire Department, Pax Volunteer Fire Department, and Smithers Volunteer Fire Department for the period July 1, 2002 through June 30, 2003.

Commissioner Wender suggested to the Commissioners to have Steve Cruikshank, OES Director to come in and give an understanding of the allocation process of the Fire Levy Excess Fund.

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

The Commissioners received and reviewed a payment from Norfolk

Southern Corporation for compensation for Tim Richardson, Zoning Officer assistance in the field survey on July 9, 2002, amount \$327.38.

The Commissioners received and reviewed Legislative Digest correspondence.

The Commissioners received and reviewed cable franchise fees from Charter Communications covering the period from April 1, 2002 to June 30, 2002, amount \$8,793.38.

The Commissioners reviewed a letter sent to the Elected Officials and Department Heads regarding the training programs by Chuck Kinder, Director of Training for the State Auditor's office.

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

The Commissioners received and reviewed Workers' Compensation correspondence.

The Commissioners received and reviewed weekly fees collected for July 26, 2002 to July 31, 2002 from the Fayette County Animal Control Center, amount \$166.00, and the monthly revenue report for the month of July.

The Commissioners approved allotment of \$11,327.30 for the month of August to C-PAC.

The Commissioners received and reviewed a letter sent to J. Dan Snead and Associates, Inc. regarding the minimal time spent on the job site by Boso and Boso. Ms. Holly presented to the Commissioners for them to review copies of all the on-site visits made and letters received.

Ms. Holly informed the Commissioners that Danny Wright, President of the Fayette County Board of Education was interested in

putting their Excess Levy on the ballot for November.

The Commissioners suggested getting an opinion from Kent Carper, Kanawha County Commissioner regarding contracting gasoline contracts.

The Commissioners suggested getting three civilians with a financial background to check into this matter. Commissioner Wender told the Commissioners he would talk with Danny Wright, President Fayette County Board of Education regarding their gasoline contracts.

The Commissioners received and reviewed a fax regarding a Flex-E-Grant Workshop scheduled for August 12, 2002. Copy forwarded to Dave Pollard, County Resource Coordinator.

Ms. Holly informed the Commissioners that Brian of Tate Communications checked line in the Circuit Clerk's Office on August 1, 2002 regarding Thelma Kincaid's request to change from the answering machine to voice mail; Ms. Holly informed the Commissioners that once Brian came to change from the answering machine to voice mail, he was told by Ms. Kincaid to leave jury on the new answering machine she received from the Supreme Court and to not make change.

The Commissioners received and reviewed E911 fees from Z-Tel Communications, Inc. for the month of June.

The Commissioners received and reviewed checks from the West Virginia Development Office for reimbursements for Christians Helping Others Food Pantry, Grant #02-470, amount \$500.00; the Princess Theatre, Grant #02-382, amount \$5,000.00; and the Fayette County Emergency Food Pantry, Grant 02-473, amount \$8,000.00.

The Commissioners received and reviewed a memo from Stafford Consultants Incorporated regarding the Regional Raw Water Supply article from the Roanoke Times concerning the critical water shortage in the Roanoke Valley area.

The Commissioners received and reviewed article regarding the Settlement Proposal in Merger of Thames, West Virginia American Water Company.

The meeting was adjourned at 1:10 p.m. The next scheduled meeting is August 16, 2002.



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FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
AUGUST 28, 2002  
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 28<sup>th</sup> day of August 2002.

Carl Harris, Assistant Prosecuting Attorney appeared before the Commission to discuss counties' health insurance.

Mr. Harris informed the Commission that the County has the option according to West Virginia Code 5-16-22.

Ms. Holly informed the Commissioners she received a Participation Agreement from the West Virginia Public Employees Insurance Agency (PEIA) that needed to be signed.

Ms. Holy told the Commissioners she called PEIA to get a recommendation, but did not receive information back from insurance was told to refer to a legal council.

Commissioner Lopez asked if the Commission has to budget money for retirees.

Ms. Holly informed the Commissioners that PEIA says the County has to.

Mr. Harris asked the Commissioners to check to see what the other counties are doing.

Commissioner Wender suggested writing a letter stating that the Code states this is optional.

Commissioner Witt suggested to the Commissioners to poll other counties to see how they interpret the Code.

Ms. Holly told the Commissioners that Code 5-16-18 reads

contribution to employees.

Ms. Holly suggested that Assistant Prosecutor Carl Harris call Mr. Huffman. She felt that maybe attorney to attorney they could get an understanding. Ms. Holly also informed that the Agreement was posted dated July 31, 2002 and she received August 2, 2002.

Commissioner Wender informed the Commissioners that Earl Pauley, Park Superintendent, will be bringing Jeep up today to turn over to Bert Lawhorn, the Dog Warden.

Commissioner Witt informed the Commissioners he received a request from Ralph Moore for use of the Memorial Building on December 31, 2002 for a concert in memory of Hank Williams on the 50<sup>th</sup> anniversary of his death.

Commissioner Witt informed the Commissioners that they need to deal with the Board of education regarding the Memorial Building.

Commissioner Witt recommended having the Fayette County Board of Education completely redo the gutters and down spouts.

Commissioner Wender asked the Commissioners if they heard anything from Ken Carper, Kanawha County Commission regarding their request to get an opinion from their legal counsel on whether or not the county commission can lease rather than convey county-owned property to the parks and recreation board and whether or not a county parks and recreation board can be dissolved by action of the county commission. Ms. Holly replied no.

Commissioner Lopez told the Commissioner that the Board was discussing a one-year lease for use of the Memorial Building.

Commissioner Witt informed the Commissioners that the Board uses the building five days a week.

Commissioner Witt told the Commissioners that the Board has not

honored their part of the lease, and suggested setting a fee for everyday use of the building.

Commissioner Wender informed the Commissioners they need to take an objective look regarding appointing a Parks and Recreation Committee.

Commissioner Wender suggested telling the Board they had one more year on the old lease and that they specifically should do gutters and down spouts.

Commissioner Witt suggested taking up shrubs.

Commissioner Wender suggested putting lights in front of the Memorial Building like the ones in front of the Courthouse.

Commissioner Witt requested and received permission from the Commissioners to ask Earl Pauley, Park Superintendent again about taking up shrubs and getting the cost of guttering.

The Commissioners asked Ms. Holly to write a letter to Mr. Moore approving his request for the use of the Memorial Building on December 31, 2002. All rules applicable.

Commissioner Witt suggested to the Commissioners to look at rental fees again, should be more than \$500.00.

Commissioner Lopez asked that the Commissioners increase liability insurance coverage, security plan and services, traffic control and parking for the Memorial Building.

Commissioner Wender suggested increasing the liability insurance coverage to \$1 million.

Commissioner Witt suggested \$500.00 or 10% plus custodian for rental fees.

The Commissioners decided to charge Mr. Moore a \$1,000 rental fee plus custodian, security, and traffic services; Mr. Moore to do

concession, Fayette County Commission will receive a percentage.

Commissioner Wender suggested that Mr. Moore deposit \$300.00 toward the custodians' fee.

Ms. Holly informed the Commissioners that the security and traffic would need to be addressed.

Commissioner Witt suggested to the Commission to calling Fayette County REACT.

Commissioner Wender suggested that the Commission contact the Sheriff Department or Fayette County REACT.

Ms. Holly informed the Commissioners they need provisions for security.

Commissioner Wender suggested checking with Sheriff Laird and getting an estimate of what it would cost for deputies.

Commissioner Wender suggested forwarding the information to the Sheriff for estimated cost regarding the security and asks the Sheriff for his opinion for an estimated and forward the amount for cost of security to the Commission.

The Commissioners asked that Tim Hannah and Larry Parson be scheduled on the agenda to discuss Mandatory Garbage Project.

Commissioner Witt asked if the Fayette County Board of Education put the School Board Levy Election on the ballot.

Ms. Holly informed the Commissioners that copy of the order has been received by Thelma Kincaid, Circuit Clerk.

Ms. Holly informed the Commissioners they should send in a request to the Board of Education asking that they pay part of the use for the buildings any and all printing and legal advertisement costs.

Commissioner Witt suggested sending a letter to waiving the fees



for the use of the schools.

Commissioner Wender suggested writing a letter to the Fayette County Board of Education to inform them that the Commission received and approved their letter dated August 20, 2002, desiring that the Fayette County Board of Education Levy be submitted to a vote on the General Election, being held November 5, 2002 and to inform them it is the understanding of the Commission that the Board will pay any and all printing and legal advertisement costs associated with the Special Levy ballot. Also it is the Commission understanding that the custodial fees for school facilities be waived for the 2002 General Election.

Commissioner Wender informed the Commissioners that at the Commission meeting of August 7 it was decided that the Commission would ask the Fayette County Board of Education to participate in a review of fuel purchases and determine if a joint purchase contract may be in the combined best interest of the Commission and Board.

Commissioner Wender told the Commissioners he checked with the Board President Daniel Wright who in turn got approval to go ahead from the Board members, therefore, Commissioner Wender offered these motions: First, The County Commission will appoint a three-person committee to review fuel purchase of the County Commission and Board of Education. The Committee will make a recommendation on how cost savings, if any, is to be gained by consolidating our fuel purchases and purchase fuel at wholesale/contract prices.

Commissioner Wender informed the Commissioners that this study and recommendation are to consider all costs associated with the efficient fuel distribution from various locations throughout the County for County Commission and Board of Education vehicles.

Second, Commissioner Wender offered a motion to appoint Jennifer Dasic, CPA (Smith, Cochran and Hicks), Steve Moss, Engineer, and Pete Hobbs, Chairman, retired AT&T executive to review fuel purchase of the Board of Education and the County Commission.

The Commissioners signed Fire Levy Agreement for the Oak Hill Fire Department for the period July 1, 2002 to June 30, 2003.

Commissioner Wender questioned about the bonds that are outstanding and requested that a letter be sent to the Public Service District's asking the status of any outstanding bond issue (including interest rate current balance, terms etc.) and that based on the current interest rates asked if they have considered investigating in a reissuance of their bonds.

Ms. Holly presented letters to the Commissioners to sign, Upper Kanawha Valley Community Center, Fayette County Health Department, Twelfth Judicial Circuit of WV, Gauneka Ruritans, New Haven Public Service District, Boomer Volunteer Fire Department and Caring Hands, Inc. asking that they complete the Legislative Digest Information Sheet for Fiscal Year 2003 and an authorizing resolution for their project and return to the Commission no later than October 1, 2002.

Ms. Holly informed the Commissioners she did not know the contact person for the Summerlee Wesleyan Men Project. The Commissioners did not sign the letter.

Tim Richardson, Zoning Officer presented to the Commissioners two zoning recommendation from the Fayette County Planning Commission.

Z-490-02-1: Request of James R. and Glennis Davis, owners, for a change in land classification from RR-1, Agricultural and Rural Residence to B-1 Neighborhood Business District, on lots 78 and 79 of

the Scarbro subdivision, Plateau District.

Mr. Richardson told the Commissioners the recommendation of the Planning Commission was to approve the request, with a vote of 11-0.

Mr. & Mrs. Davis was present and informed the Commissioners that they wanted to expand the business they have on the indicated property and on another building they have on the property they want to have a beauty shop and have retail sales of milk, bread, and gourmet cooking items. No opposition present.

Disposition: On a motion by Commissioner Lopez and seconded by Commissioner Wender the Commissioners voted 3-0 to approve the request for a change in land classification.

Case: Z-491-02-1: Request of Jack Bowyer, owner, for a change in land classification from RR, Agricultural and Rural Residence District to B-1 Neighborhood Business District, on pt. lot 41 Harvey Prudence, Thurmond Road, Plateau District.

Mr. Richardson told the Commissioners the recommendation of the Planning Commission was to approve the request with a vote of 11-0.

Mr. Bowyer was present, stated that he wanted to build a structure that would house two apartments on the second floor and one apartment on the ground floor, with a convenience store. The store would be either 30 ft. x 60 ft. or 25 ft. x 50 ft., giving concern for the size of the building on the lot.

Speaking in behalf of the neighbors in opposition was Harold Bragg. Mr. Bragg stated the concerns of the opposition was the road was very narrow, two river buses could barely pass on this road and the size of the building that was being proposed to be built on the lot. Mr. Bragg recommended the Commission table this request until the owner could have a survey done and the size of the building on

the site is established.

Mr. Bowyer stated that there was plenty of room for the buses to pass.

Donna Cottle, speaking in opposition, questioned the placement of the building on the lot, visibility at the intersection.

Paul Sears in opposition told the Commissioners he was concerned about the traffic and the dangerous intersection and inadequate parking available.

Mr. Bowyer stated he will not be serving the rafting industry and that sewage connection can be provided. Mr. Bowyer informed the Commissioners he has spoken with Joe Cortez at the Whit Oak Public Service District and they will provide a 6" line to serve this area, Mr. Bowyer also stated that he was unsure if he would or would not sell alcoholic beverages, operation hours of the store would be 9:00 a.m. to 5:00 p.m. daily.

Commissioner Lopez asked neighbors in attendance where they opposed to the zoning? Neighbors stated that they were in opposition to rezoning. Mr. Bowyer stated that no one expressed any interest in the property when it was for sale. Mr. Bowyer informed the Commissioners that the individual that he bought the property from purchased it at a delinquent property sale. The property was posted for sale and was purchased from the owner in May by Mr. Bowyer.

Commissioner Lopez asked if the property could still be redeemed by the original owner?

Commissioner Witt asked if there were any other concerns?

Donna Cottle read a petition of protest form the neighbors.

Mr. Bowyer stated that he will live at this location.

Disposition: On a motion by Commissioner Wender and seconded by

Commissioner Lopez, the Commission voted 3-0 to deny the request for a change in land classification.

Mr. Bowyer asked Tim Richardson what would be his next step to get this approved.

Mr. Richardson replied you would have to appeal to the Circuit Court.

Since there was no other business this portion of the County Commission meeting was adjourned.

Earl Pauley, Park Superintendent, Ken Eskew, and Tammy Gill appeared before the Commission to discuss the Animal Control Center.

The Commissioners reviewed the plans for the shelter, was told that the heating and cooling have not been installed, building is 26'x 80'.

Commissioner Witt asked if this building will work in conjunction with the other area.

Mr. Pauley informed the Commissioners that the estimated cost for materials would be \$44,585.00.

Commissioner Wender informed the Commissioners he would like to have shell building built before winter.

Mr. Pauley informed the Commissioners that Rick Myles has submitted a bid on the animal shelter building.

Commissioner Wender asked about the prevailing wage issues.

The Commissioners decided to have Ken Eskew check with FEMA regarding the animal shelter.

Mr. Eskew informed the Commissioners that FEMA will want to see plans.

Ms. Holly informed the Commissioners that FEMA has State rates and prevailing wages.

Commissioner Lopez informed the Commissioners that the invoices needed to be submitted.

Commissioner Wender asked Ms. Holly to write a letter to the State to inquire about bids submitted with or without prevailing wages and check with FEMA to see if it does or does not apply.

Mr. Pauley informed the Commissioners that this has to be approved by FEMA.

Commissioner Lopez informed the Commissioners that the deadline is next week.

Aubrey Riner with Southern Soil Conservation appeared before the Commission to discuss stream cleaning.

Commissioner Wender informed Mr. Riner that the DREAP Program did a lot of the stream cleaning.

Commissioner Wender told Mr. Riner he has checked to see if there is some way they could get someone to participate in getting new money for DREAP Program.

Commissioner Wender told Mr. Riner that the Commission has written letters and e-mails to Senator Byrd but has not received any answer.

Ms. Holly informed the Commissioners she needs to get clarification on the Flood Relief Program.

Commissioner Wender suggested calling Steve Cappa with the State Office of Emergency Services.

Commissioner Wender suggested asking Ken Eskew to check with Steve Cappa regarding the State Wage Rates.

Commissioner Wender asked to check to see if Ricky Myles pay State Prevailing Rates.

Commissioner Witt questioned that Earl Pauley, Park

Superintendent, get quotes for auto repair.

Earl Pauley, Park Superintendent, informed the Commissioners that others do not want to bid because Sam bid is so much lower.

Commissioner Witt requested that Mr. Pauley submit bid so he can compare with others.

Mr. Pauley informed the Commissioners the cost for the case line is \$351.00, the cost of the water \$125.00 a day.

Mr. Pauley informed the Commissioners they started back in 1993 trying to get a gas line and of today they are no closer to getting one.

Mr. Pauley suggested writing a letter to the gas company.

Commissioner Witt asked the Commission to let him check first, will try to get an answer by September 4, 2002.

Mr. Pauley informed the Commissioners that the West Virginia Power and Gas are saying they are waiting to get a tap.

Mr. Pauley informed the Commissioners that all measurements have been made, but natural gas would save money.

The Commissioners decided to let Commissioners Witt try and get an answer by September 4, 2002.

Discussion was held about removal of rocks in front of building.

Mr. Pauley informed the Commissioners that Gary Bailes of Summersville could possibly remove at a cost of \$3,000.00.

Commissioner Witt suggested getting hold of Mr. Bailes to get a cost.

Commissioner Wender made a motion that if bid is less than \$2,500.00 to approve Earl Pauley to get rocks moved. Commissioner Lopez seconded. All approved.

The Commissioner recommended that Appalachian Power go above to

put powerline in at the Fayette County Park, underground too costly.

The Commissioners discussed black top for 12' wide 200 x 200. Mr. Pauley to put a blanket down and cover, Louis Shockey to roll.

Commissioner Wender informed the Commissioners he had talked with Earl Pauley regarding a dump truck, Commissioner Wender suggested to Mr. Pauley to borrow one. Mr. Pauley told the Commissioners he could not borrow a dump truck.

Mr. Pauley told the Commissioners the cost would be \$6,500.00.

Commissioner Wender made a motion to approve purchase of a dump truck for the Fayette County Park. Commissioner Lopez seconded. All approved.

Commissioner Witt told Mr. Pauley that the police cruisers needed to be moved. He recommended not having more than three or so at a time in area of the park.

Commissioner Lopez informed the Commissioners that while he was visiting the Park he witnessed huge amounts of water being used by the water slide. Commissioner Lopez informed the Commissioners that he questioned Mr. Pauley about the amount of water that was being used.

Mr. Pauley informed the Commissioners he is making arrangements to lock hydrants.

Commissioner Wender suggested tabling approval of supplies for the Animal Control Center until September 4, 2002.

Commissioner Lopez made a motion to approve payroll and outstanding bills. Commissioner Wender seconded. All approved.

The Commissioners recessed at 12:20 p.m.

The Commissioners reconvened at 1:10 p.m. for County Commission meeting.



Ms. Holly presented a copy of a letter that was written to Paul Blake, Prosecuting Attorney, regarding a Participation Agreement from the West Virginia Public Employees Insurance Agency (PEIA) and copies of the Code to the Commissioners.

Commissioner Lopez questioned about the insurance information.

Ms. Holly explained to the Commissioners that item #10 of the agreement puzzled her and she called for clarification, was told to contact legal council.

Ms. Holly asked the Commission for permission to talk to Carl Harris, Assistant Prosecuting Attorney before sending a letter to Ralph Moore regarding his request to use the Memorial Building on December 31, 2002 for a concert in memory of Hank Williams.

Commissioner Witt approved and asked that this be tabled until September 4, 2002.

Ms. Holly presented a request from Brad Carelli, asking for a change in the scope of Project #OLEDA0077-Gauneka-Ruritans Grant to complete a fire alarm project to the Commissioners.

Ms. Holly informed the Commissioners she has prepared documents for the change.

Commissioner Lopez made a motion to approve request of Gauneka-Ruritans for a change in the scope of the project. Commissioner Wender seconded. All approved.

The Commissioners signed a letter and resolution to the West Virginia development Office on behalf of the Gauneka-Ruritans requesting a change in the scope of Project #01LEDA0077 to complete a fire alarm project.

The Commissioners signed a letter to the Division of Highways acknowledging the receipt of a check in the amount of \$300.00 for the

non-controlled access right-of-way for the Fayette County Laurel Creek Bridge Project, however, the Commissioners informed that since the project will benefit the citizens of Fayette County and will serve the Fayette County Park, the Commissioners returned the \$300.00 check back to the Division of Highways.

Ms. Holly presented the minutes of August 7, 2002 to the Commissioners. Commissioner Wender offered a motion to approved minutes of August 7, 2002. Commissioner Lopez seconded. All approved.

The Commissioners approved to send to all Elected Officials and Department Heads notice of the Memorial Services in Honor of All Victims and Victims Families of the September 11, 2001 Terrorist Attack on the United States of America being sponsored by the American Legion Post 149. The Commissioners asked that copies of the service be posted on all exterior doors.

The Commissioners signed a letter to Sheriff William Laird informing of the long-standing policy of the Commission not to permit rallies on county-owned property and requesting the law enforcement assistance of your department to prevent the use of any county-owned property for the KKK rally being held on Saturday, October 26, 2002.

The Commissioners signed a letter to the Women's Resource Center informing they received and reviewed their request dated August 7, 2002 for funding to the Domestic Violence Response Team, however, the Commission informed them that the budget for Fiscal Year 2003 was finalized in March 2002; therefore, no additional funding is available. The Commissioners approved \$500.00.

The Commissioners signed and approved application to the Department of Tax and Revenue for refund of gasoline and special fuel

taxes. The Commissioners asked that copies of the gasoline invoices be attached, to be post marked by August 30, 2002, cost of gasoline is 20½¢ per gallon. The Commissioners informed that this would be done one fiscal year at a time.

Ms. Holly asked the Commissioners if they had heard any other commitments regarding the elevator funds. The Commission replied no.

The Commissioners received and reviewed Legislative Digest Grants reimbursements for the Courthouse Elevator (\$19,440.72), Christian Helping Others Food Pantry (\$500.00), Fayette County REACT (\$1,836.00), and Fayette County Soccer Association (\$1,500.00).

The Commissioners received and reviewed reimbursement for jail fees from the City of Oak Hill (\$360.00), reimbursement from the Sheriff of Raleigh County for TRIDENT overtime for Garland Burke for the month of May (\$1,066.96), reimbursement from the Town of Ansted for tires (\$404.64) and reimbursement from Clay County 4-H for phone calls (\$156.00)

Ms. Holly informed the Commissioners that the elevator wall in the Circuit Clerk's Office will hit the end of the door, but architect and Dan Snead has been notified; Ms. Holly informed the Commissioners' that she hopes to hear something soon regarding this matter. Commissioner Wender suggested letting the West Virginia Development Office know.

Ms. Holly presented a deed regarding the FEMA grant Emergency buyout of the Fitzgerald property to the Commissioners from Attorney James Blankenship.

The Commissioners received and reviewed a letter from Verizon giving an explanation of the doubled 911 Fees remitted for the month of August.

The Commissioners received and reviewed a Certificate from the West Virginia Association of Counties acknowledging the county's membership.

The Commissioners received and reviewed pledges of securities from the SunTrust Bank and Wachovia Bank. Original forwarded to the County Clerk's Office.

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

The Commissioners received and reviewed Workers' Compensation correspondence and Certificate of Coverage for July 1, 2002 to November 30, 2002.

The Commissioner received and reviewed an invitation from General Ambulance inviting the Commissioners to attend the 2002 General Ambulance, Inc. "Grand Re-Opening" being held September 4, 2002.

Ms. Holly informed the Commissioners she received notice that a Managing Stress in the Workplace Seminar is being held today at the Oak Hill Holiday Inn.

The Commissioners received and reviewed a letter from the Fayette County Board of Education enclosing the "Order and Notice of Special Election for Continuation of Additional Fayette County Board of Education Levy."

The Commissioners received and reviewed a letter from the West Virginia Public Employees Insurance Agency informing there will be no changes to employee premiums for policyholders who are enrolled in Optional Life coverage until January 1, 2002.

The Commissioners received and reviewed weekly fees collected from the Fayette County Animal Control for the week August 9, 2002 to

August 15, 2002 (\$555.00) and August 16, 2002 to August 22, 2002 (\$335.00).

The Commissioners received and reviewed a letter from Congressman Rahall endorsing his support for the Small Cities Block Grant application the Commission submitted requesting funding for the Courthouse 504 Compliance/Southern Appalachian Labor School (SALS) dormitory annex project.

The Commissioners received and reviewed a letter from the Department of Tax and Revenue recommending mineral changes for Tax Year 2002 due to clerical error on Robert Lee Wriston et al property.

The Commissioners received and reviewed a letter from the West Virginia Division of Culture and History informing that Historic Preservation survey and planning grants are available. Copies forwarded to Daniel Wright, Fayette County Historic Landmark Commission, and Dave Pollard, County Resource Coordinator.

The Commissioners received and reviewed from the Division of Highways notice of Transportation Enhancement Program funding. A copy has been forwarded to Dave Pollard, County Resource Coordinator.

The Commissioners received and reviewed application for Employment from Margaret A. Grasty.

The Commissioners received and reviewed Oath of Office from Pat Day, member of the Fayette County Planning Commission. Original forwarded to the County Clerk's Office.

The Commissioners received and reviewed a letter from the West Virginia Economic Development Grant Committee informing that the application submitted by the Commission has not been selected to move forward to the public hearing phase of the process.

The Commissioners received and reviewed a letter from the

Supreme Court of Appeals regarding Rule 8(d) of the Administrative Rule of Magistrates Courts Long Distances Reimbursement informing it's the decision of the county to make regarding reimbursement.

Commissioner Wender suggested this should be considered when the Magistrates submit invoices for reimbursements.

Ms. Holly presented information from Sheriff William Laird informing the Commissioners that he received from TRIDENT a 1987 Jeep that has been assigned to Law Enforcement.

Commissioner Wender requested that a letter be sent to Sheriff Laird requesting that the next Fayette County deputy who wrecks a county-owned cruiser be assigned the 1987 Jeep.

Commissioner Witt informed the conditions would be that the Jeep is used in connection with Fayette County TRIDENT Task Force.

Discussion was held regarding purchasing a window tint meter. The Commissioners received and reviewed recommendations from Sheriff Laird and Chief Deputy Steve Kessler. After reviewing, Commissioner Wender made a motion to deny request for a window tint meter and to send the two vehicles with after marked tints to another inspection station. Commissioner Lopez seconded. Unanimous.

Ms. Holly informed the Commissioners she received from J. Dan Snead and Associates Progress Report dated August 23, 2002 regarding the courthouse elevator project. Upon reviewing the letter, the Commissioners asked Ms. Holly to ask Dan Snead about the coordinate construction with Boso and Boso regarding a ditch.

Ms. Holly told the Commissioners that she received a call from David Neal, E911 Coordinator informing her that the Man Mountain Tower was broken into.

Ms. Holly told the Commissioners that Mr. Neal is replacing

batteries and ordering steel from Vo-Tech.

Ms. Holly informed the Commissioners she received a call from Chief Deputy Steve Kessler informing that lightning had damaged the door controllers and computer.

Ms. Holly presented a copy of an invoice she received from Sheriff Laird for Advanced Alarm Technology to the Commissioners, amount \$1,600.00.

Commissioner Witt questioned as to why the Commission would have to pay for something that hasn't been used?

Commissioner Wender questioned why lightning could not have been prevented.

Ms. Holly informed the Commissioners that the equipment has been paid for, but the cut over has not been made.

Commissioner Wender asked that a letter be sent refusing to accept the invoice until equipment is accurately installed and that a letter be sent refusing to accept the system.

Commissioner Wender asked who was responsible for the contract work.

Ms. Holly informed the Commissioners that the Financial Statement is due September 30, 2002.

Commissioner Witt suggested checking with Judge Hatcher about the specifics.

Ms. Holly informed the Commissioners that Mr. Campbell had agreed to install spare fiber cable to the Courthouse Annex. Ms. Holly told the Commissioners he has finished.

Ms. Holly informed the Commissioners she received from Kelvin Holliday, County Clerk, correspondence from the Election System and Software informing of the many steps they have taken to minimize

future errors and ensure better performance during the General Election.

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 Agency Contact List 2002 Digest of the Enrolled Budget Bill.

The Commissioners signed order having been advised of the need to substitute certain securities pledged on behalf of the Fayette County National Bank, 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.

The Commissioners received and reviewed from the County Commissioners Association newspaper article informing of the county's share of lottery profits.

The Commissioners approved for Tim Richardson, Zoning Officer to attend the Managing Floodplain Development Through the National Flood Insurance Program seminar.

The meeting was adjourned at 2:17 p.m. The next scheduled meeting is September 4, 2002.





FAYETTE COUNTY COMMISSION

REGULAR SESSION

SEPTEMBER 4, 2002

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 4<sup>th</sup> day of September 2002.

Commissioner Witt called the meeting to order at 9:06 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.

Ralph Davis, City Manager for the Town of Fayetteville appeared before the Commission to discuss and request assistance on improving the corner of the courthouse lawn on Maple and Court Streets by placing tables and benches in the area so that the people who work in the area would have some place to go during their lunch hours. Mr. Davis informed the Commissioners that he had talked with the merchants about having a Subway Day, Gino's Day and Pretzel Day, they seem to think that this would be a great idea.

Mr. Davis presented a drawing of the area and the type of tables that are needed to the Commissioners.

Mr. Davis told the Commissioners that the grant amount they received is \$30,000 the Town has only \$23,000 left, Mr. Davis told the Commissioners that the grant does not allow the purchase of the tables.

Commissioner Lopez asked Mr. Davis if there's a chance that the Town might get approval of the tables. Mr. Davis replied he didn't think so.

Commissioner Lopez asked who would be responsible for trash that would be dumped every day.

Mr. Davis informed the Commissioners that the Town would maintain all the maintenance to the area.

Commissioner Wender asked Mr. Davis if he had talked with any members of the Fayette County Historic Landmark Commission about this project. Mr. Davis replied he would get in touch with them.

Commissioner Wender offered a motion that the Commission approves concept pending the decision of the Fayette County Historic Landmark Commission. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez made a motion that the Commission pick up the \$6,500 cost of the tables contingent upon approval by the Fayette County Historic Landmark Commission. Commissioner Wender seconded. Unanimous.

Commissioner Lopez made a motion to change the regular County Commission meeting from September 15, 2002 to September 11, 2002 at 9:00 a.m. Commissioner Wender seconded. Unanimous.

The Commissioners signed second drawdown to the West Virginia Development Office for the Fayette County Youth Soccer Association Grant #02-472, amount \$3,074.00.

The Commissioner signed fifth drawdown to the West Virginia Development Office for the Courthouse Handicapped Accessibility Grant #99-169, amount \$23,945.48.

The Commissioners signed zoning hearing minutes of August 28, 2002.

The Commissioners received and reviewed a letter from the United States Postal Service inviting the Commissioners to participate in the dedication of the Neuter or Spay Postage Stamp Program at the

Fayetteville Post Office on Friday, September 20, 2002 at 2:00 p.m.

Ms. Holly presented to the Commissioners the County Commission minutes of August 16, 2002.

The Commissioners signed letters of appreciation to Larry Vassil, Lauran Folsom, Megan Jenkins, Carol Askmore, Melissa Kincaid, Theresa White, James Wiseman, Jr., Randy Housh, Deborah Scott, and Joann Gillespie for their participation during the past year as members of the Project Recovery Team.

Ms. Holly informed the Commissioners that she talked with Lisa Green with the West Virginia Development Office regarding Gauneka-Ruritans request to changing the scope of the project to complete a fire alarm project and Ms. Green told her that no request to change would be needed.

Ms. Holly informed the Commissioners that the City of Oak Hill would be the sponsors for the Summerlee Wesleyan Men Legislative Digest Grant.

Ms. Holly informed the Commissioners she had talked with Ms. Green about the oil/water separator for the elevator. Ms. Green told Ms. Holly that she did not feel it would be a problem and not to send the letter, wait closer to the end of the contract period and get something from the Architect.

The Commissioners received and reviewed copies of letters from J. Dan Snead and Associates to Greg Boso of Boso and Boso, Inc. regarding the progress of the elevator renovations and the second floor wall location.

Commissioner Wender asked who would be responsible for additional monies if needed. Ms. Holly informed the Commissioner she would have to check.

Ms. Holly explained to the Commissioners why the oil/water separator is needed for the renovation for the elevator.

Ms. Holly told the Commissioners the oil/water separator is required by the Environmental Protection Agency (EPA) to separate the oil and water so that it will not go into the sewer system, there will be a sump hole in the bottom of the elevator pit, if any liquid get in the bottom the sump pump pumps to the oil interceptor. Ms. Holly told the Commissioners this will be located on the outside of the courthouse.

Commissioner Wender suggested covering with a metal plate.

Commissioner Witt made a motion to go into Executive Session to discuss problems at the Fayette County Park. Commissioner Lopez seconded.

Upon returning from the Executive Session the Commissioners reconvened as County Commission meeting.

Commissioner Witt informed there was no action taken regarding the problem at the Fayette County Park.

Commissioner Witt moved to entertain a motion to go back in Executive Session.

Commissioner Lopez moved that the Commissioners go back in Executive Session. Commissioner Wender seconded.

The Commissioners returned from the Executive Session. No decision was made.

The Commissioners reconvened as County Commission meeting.

Ernest Hayes, Bluefield Timber LLC appeared before the Commission to request consolidation of land book entries. Donald Hogan from the Assessor's Office was present.

Mr. Hayes presented Exhibits A & B on how the property should be

consolidated to the Commissioners.

Mr. Hogan informed the Commissioners he sees no problem with the consolidation.

After presenting the Exhibits to the Commissioners, Carl Harris, Assistant Prosecuting Attorney suggested to Mr. Hayes to meet again next week, this will give Mr. Hogan a chance to review Exhibits.

Commissioner Witt asked Mr. Hogan to submit recommendation at the next County Commission meeting, September 11, 2002.

Carl Harris, Assistant Prosecuting Attorney informed the Commissioners he received a right-of-way from Appalachian Power Company but the form was not completed and he suggested to the Commissioners to return for completion.

The Commissioners received and reviewed from Robert Fuller an Easement Agreement from Capitol Engineering, Inc.

The Commissioners asked Carl Harris, Assistant Prosecuting Attorney to review on behalf of the Commission and the Fayette County Building Commission.

Steve Cruikshank, OES Director, appeared before the Commissioners to review bids for FEMA Reappraisers.

Ms. Holly informed the Commissioners' she only received one bid from Walbrown Real Estate and Appraisal Service.

Commissioner Wender asked Mr. Cruikshank if the Fayette County Solid Waste Authority could bid on.

Mr. Cruikshank informed they could bid on, but they would have to follow all the procedures.

Commissioner Lopez asked if the appraisers in the Assessor's Office are qualified to do this job.

Mr. Cruikshank informed the Commissioners that when the

appraisers are done, they would have to hire an appraiser reviewer.

Commissioner Wender made a motion to accept bid the offer of Walbrown Real Estate and Appraisal Service for the services of a Certified Real Estate Appraiser to establish the pre-flood, fair market value of twenty (20) private dwellings through the State and Federal Hazard Mitigation Grant Program, offer is pending upon approval of the State Office of Emergency Services. Commissioner Lopez seconded.

Present for the opening of the Animal Shelter bids were Ken Eskew, Earl Pauley, and Tammy Gill.

Commissioner Wender asked if anything has been resolved regarding the minimum wage rates.

Ms. Holly informed the Commissioners she had talked with Vicky Chambers with the Wage and Labor Division regarding whether or not the State rate wages apply. Ms. Holly informed the Commissioners she would need a copy of the State Wage Rate.

Ms. Holly told the Commissioners she would check with Steve Cruikshank, OES Director, to see if he has anything in his documents about the State wage rates.

After a brief discussion, Commissioner Wender made a motion to receive bid from Ricky Myles contingent upon confirmation from the State Labor Board that the prevailing wage is required, Earl Pauley, Park Superintendent to negotiate with the contractor to reduce the scope of work, i. e. a limit contract to include poured floor and masonry, doors and windows and ask that Mr. Pauley report on September 11 for final approval. Commissioner Lopez seconded. Unanimous.

Ms. Holly informed the Commissioners she would downside material

bid but feel this should be advertised.

Commissioner Wender asked the Commissioners to give Mr. Pauley permission to go buy materials and to put plumbing in the ground.

Commissioner Wender made a motion for Ms. Holly to bid out the lumber and plumbing materials. Commissioner Lopez seconded.

Unanimous.

Commissioner Lopez made a comment to the Commissioners regarding the excellent custodial service of John Barnhart and Jackie Barnhart who work the evening shifts at the courthouse and the courthouse annex.

Commissioner Wender made a motion that subject to the approval of the Assessor that Gary and Sandra Thomas be afforded tax relief for tax years 1997, 1998, 1999, 2000, and 2001 in the total amount of \$1,324.48 in the form 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. Commissioner Lopez seconded. Unanimous; order signed.

The Commissioners signed a letter to Manuel Domingues, Superintendent, Fayette County Board of Education regarding their desire to have the Fayette County Board of Education Levy submitted to a vote at the November 5, 2002, General Election; informed the Board that Thelma Kincaid, Circuit Clerk has included their request on the November 5, 2002 ballot, and informed the Board that it is their understanding they will pay any and all printing and legal advertisement cost associated with the Special Levy Ballot, and that it is our understanding that the custodial fees for school facilities will be waived and to inform them that a canvass of the General Election will be held at 9:00 a.m. on Tuesday, November 12, 2002, and

that a quorum of the members of the Fayette County Board of Education must be present and shall jointly conduct the canvass with a quorum of the Commission.

The Commissioners signed a letter to Paul Blake, Prosecuting Attorney, asking his advise of what action the Commission can take to be kept abreast of the development of the proposed transferring of water from the New River Basin to the Roanoke River Basin.

The Commissioners signed Fire Levy Protection Agreements from the Gauley Bridge Volunteer Fire Department and the Loup Creek Volunteer Fire Department for the period July 1, 2002 to June 30, 2002.

The Commissioners approved invoices to be paid from the FEMA account.

Discussion was held regarding the computer equipment. The Commissioners informed they would finance the \$100,000 under the condition that they could pre-pay without a penalty for a term of 36 months at 5.01% interest or 48 months at a higher rate.

Ms. Holly informed the Commissioners that she wanted to look at and discuss with Gary of Software System and would have a recommendation on September 11, 2002.

Ms. Holly asked the Commissioners if they were going to take any action on the Memorial Building today.

The Commissioners discussed increasing the rental fee from \$500.00 to \$1,000.00 for the use of the Memorial Building, increasing the liability insurance to \$1,000,000. Commissioner Witt asked Ms. Holly to find out what the cost of the insurance would be.

Commissioner Lopez made a motion that the rental fees for the Memorial Building are increased from \$500.00 to \$1,000.00 and that



the liability insurance is increased from \$300,000 to \$1,000,000 for everybody. Commissioner Wender seconded. Unanimous.

The Commissioners received and reviewed Workers' Compensation correspondence.

The Commissioners received and reviewed Oath of Office from Melba Carter, a member of the Fayette County Public Library Board. Original forwarded to the County Clerk's Office.

The Commissioners received and reviewed from Sheriff William Laird a request for reimbursement to the West Virginia Division of Criminal Justice Service for Project #01-CS-06, amount \$7,000.00.

The Commissioners signed letters to Senator Shirley Love, Delegates John Pino, Tom Louisos, Dave Perry and Randy White informing them that the Economic Grant Committee will be conducting a hearing and receiving public comment on those projects still in contention for funding on Thursday, September 5, 2002 at 7:00 P.M. at the Raleigh County Armory. Commissioner Wender asked Ms. Holly to fax a copy of the letter to Ann Cavalier, WVUIT.

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

The Commissioners received/reviewed and approved request of allotment from the Beards Fork Community Center, amount \$1,000.00.

The Commissioners received and reviewed copies of the Notification of Local Government Account Assignment from the Fayette County Health Department.

The Commissioners received and reviewed from the West Virginia Rural Water Association notice of the 4<sup>th</sup> Quarter 2002 Training Classes. Original forwarded to Steve Cruikshank, OES Director.

The Commissioners received and approved from Tim Richardson,

Zoning Officer request for Comp. time for Thursday, September 5-2½ hours in the afternoon and seven hours Friday, September 6, 2002. Ms. Holly told the Commissioners that Mr. Richardson said he sent an e-mail informing Dave Pollard of these days off.

The Commissioners received and reviewed from Wachovia Bank, N.A. a Pledged Security Release Notification.

Ms. Holly informed the Commissioners she received copies of C-PAC weekly fees collected for the month of August. Ms. Holly informed the Commissioners she received this information late yesterday afternoon, will work up for September 11, 2002.

Ms. Holly informed the Commissioners she talked with Sheriff Laird regarding writing a letter to Advanced Alarm System about why the County would have to pay the cost for the lightning striking the swipe card system when the lightning hit the swipe card system that wasn't in use by the County. Sheriff Laird said he would write a letter to Advanced Alarm System regarding this concern.

Discussion was held regarding sending a letter to Sheriff William Laird requesting that the next Fayette County Deputy who wrecks a county-owned cruiser be assigned to drive the 1987 Jeep recently awarded to their department from TRIDENT.

Ms. Holly told the Commissioners she received a call from Earl Pauley, Park Superintendent, informing that Mark Campbell got hurt Friday, will be off three to four weeks, and Randy Redden is off due to marital problems doesn't know when he will be back.

Commissioner Lopez moved to adjourn.

The meeting was adjourned at 1:35 p.m. The next scheduled meeting is September 11, 2002.



FAYETTE COUNTY COMMISSION

SPECIAL SESSION

SEPTEMBER 11, 2002

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 11<sup>th</sup> day of September 2002.

Commissioner Witt called the meeting to order at 9:04 a.m.

Exonerations were approved and signed.

Commissioner Witt informed the Commissioners that due to several calls and concerns regarding the Commissioners' decision to approve the Town of Fayetteville request to install picnic tables on the Maple Avenue side of the courthouse lawn in their County Commission meeting held on September 4, 2002 he feels the Commission would have to rescind their decision.

After a brief discussion, Commissioner Wender offered a motion to rescind the action they took at their last meeting and will not go forward with the installation of picnic tables on the Maple Avenue side of the courthouse lawn and also to rescind the Commission's decision to purchase the tables. Commissioner Lopez seconded. Unanimous.

Ralph Davis, City Manager for the Town of Fayetteville informed the Commissioners that no one has called his office to complain.

Ken Eskew informed the Commissioners that the President of the Fayette County Historic Landmark Commission had no problem with the improvements, but another member of the Historic Landmark Commission had objected.

Earl Pauley, Park Superintendent, Tammy Gill and Ken Eskew

appeared before the Commission to present updates on the Animal Shelter.

Ms. Gill told the Commissioners the cost of a 26 x 80 building would be \$61,821.48, and the cost of a 26 x 66 building would be \$53,725.65, if they cut the door off the cost would be \$2,820.66 heating materials included.

Ms. Holly informed the Commissioners they would have to advertise.

Ms. Gill informed the Commissioners that the 26 x 32 building would cost \$30,311.54.

Commissioner Wender asked Mr. Pauley if he had talked with Ricky Myles about cutting back on the project.

Mr. Pauley informed the Commissioners that Ricky Myles informed he would not cut any of the project.

Commissioner Wender suggested waiting until the September 25 County Commission meeting to approve bid, and submit to FEMA plans for a 26 x 66 building and ask Ricky Myles to submit a bid on a 26 x 66 building.

The Commissioners asked Earl Pauley, Ken Eskew to get with Ricky Myles to discuss.

Commissioner Wender offered a motion to approve the bid submitted by Ricky Myles after Ken Eskew and Earl Pauley review with Mr. Myles his cost, the same building without garage 26 x 66. Commissioner Lopez seconded.

Commissioner Wender offered a motion to approve and sign several requests to combine or divide and segregate land as submitted by the Assessor's Office. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to approve payroll and

outstanding bills. Commissioner Lopez seconded. All approved.

The Commissioners discussed moving precinct 51 (Beckwith) from the Fayette County Park canteen to the Beckwith Elementary School.

Commissioner Lopez informed the Commissioners that he had talked with Dale Watkins at the Fayette County Board of Education regarding this matter and was told that it would be impossible to open this building for the General Election.

Commissioner Wender suggested writing a letter to the Board regarding this matter.

Commissioner Wender offered a motion to approve the lists of poll workers from the Democrat and Republican executive Committee and Emergency absentee deputies from Kelvin Holliday, County Clerk for the General Election being held November 5, 2002. Commissioner Lopez seconded. Order signed.

Ms. Holly informed the Commissioners of the changes in the financial statement. Ms. Holly informed the Commissioners she received a notice dated May 1, 2001 from the Director of the State Auditor that effective July 1, 2002 the Counties would have to complete a State's Guideline for depreciation and that the counties had to start depreciating assess and that now the counties have to account for depreciation.

Commissioner Lopez made a motion to accept State's Guideline for Depreciation Life. Commissioner Wender seconded. Order signed.

The Commissioner signed a letter to Debbie Legg, Manager of State Grants, West Virginia Development Office requesting approval for the extension of Project #99CPGP1050-Courthouse Elevator to November 30, 2002. Ms. Holly informed the Commissioners that Dan Snead and Associates have written a letter to Boso and Boso regarding

this matter.

Ms. Holly informed the Commissioners she has prepared a revised scheduled of fees for the rental of the Fayette County Memorial Building.

Ms. Holly informed the Commissioners she talked with Gary Hough, Principal, Fayetteville Middle School and informed him that overtime for custodian are to be paid to the Fayette County Board of Education.

Ms. Holly informed the Commissioners she talked with Michael Lively of Jim Lively Insurance regarding the cost of the million-dollar liability insurance.

Commissioner Wender offered a motion to approve and accept the revised scheduled of fees and changes of liability insurance rates as submitted for the rental of the Memorial Building. Commissioner Lopez seconded. Unanimous.

The Commissioners signed a letter to Gary Hough advising him that effective immediately the rental of the Memorial Building for fund raising and special events have been increased from \$500.00 to \$1,000.00 and the minimum limit of liability insurance coverage is increased from \$300,000 to \$1,000,000 including injuries and/or wrongful death to any one person and property damage for any accident.

The Commissioners signed a letter to Ralph Moore approving his request for the use of the Memorial Building on December 31, 2002 for a concert in memory of Hank Williams on the 50<sup>th</sup> anniversary of his death, since the program does not meet the public, non-profit guidelines the rental fee of \$1,000.00 and the \$1,000,000 liability insurance will not be waived.

The Commissioners received and signed corrected Zoning Hearing minutes of August 28, 2002.

The Commissioners signed a letter to the West Virginia Development Office requesting fourth drawdown for the Christians Helping Others Food Pantry, amount \$500.00.

The Commissioners signed a letter to Sheriff William Laird requesting that the next Fayette County Deputy who wrecks a county-owned cruiser be assigned to drive the 1987 Jeep recently awarded to their department from TRIDENT.

The Commissioners signed a letter to the Public Service Districts asking that they provide the Commission with a status of any outstanding bond issue of their Public Service District's (including interest rates, current balance, terms etc.).

Ms. Holly asked Carl Harris, Assistant Prosecuting Attorney if he had reviewed the Appalachian Right-of-Way. Mr. Harris told Ms. Holly he had not had a chance to review.

Ms. Holly informed the Commissioners that she received a call from Patti Payne informing her that the Animal Shelter had been broken into and \$110.00 was taken out of the money box and a digital camera was stolen.

Ms. Holly informed the Commissioners no fees deposited for this week. The Commissioner received and approved monthly drawdown request of \$10,123.62.

Ms. Holly informed the Commissioners' she received a call from the Fayette County Health Department informing they had found a bird in the Kilsyth area that had the West Nile virus. Ms. Holly gave the Commissioners information on the West Nile Virus.

Ms. Holly informed the Commissioners she sent to the West

Virginia Public Employees Insurance Agency for their approval the Participating Agreement.

Commissioner Wender offered a motion to recess for the Memorial Service in Honor of All Victims and Victims' Families of the September 11, 2001 Terrorist attack on the United States of America.

The Commissioners reconvened the Commission meeting at 11:40 a.m.

Ms. Holly informed the Commissioners of a follow-up call with Lisa Green, Community Development specialist with the West Virginia Development Office, Ms. Green informed her she will transfer the Summerlee Wesleyan Men Grant to the City of Oak Hill to sponsor.

The Commissioners received and reviewed Audit Report from the Gauley River Volunteer Fire Department for fiscal year ending June 30, 2002.

Ms. Holly informed the Commissioners that the West Virginia Public Employees Retirement System will hold a Non-State Payroll Coordinator Workshop on September 16, 2002 and the West Virginia Public Employees Insurance Agency will hold a Quarterly Benefit Coordinator workshop on Tuesday, September 24, 2002 both at Flatwoods.

The Commissioners received and reviewed correspondence from Steptoe and Johnson regarding Gary Skaggs lawsuit, Civil Action No. 01-C-113V.

The Commissioners received and reviewed a letter from Charter Communications informing the Commission of a change in their mailing address for their corporate office.

The Commissioners received and reviewed an Oath of Office from Eugene Kistler a member of the Fayette County Planning and Zoning



Commission.

The Commissioners received and reviewed a memorandum from the Upper Kanawha Valley Enterprise Community informing of an Informational Meeting regarding street addressing/house numbering being held Thursday, September 19, 2002 at 6:00 p.m.

The Commissioners received and reviewed a note from Paul Blake, Prosecuting Attorney regarding his advise to the Commission on the proposed transferring of water from the New River Basin to the Roanoke River Basin. The Commission asked to hold for discussion at a later meeting after completion of the financial statement.

The Commissioners received and reviewed a letter from David Neal, E911 Coordinator informing that William Dempsey, Cheryl Donnally and Phillip Stover has completed their Part-Time Probationary Training periods and effective September 16, 2002 they will assume Full-Time status at a pay rate of \$7.33 per hour.

Commissioner Wender offered a motion to approve David Neal request to change the three Part-time Telecommunication Specialists to Full-time Telecommunication Specialist at a rate of \$7.33 effective September 16, 2002. Commissioner Lopez seconded. Unanimous.

Ms. Holly informed the Commissioners that James Perdue, Maintenance Supervisor informed her that Jackie Barnhart gave notice that he is quitting the end of September.

Commissioner Lopez suggested to the Commissioners to hire Robert Williams to fill the position.

The Commissioners called the Board of Education and asked that Dale Watkins, Board Maintenance Supervisor and Manuel Domingues, Board Superintendent attend the Commission meeting to discuss the

possibility of using the Beckwith Elementary School for a polling place for the General Election.

After a brief discussion regarding the use of the Beckwith Elementary School with Mr. Watkins, Mr. Domingues and the Commissioners regarding the pros and cons of using the school the Commissioners decided to leave the voting place at the Fayette County Park.

Commissioner Witt asked the Commissioners if they would approve purchase of a computer for the Plateau Amateur Radio Association. The Commissioners approved.

The Commissioners received and reviewed a copy of a letter from Steve Cruikshank, OES Director to Debbie Aliff, Payroll Clerk informing that Teresa White is hired as a Full-time temporary employee, effective Tuesday, September 3, 2003 at \$8.50 per hour to be paid out of the Fire Levy Fund.

The Commissioners received and reviewed a thank-you letter from the Fayette County Board of Education thanking the Commissioners for their assistance in getting the Special School Levy included on the November 5, 2002 General Election Ballot.

The Commissioners received and reviewed checks for alarm fees and 911 fees from businesses, Telecom, Inc. \$7.84, Charter Communications \$842.00 and Metro Teleconnect Company, \$49.00.

The Commissioners received and reviewed a letter from David Neal, E911 Coordinator requesting permission to attend a two-day class, September 13 and 14, 2002 on the ARCVIEWERSI Mapping and Addressing software system, registration and course materials cost is \$600.00.

Commissioner Wender offered a motion to approve request of David

Neal, E911 Coordinator to attend the Mapping/Addressing Class.

Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed response from Stephen Zoeller, Director, Kanawha County Park and Recreation regarding the Parks and Recreation Commission. The Commission asked Carl Harris, Assistant Prosecuting Attorney to review and make recommendations.

Carl Harris, Assistant Prosecuting Attorney informed the Commissioners he reviewed easements and maps from Capitol Engineering, Inc. for the Glen Jean Property right of way. Mr. Harris informed the Commissioners that since there is no seal on the map they cannot be recorded.

Commissioner Wender asked Mr. Harris if they should forward the information to the Fayette County Building Commission for their signature. Mr. Harris replied yes.

Commissioner Wender made a motion that said right of way be recorded with the minutes of the September 11, 2002 minutes. Mr. Harris suggested to the Commissioners to make a reference on the materials of Commissioner Wender's motion.

Commissioner Lopez asked the Commissioners to hire Robert Williams to come on as custodian on temporary basis until they advertise for custodian position.

Commissioner Wender offered a motion to hire Robert Williams part-time, on temporary basis, for 30-days subject to background check until the Commission has time to advertise for custodian position. Commissioner Lopez seconded. Unanimous.

Ms. Holly informed the Commissioner she received a call from Thelma Kincaid, Circuit Clerk requesting that Cathy Jarrett's telephone be moved to her new location. Ms. Holly informed the

Commissioners that she would check to see if this is going to be Ms. Jarrett's permanent or temporary location.

The Commissioners received and reviewed a letter from Kelvin Holliday, County Clerk asking what room he can use to issue election supplies. Mr. Holliday suggested hallway.

The Commissioners approved use of the hallway as requested by Mr. Holliday, workers to carry down votomatics for poll workers per the County Commission on Thursday, October 31, 8:00 a.m. to 4:00 p.m., November 1, 8:00 a.m. to 4:00 p.m. and Saturday, November 2, 9:00 a.m. to 12:00 Noon.

Ms. Holly presented a request for new furniture from the West Virginia University Extension Office to the Commissioners for new furniture.

Ms. Holly told the Commissioners if she wasn't mistaken they just brought furniture for the last agent.

The Commissioners asked Ms. Holly to find out more information on regarding this request from the West Virginia University Extension Office.

Commissioner Wender asked that all the new agents for the WVU Extension Office come in to introduce themselves.

Ms. Holly informed the Commissioners that the Certificate of Acceptance for the telephone system has never been signed. The Commissioner signed.

Ms. Holly informed the Commissioners that the modem was just installed a few weeks ago.

Ms. Holly told the Commissioners she received a letter from Verizon informing that at this time they are unable to provide Caller ID service out of their Central Office equipment.

Commissioner Wender suggested to the Commissioners that when the Caller ID become available he feel Verizon should install at no charge.

The Commissioners asked Carl Harris, Assistant Prosecuting Attorney to write a letter to Verizon to inform them that the Commissioners feel they should install the Caller ID when it becomes available at no charge to the County.

Ms. Holly informed the Commissioners she received from Software Systems (IBM Credit Corporation) a computer lease estimates for 36 months and 48 months for the \$100,000 balance left for the purchase of the new computer equipment.

Commissioner Wender offered a motion to go with lowest term 36 months' lease with no prepayment penalty. Commissioner Lopez seconded. Unanimous.

Ms. Holly informed the Commissioners that the Sales Representative for Software Systems called yesterday to inform her that the cable for the computers would be installed this weekend.

Commissioner Witt asked Ms. Holly to let the installers know that the Commissioners don't want any cable exposed.

Commissioner Wender asked Ms. Holly about getting a speaker phone for the County Commission Room.

Commissioner Witt asked Ms. Holly if the damages to the cable line been resolved.

Ms. Holly informed the Supreme Court has taken care of.

The Commissioners received and reviewed a letter from Steptoe and Johnson regarding Gary K. Skaggs lawsuit.

The Commissioners received and reviewed a pledge of securities from the Branch Banking and Trust Company (BB&T).

The Commissioners approved purchase of two computers for the Fayette County Amateur Radio Club, amount \$1,951.00. Commissioner Witt informed the Commissioners they will retain ownership of the equipment.

The Commissioners received and reviewed a letter to Delegate John Pino regarding funding for the completion of the Fayette County Courthouse elevator project.

The Commissioners received and reviewed a copy of a letter from Sheriff William Laird to the Supreme Court of Appeals requesting Grant Adjustment for Court Security Grant Project #01-CS-06.

The Commissioners received and reviewed invitation from the Upper Kanawha Chamber of Commerce and Tech Alumni Association inviting them to attend Casino Night being held Saturday, October 12, 2002 at the David S. Long Alumni Center.

The Commissioners received and reviewed a copy of a letter from Paul Blake, Prosecuting Attorney to Kelvin Holiday, County Clerk informing that Lois Ann Connor has been hired temporarily as a receptionist at \$8.00 per hour.

The meeting was adjourned at 1:16 p.m. The next scheduled meeting is September 25, 2002.



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FAYETTE COUNTY COMMISSION

REGULAR SESSION

SEPTEMBER 25, 2002

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 25<sup>th</sup> day of September 2002.

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

Exonerations were approved and signed.

W. D. Smith, Executive Director, Region 4 Planning and Development Council appeared before the Commission to present application for Grant Funds to Conduct a Tourism Destination Feasibility Study and to sign resolution that the Commission pledges \$500.00 in unencumbered matching funds for the project.

On a motion made by Commissioner Lopez and seconded by Commissioner Wender the Fayette County Commission does hereby approve and authorize the adoption of said Resolution.

Mr. Smith asked the Commissioner to write a commitment letter on the \$500.00 matching share.

Mr. Smith presented Letters of understanding between the Fayette County Commission and the Region 4 Planning and Development Council (R4PDC) for administration of the New Haven Public Service District-Paint Creek/Plum Orchard Water Line Extension Project and the New Haven Public Service District, Contract No. 12 Saturday Road/Horseshoe Creek Waterline Extension Project to the Commissioners. Administrative costs shall not exceed the sum of \$40,000 for the Administration of the project funds.

Commissioner Lopez made a motion and Commission Wender seconded

the motion that Fayette County Commission does hereby approve to sign Letters of Understanding for the Administration of the New Haven Public Service District-Paint Creek/Plum Orchard Water Line Extension Project and the New Haven Public Service District, Contract No. 12 Saturday Road/Horshoe Creek Waterline Extension Project.

Mr. Smith presented a resolution stating that the Small Cities Community Development Block Grant Program Requirement is being reauthorized as 10 different procedural options to the Commissioners.

Commissioner Wender offered a motion to accept, and authorize Commissioner Witt to execute. Commissioner Lopez seconded. Unanimous. Resolution signed.

Commissioner Wender informed the Commissioners that in a 4-C Economic Development Authority meeting the Authority allocated funds for a part-time person to help Dave Pollard, County Resource Coordinator.

Commissioner Wender offered a motion to approve payrolls, to be released Friday, September 27, 2002. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to approve outstanding bills. Commissioner Lopez Seconded. Unanimous.

Randy Housh, Flood Relief Housing Coordinator appeared before the Commission.

Commissioner Wender informed the Commissioners they had a meeting about mid-August, and discussion was held regarding establishing a permanent County-wide Housing Program in Fayette County.

Commissioner Wender asked Mr. Housh to prepare a grant to continue the Flood Recovery Efforts in Fayette County.



Commissioner Wender asked the Commission to approve and participant in the West Virginia Housing Task Force application and that the Commission agree to contribute \$5,000.00 cash and 44,650.00 in-kind to the overall operating budget.

Mr. Housh informed the Commissioners he has prepared the legal advertising for a Consulting Services for Establishment of a Fayette County Housing Program. Applications are due by Tuesday, 4:00 p.m., October 9, 2002. The program is for a nine-month period and is to be completed by June 30, 2003.

Commissioner Wender offered a motion that the Fayette County Commission sponsor the Training and Technical Assistance Grant Application. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion that the Fayette County Commission agrees to contribute \$5,000.00 cash and \$4,650.00 in-kind to the overall operating budget as proposed in the West Virginia Task Force proposal. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion that the Fayette County Commission advertises for the position of Consulting Services for Establishment of a Fayette County Housing Program contingent upon West Virginia Housing Task Force application. Commissioner Lopez seconded. Unanimous.

Randy Housh informed the Commissioners that they are in need of invoicing the County \$7,500 for the Flood Recovery Team.

Commissioner Wender approved to accept this contract agreement subject to Ms. Holly final review and to make it a lump sum payment of \$7,500.00. Commissioner Lopez seconded. Unanimous.

The Commissioner received and reviewed a letter from Gene Kistler, a member of the Fayette County Planning and Zoning

Commission, and the chairperson of the Joint Committee requesting that the Fayette County Commission hold a special meeting on Monday, October 21, 2002 to review the proposed Unified Development Code in anticipation of the Planning Commission recommendation to adopt this Code at the end of October.

Commissioner Lopez made a motion to move the payroll meeting of Tuesday, October 15 to Monday, October 21 and to approve first half payrolls on Wednesday, October 9. Commissioner Wender seconded. Unanimous.

Tim Hannah, Chairman of the Fayette County Solid Waste Authority appeared before the Commission to present a draft of the Mandatory Garbage Ordinance. Mr. Hannah informed the Commissioners that the Fayette County Solid Waste Authority has a \$20,000 grant to start the project.

Discussion was held regarding whether the landlord would be responsible for the renters garbage or would the renters be responsible. It was suggested to adding in the ordinance that the owners are not responsible.

Carl Harris, Assistant Prosecuting Attorney informed the Commissioners and Mr. Hannah that this needs to be published in the paper for public comment.

Susan Williams' reporter for the Charleston Gazette asked who would enforce if payments not collected. Mr. Hannah informed this would be a civil suit matter.

Mr. Harris told the Commissioners that he would review and work on the changes.

Commissioner Wender offered a motion that the Fayette County Commission accept the Fayette County Solid Waste Authority request

for a Mandatory Garbage Ordinance that Carl Harris review and make the changes and that the Fayette County Commission put on the agenda as soon as possible. Commissioner Lopez seconded. Unanimous.

The Commissioners opened FEMA Hazard Mitigation bids. Copy of the legal was presented to the Commissioners.

The Commissioners received two bids from Jesser Law Firm and James C. Blankenship.

Ms. Holly recommended to the take bids under advisement and let Steve Cruikshank, OES Director review and give recommendation.

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

Commissioner Wender offered a motion to accept the bids received for Legal Services for the FEMA Hazard Mitigation. Commissioner Witt seconded. Vote passed 2-0.

Ms. Holly informed the Commissioners she received one bid on materials for the Animal Shelter (Building and plumbing materials only).

Melba White, Bud Hill, Sherman Bobbitt, Keith Spangler, Guy Dooley members of the Fayette Transition Team appeared before the Commission to ask for a substantial raise for Dave Pollard, County Resource Coordinator.

Guy Dooley told the Commissioners that Dave Pollard has been a tremendous benefit for Fayette County.

Bud Hill told the Commissioners that Dave Pollard has proved himself to be professional.

Keith Spangler told the Commissioners of the \$60 million in grants in seven years Dave Pollard has gotten for Fayette County.

Mr. Spangler informed the Commissioners that Mr. Pollard has proven to be an invaluable asset for Fayette County and every available option should be explored to keep Mr. Pollard.

Ken Eskew spoke in support of everything being said regarding giving Dave Pollard a substantial raise and suggested to the Commission to do everything they can to keep Mr. Pollard on the payroll.

Mr. Hill informed the Commissioners that Dave Pollard did not initiate this meeting.

Guy Dooley and Ken Eskew suggested paying a salary of \$50,000 to \$70,000 plus expenses.

Commissioner Wender asked that the Fayette Transition Team make a recommendation on October 9 making a comparison of salaries that are being paid.

Mr. Dooley informed the Commissioners he might be able to get information from the 4-C Economic Development Authority of type of salary comparison.

Bud Hill suggested to the Commissioner that Dave Pollard's salary be raised to \$45,000.00.

Commissioner Lopez informed the Commissioners and the Transition Team that this is an unusual request and asked if they were talking about giving Mr. Pollard a raise at budget time in March? Commissioner Lopez told the Commissioners he was opposed to giving Mr. Pollard a raise at this time.

Commissioner Lopez told the Commissioners he was worried about not having enough margins in the County budget to give Mr. Pollard a raise.

After a lengthy discussion the Commission agreed to table until

October 9 the next County Commission meeting. Commissioner Wender suggested going into Executive Session with Dave Pollard to discuss the situation.

Commissioner Wender suggested bid from Fayco Lumber for materials for the Animal Shelter be forward to Earl Pauley, Park Superintendent to look over and make comments and recommendations. The Commission would accept upon approval from FEMA.

Kara Deist appeared before the Commission to ask for their support in establishing a Community Center for Fayette County.

Ms. Deist told the Commissioners of the grants that are offered in West Virginia under President's Bush-No Child Left Behind Act.

Commissioner Witt asked Ms. Deist if she had talked with the Fayette County Board of Education. Ms. Deist replied yes.

Discussion was held regarding asking the Fayette County Board of Education if the Beckwith School could be used for the Community Center.

Commissioner Wender suggested that the Commission write a letter to the Fayette County Board of Education informing the Commission support Ms. Deist effort for a Community Center.

Commissioner Wender offered a motion that the Commission support the request for a Community Center in Fayette County and write a letter to the Board of Education in support of the use of the Beckwith Elementary School. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from Songer Whitewater, Inc. requesting permission to use the courthouse lawn as their finish line in the Second All Military Wilderness Challenge being held October 3-6, 2002.

Commissioner Wender offered a motion to approve request of

Songer Whitewater, Inc. to use the Courthouse lawn. Commissioner Witt seconded. Vote passed 2-0.

The Commissioners received and reviewed a letter from John David informing that Life Bridge (United Way-Community Council) has been the grantee and fiscal sponsor of the Southern Appalachian Labor School (SALS) AmeriCorps Coalfield Housing Project in Fayette County, they informed us that they no longer are willing to be the grantees. Mr. David asked the Commission if they would write a letter to the President and Board Chairman urging them to continue their project as both grantee and fiscal agents.

The Commissioners signed letters to Marilyn Donnellan, President, Life Bridge and Jim Thomas, Life Bridge Board Chairman urging them to continue as the grantee and fiscal agent for the Southern Appalachian Labor School (SALS) AmeriCorps Coalfield Housing Project in Fayette County.

Sheriff William Laird appeared before the Commission to inform them he had met with Larry Atwood, Risk Control Services Consultant with the St. Paul Companies regarding the fleet safety management program for the Fayette County Sheriff's Department.

Sheriff Laird informed the Commissioners that after his discussion with Mr. Atwood he advised that he intends to proceed with the delivery of the basic Emergency Vehicle Operations/Accident Avoidance Driver Training Course for all personnel authorized to drive vehicles assigned to the Sheriff's Department; Sheriff Laird told the Commissioners this would be a 16-hour program that should constitute a good first step in their proactive approach to the problem.

Sheriff Laird presented a copy of the Loss Summary Report from

the St. Paul Companies to the Commissioners.

Sheriff Laird informed the Commissioners that St. Paul Companies informed him that they will not revisit the insurance premium again until next year.

Sheriff Laird informed the Commissioners that he got a couple of contractors to look at the roof in the road office. Sheriff Laird informed the Commissioners he received an estimate of \$17,000 from Tri-State Roofing with 10 year warranty.

Ms. Holly recommended to the Commission and the Sheriff that this should be advertised.

Commissioner Wender offered a motion to advertise for roof repairs to the Road Office. Commissioner Lopez seconded. Vote passed 2-0.

Commissioner Wender asked Paul Blake, Prosecuting Attorney and Carl Harris, Assistant Prosecuting Attorney if there was anything the Commission could do to regarding the prevailing wage.

Mr. Blake told the Commission that the Division of Wage and Hour looks at very cautiously, no way the Commission can get around the prevailing wage.

Sheriff Laird appeared before the Commission to discuss and review the long-standing issue related to certain back wage claims being asserted by certain deputy sheriffs and former deputy sheriffs employed by the Department.

Commissioner Wender offered a motion to go into Executive Session to discuss. Commissioner Lopez seconded.

Commissioner Witt asked that the Commission to entertain a motion to go back into the regular County Commission meeting.

Commissioner Wender offered a motion to go back into the regular

County Commission meeting. Commissioner Lopez seconded. All approved.

Commissioner Witt informed that no action was taken at this time regarding this matter.

Discussion was held regarding the work of the installation of the elevator shaft.

Commissioner Witt asked the Commissioners to recommend to Dan Snead corrections that Boso and Boso should repair before payment is made; get a thick metal cap over the oil/water pump for the elevator shaft instead of the two posts.

Ms. Holly informed the Commissioners Mr. Snead came over Friday and was surprised that Boso and Boso workers had left early.

Ms. Holly informed the Commissioners she talked with Mr. Snead about the back window. Ms. Holly told the Commissioners that Mr. Snead suggested putting a frosted window over the window.

Commissioner Wender informed the Commissioners that he supports Commissioner Witt complaints regarding the elevator shaft.

Commissioner Wender offered a motion that the penalty of \$200 a day assessment is imposed on Boso and Boso effective as of October 2, 2002.

Commissioner Witt recommended that a letter of appreciation be sent to Benjy Simpson of Passengers to Adventure for his publication of the Bridge Day 2002 booklet.

The Commissioners received and reviewed a letter from the 4-C Economic Development Authority requesting that the Commission sign a resolution to be submitted to the West Virginia Development Office along with the Local Economic Development Grant for Fiscal year 2002-2003.



Commissioner Wender offered a motion that the Commission approves and authorizes the adoption of the Resolution for the Local Economic Development Grant. Commissioner Lopez seconded. Unanimous.

Commissioner Wender suggested putting on the agenda for October discussion to be held regarding the Sick Leave and Personnel Policies.

The Commissioners received and reviewed recommendation from the Assessor's Office that Basil Campbell is due a tax relief for overpayment of taxes.

Commissioner Wender made a motion that subject to the approval of the Assessor that Basil L. Campbell be afforded tax relief for tax years 1997, 1999, 2000 and 2001 in the total amount of \$1,487.00 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. Commissioner Lopez seconded. Unanimous. Order signed.

Ms. Holly presented a list of the Polling Places for the upcoming General Election in November to the Commissioner.

Discussion was held regarding the polling place for precinct 51-Beckwith.

Ms. Holly informed the Commissioners that John Parrish informed her that the Commission could use the church in Beckwith as a polling place.

Ms. Holly informed the Commissioners she talked with Earl Pauley, Park Superintendent about the use of the office or warehouse building for a polling place.

Commissioner Lopez suggested keeping the Fayette County Park as a voting place for Precinct 51.

Commissioner Wender asked Ms. Holly to ask Mr. Pauley if they could use the office as a polling place for Beckwith.

Ms. Holly asked the Commission if they wanted to approve the August 16, 2002 minutes.

Commissioner Wender informed the Commissioner that he has a few changes in the minutes will get back with them.

Ms. Holly informed the Commissioners she was still working on the Financial Statement.

Commissioner Wender made a motion to approve the list of vendors to be advertised. Commissioner Lopez seconded. All approved.

The Commissioners signed a letter to the U. S. Department of Commerce and the Abandoned Mine Lands Programs requesting they consider allowing the Commission to re-bid the unused funds from the Economic Development Assistance Project #01-79-07261.

The Commissioners approved vacuum cleaner for the 911 Center, from Phillip's Supply, cost \$367.69.

The Commissioners approved permission for James Perdue, Maintenance Supervisor to replace the lawnmower.

The Commissioner approved to advertise for custodian position.

Commissioner Wender offered a motion to pay Robert Williams \$1,100.00 starting salary as a temporary custodian. Commissioner Lopez seconded. All approved.

The Commissioners received and reviewed a letter from Ben Argento Basketball requesting the use of the Memorial Building from November 23 through February 15, 2003.

Commissioner Wender offered a motion to grant permission for the Ben Argento Basketball the use of the Memorial Building with a waiver of the rental fee from November 23 through February 15, 2003.

Commissioner Lopez seconded. All approved.

The Commissioners received and reviewed weekly collected fees, status reports from the Fayette County Animal Control Center.

The Commissioners received and reviewed explanation from Patti Payne, C-PAC regarding the \$70.00 reimbursement overpayment for May 2002 that was deposited back into the main account and \$50.00 that were kept.

The Commissioners received and reviewed a letter from the City of Montgomery informing that the City will go to a rotation system of Hutch's Body Shop and Three River Auto during emergencies.

The Commissioners received and reviewed from the Division of Criminal Justice Service approval of a budget adjustment of funds for the Court Security Grant Project #01-CS-06.

Ms. Holly informed the Commissioners that because of the flood the 2002 taxes on the Karen E. Floyd property in Glen Ferris were not paid. Ms. Holly told the Commissioners that she had contacted Attorney James Blankenship regarding the matter. Mr. Blankenship told her that he had paid the 2002 taxes.

The Commissioners received and reviewed 911 responses status for the month of August.

The Commissioners received and reviewed rental agreements from the Fayette County Park.

The Commissioners received and reviewed a letter from Kelvin Holliday, County Clerk regarding the use of the County Commission room for the distribution of election supplies and confirming the relocation of the Payroll Clerk's Office to Dave Pollard's Office.

Ms. Holly informed the Commissioners that a representative from the West Virginia Courthouse Facilities Improvement Authority

(WVCFIA) visited the Courthouse, one was assigned to look at the facilities and one was assigned to look at how all records were being stored. Ms. Holly informed the Commissioners that they did not review all of the buildings of the Courthouse. They would have to reschedule another visit.

The Commissioners received and reviewed Audit Report of the Boomer Volunteer Fire Department Inc. for the period ending June 30, 2002.

The Commissioners signed Agreement from the Public Employees Insurance Agency.

The Commissioners received and reviewed pledges of securities from the SunTrust Bank.

The Commissioners received and reviewed a letter from the State Auditor's Office regarding the Uniform Charter of Accounts updates.

The Commissioners received and reviewed a letter from the West Virginia American Water Company informing that at the request of several citizens in the Hico area at the Foodland Grocery the West Virginia American Water Company has equipped the station with a "gallon-jug" fill up spigot.

The Commissioners received and reviewed from Verizon a check in the amount of \$5,481.85 for the Emergency Telephone system Fees for the month of August and 911 fees for Citizens Telecommunications Company for \$60.60 for the month of August.

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

The Commissioners received and reviewed a check from the Family Law Master for reimbursement of rent for the month of September, amount \$1,500.00.

The Commissioners received and reviewed a check from the West Virginia Development Office for \$23,945.48 for the Court House Handicapped Accessibility Grant #99-169.

The Commissioners received and reviewed from the Sheriff the Courthouse Security Upgrades-Side Door Access to the Fayette County Courthouse for purposes of restricting open public access through the exterior doors.

The Commissioners forwarded to Sheriff William Laird for his records the original swipe card receipts from the County Commissioner's Office.

The Commissioners received and reviewed an invitation from the members of the Upper Kanawha Valley Enterprise Community (UKVEC) asking the Commission to join Congresswoman Shelley Moore Capito as they host United States Secretary of Housing and Urban Development Mel Martinez on a special visit to the Upper Kanawha Valley Enterprise Community Business Center on Friday, September 27, 2002.

The Commissioners received and reviewed a copy of a letter to Thomas Aiello, Assessor from the Department of Tax and Revenue informing the Property Valuation Training and Procedures Commission (PVC) has approved the requested revisions to the County Valuation Fund Budget for Fiscal Year 2002-2003.

The Commissioners received and reviewed updates from Earl Pauley, Park Superintendent of the Fayette County Animal Control Center.

The Commissioners received and reviewed from the Vision Service Program a list of participating doctors.

The Commissioners received and reviewed a notice that a meeting has been set at the Upper Kanawha Valley Enterprise Community

Business Center on September 19, 2002 at 6:00 p.m. to discuss street addressing with Kanawha County 911 and several non-incorporated areas. Copy forwarded to David Neal, E911 Coordinator.

The Commissioners received and reviewed from Attorney Thomas Fast a Motion for Removal of Curator and Appointment of Administrator regarding the Estate of Harold Campbell.

The meeting was adjourned at 1:32 p.m. The next scheduled meeting is October 9, 2002.



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FAYETTE COUNTY COMMISSION

REGULAR SESSION

OCTOBER 9, 2002

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 9<sup>th</sup> day of October 2002.

Commissioners Witt called the meeting to order at 9:04 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.

Keith Spangler, Director of the Fayette County Chamber of Commerce and Tim Gardner promoter for the Bridge Day concert appeared before the Commission to request a waiver of the rental fee for the use of the Memorial Building.

Commissioner Witt asked Mr. Gardner who gets the profit from the concert.

Mr. Gardner informed the Commissioners his goal is to impress the Fayette County Chambers to have again, the goal is to take profits from this years show to have a show for next year.

Commissioner Witt informed there has always been a fee charged for private events.

Commissioner Lopez asked to waive the fee or go back to the \$500.00 rental fee.

Commissioner Wender offered a motion that the \$500.00 fee is paid for the Bridge Day Concert if this breaks even submit a financial statement.

After further, discussion Commissioner Wender rescinded his motion.

Commissioner Lopez made a motion to hold the fee at \$500.00 for the Bridge Day Concert. Commissioner Witt seconded. Commissioner Wender opposed. Vote passed 2-1 to charge \$500.00 for rental fees.

Commissioner Witt asked Susan Williams Reporter for the Charleston Gazette to make it known to the people that the rental fee for events at the Memorial Building has been raised to \$1,000.

Commissioner Wender offered a motion to approve payrolls and outstanding bills. Commissioner Lopez seconded. All approved. Commissioner Lopez asked that payroll be released on October 15.

Brian Sparks the new agriculture and Natural Resources Agent introduced himself to the Commissioners.

Mr. Sparks informed the commissioner he is the Agent for Fayette County on Tuesday and Thursday and Nicholas County on Monday and Wednesday, Friday he alternates.

Mr. Sparks told the Commissioners he would be doing some workshops and asked the Commission for any suggestions.

Commissioner Wender asked Mr. Sparks what role he play in forestry. Mr. Sparks replied his role is more of an educational resource.

Brent Clark the new 4-H and Youth Development program Coordinator introduced himself to the Commissioners.

Mr. Clark told the Commissioners his goal is to spread the 4-H Program out across the County form new local clubs in the area and to place emphasis on getting the teenagers (13-21) more involved in the program.

Mr. Clark informed the Commissioners that with all the meetings



he thinks the program is moving in the right direction.

Commissioner Wender asked Mr. Clark if a Home Economic Agent been hired. Mr. Clark replied no.

Commissioner Wender asked Ms. Holly to check because the county's allocation to the WWVU Extension Office is based on the three positions in Fayette County.

Ms. Holly asked the Commissioners if could meet on October 29 to test the tabulating equipment at 3:00 p.m.

The Commissioners approved to schedule a special meeting on October 29 to test the tabulating equipment and keep the regular County Commission meeting on October 30.

Tom Syner of Syner Foundation Corporation appeared before the Commission to request a waiver of the tower fee. David Pollard, County Resource Coordinator was present.

Mr. Syner told the Commissioners this is a non-profit radio station would be used to promote Fayette County.

Commissioner Wender asked Dave Pollard how soon the hearing can be scheduled with the Board of Zoning Appeals. Mr. Pollard informed the Commission might be able to get on the November 4, Board of Zoning Appeals meeting, Mr. Syner would have to pay a \$25.00 fee and would have to advertise.

Commissioner Wender offered a motion that the Fayette County Commission sign a Resolution in support of the Syner Foundation Corporation. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez made a motion that the Fayette County Commission waives tower fees for the public non-profit TV station. Commissioner Wender seconded. Unanimous.

Commissioner Wender offered a motion to go into Executive

Session with Sheriff William Laird and Carl Harris, Assistant Prosecuting attorney to discuss personnel matter.

Commissioner Wender offered a motion to reconvene as regular County Commission meeting. Commissioner Lopez seconded.

Commissioner Witt informed the Executive Session was to discuss a personnel matter in the Sheriff Department, no action taken at this time.

Commissioners Wender informed the Commissioners he asked that Tim Richardson, Zoning Officer be put on the agenda to discuss floodplan management and to give a follow-up on the flood of last summer.

Mr. Richardson told the Commissioners that a meeting with Region 1 and Region 4 was held to discuss floodplan management. Mr. Richardson told the Commissioners that the Assessor is willing to lend personnel to help with the updates.

Mr. Richardson told the Commissioners that the property owners can personally contact FEMA for floodplan updates, but there would be a fee.

Mr. Richardson told the Commissioners that he gives out the guidelines but that its really up to the property owners and the banking institutions to get the guidelines.

Commissioner Wender asked if a property owner was to build in a flood plan area are they required to have certain specs. Mr. Richardson replied yes.

Mr. Richardson told the Commissioner since maps are not updated he suggested they contact FEMA to get an amendment.

Commissioner Wender asked Mr. Richardson if he feel the Commission should set a moratorium on permits in floodplan area. Mr.

Richardson replied no.

Randy Housh, Flood Relief Housing Coordinator appeared before the Commission to ask that the Commission contract with Randy Moore with the West Virginia Housing Development Fund for Consulting Services for Establishment of a Fayette County Housing Program. Mr. Housh informed the Commissioners the contract is directly with the consultant under the West Virginia Housing Development Fund.

Mr. Housh informed the Commissioners that the West Virginia Housing Development Fund would be the employer and do the hiring, would employ and pay directly; the West Virginia Department Housing Development Fund would put the contract together.

Commissioner Wender offered a motion that the Commission enters into a contract as Housing Contract Services with Randy Housh.

Commissioner Lopez seconded. Unanimous.

The Commissioners asked Mr. Housh to submit the grant to the West Virginia Housing Development Fund.

The amounts funded for the grant as submitted is \$26,650 less \$266 match, cash total \$36,300 with the Fayette County Commission.

Ms. Holly presented a copy of a Certificate of Achievement that Tim Richardson, Zoning Officer received when he attended the IS-009- Managing Floodplan Development through the National Flood Insurance Program to the Commissioners.

The Commissioners received and reviewed a letter from the Powellton Coal Company, LLC requesting permission to withdraw water from two different locations on the Sugarcamp Branch of Rich Creek, which is of the Gauley River watershed. The Commissioners asked that this be forwarded to Tim Richardson, Zoning Officer for his recommendation.

The Commissioners received and reviewed a letter from the Governor thanking the Commission for their application to the Small Cities Block grant Program (SCBG) and informing their request for funds to complete the New Haven Public Service District's water line extension project to the Paint Creek and Plum Orchards area in the amount of \$842,000 has been approved. Copy forwarded to Dave Pollard, County Resource Coordinator.

Commissioner Witt asked the Commission to discuss the update of the elevator construction.

Commissioner Witt informed the Commissioners that Boso and Boso were over project time period working into the \$200 per day penalty period, a letter was written to Dan Snead on restoring the back glass with frosted glass, traffic bearing cover on oil separate, carpet may need to be replaced, shelving in the Circuit Clerk's Office need to be replaced.

Commissioner Wender suggested sending Boso & Boso an invoice for the days they are being penalized.

Commissioner Wender offered a motion to send an invoice on damages with a letter that these issues not resolved and until resolved to the County Commission satisfaction they would be penalized.

Carl Harris, Assistant Prosecuting Attorney informed the Commissioners he does not feel a need to send letter or invoice, Boso did not accept the offer. Commissioner Wender withdrew his motion.

Commissioner Wender suggested to the Commissioners that prior to the final settlement send a letter to Dan Snead requesting a letter of certification that the shaft is built to specs and that the elevator can be installed.

Commissioner Lopez asked the Commissioner about the funding for the elevator car.

Commissioner Wender suggested waiting until budget time to consider.

Commissioner Witt asked Ms. Holly about the Advanced Alarm System invoice for \$1,600.00.

Ms. Holly informed the Commissioners she talked with Sheriff Laird he contacted the vendor and received explanation of what happen. The Commissioners reviewed the letter. Ms. Holly told the Commissioner that on July 20 two telephone stations was repaired.

The Commissioners asked Carl Harris, Assistant Prosecuting Attorney to discuss this matter with Sheriff Laird and advise the Commission.

The Commissioners signed a letter to Gary Hough, Principal, Fayetteville Middle School informing the request of the use of the Memorial Building for Ben Argento Basketball League has been approved.

Commissioner Wender asked Ms. Holly to make sure Mr. Hough gets insurance certificate for Ben Argento Basketball for the use of the Memorial Building.

Steve Cruikshank, OES Director, presented a new Hazard Mitigation Grant application for another \$1.6 million to the Commissioners. Application signed.

Mr. Cruikshank informed the Commissioners he received proposals from Attorneys Fred Jesser and Attorney James Blankenship for legal services for the Hazard Mitigation Grant Program.

After reviewing the proposals and explaining to both attorneys what all is involved, Attorney Fred Jesser withdrew his proposal.

Mr. Cruikshank recommended and approved Attorney James Blankenship bid for legal services for the Hazard Mitigation Grant Program.

Commissioner Wender made a motion to accept Mr. Cruikshank's recommendation to accept the proposal from Attorney James Blankenship for legal service for the Hazard Mitigation Grant program since Attorney Fred Jesser withdrew his proposal. Commissioner Lopez seconded. Unanimous. Agreement signed.

Commissioner Wender made a motion to authorize Steve Cruikshank to obtain lowest bid for appraisal review as requested by FEMA. Commissioner Lopez seconded. Unanimous.

Mr. Cruikshank informed the Commissioners that the review of the animal shelter by FEMA is in the hands of the State Historic Preservation.

Mr. Cruikshank presented to the Commissioners an invoice from Walbrown Real Estate and Appraisal Service, amount \$7,000.00 for contractor doing work on the King Property, FEMA to reimburse.

Mr. Cruikshank informed the Commissioners by Friday they would have final approval from FEMA on the Animal Shelter.

Carl Harris, Assistant Prosecuting Attorney informed the Commissioners he reviewed the statute regarding the Mandatory Garbage Ordinance and informed the Commissioners this should be done by the Fayette County Solid Waste Authority not the Fayette County Commission and informed the Commission that legislative do waive rules.

Commissioner Wender informed the Commissioners that at their last meeting they were approached by the Fayette Transition Team to consider a raise for Dave Pollard, County Resource Coordinator.

Commissioner Wender informed the Commission that Mr. Pollard was

not aware of the Fayette Transition Team's request.

Commissioner Wender told the Commissioners that Mr. Pollard had obtained \$60 million of the funds for Fayette County.

Commissioner Wender informed the Commissioner he feels the Commission do not need an Executive Session to discuss salary.

Commissioner Wender offered a motion that the Commissioners approve today a \$5,000 increase for Dave Pollard, County Resource Coordinator. Commissioner Witt seconded. Commissioner Lopez opposed.

Commissioner Lopez voiced his objection to the salary increase questioned as to whom Mr. Pollard report his sick leave and vacation leave to, questioned about the administrative fees to Region 4 Planning and Development Council who are they paid to.

Carl Harris, Assistant Prosecuting Attorney requested that the Commission go into Executive Session to discuss this matter.

Commissioner Wender temporarily withdrew his motion to discuss in Executive Session.

Commissioner Wender made a motion to go back into the County Commission regular session. Commissioner Lopez seconded. Unanimous.

Commissioner informed no decision was made in the Executive Session. Commissioner Wender informed the Commission did not go through the process they should have in reviewing this matter.

Commissioner Wender offered a motion to request that Mike Dougherty review the Fayette County Commission pay scales and job description of the Commission employees only. Commissioner Lopez seconded. Unanimous.

Susan Williams reporter for the Charleston Gazette asked the Commission if Mr. Pollard was getting a percentage of the grants he applied to. The Commissioners replied no.

Edward Scott appeared before the Commission to discuss right-of-way of property on Hall Street, Kanawha Falls, Valley District.

Mr. Scott told the Commissioners he was told that the County owned this property.

Mr. Scott told the Commissioners that the property owner had placed a trailer on the edge of the property and an outbuilding on the street blocking the right-of-way.

The Commissioners told Mr. Scott that this is the Fitzgerald property.

The Commissioners asked that this be rescheduled for October 18 and contact Tim Richardson, Zoning Officer to ask who made the decision regarding the location and issued the permit for the outbuilding.

Commissioner Witt called and talked with Tim Richardson on the telephone, was told that the property owner did get a waiver from the Board of Zoning Appeals to put the trailer on the property line.

Commissioner Witt informed the Commissioners that Mr. Richardson said the outbuilding is illegal and suggested to the Commissioners to talk with Carl Harris, Assistant Prosecuting Attorney to resolve the matter.

The Commissioners approved purchase of carpet for the Circuit Clerk's Office.

Commissioner Wender offered a motion to meet on October 29 at 2:30 p.m. to test votomatics and tabulator. Commissioner Lopez seconded. Unanimous.

Commissioner Wender asked to meet at 1:00 p.m. to discuss the carry over of sick days and personnel handbooks and minutes.

Ms. Holly informed the Commissioners she faxed a reminder to



Election Systems regarding the election.

Ms. Holly informed the Commissioners she received a contract from Election Systems and forwarded a copy to Kelvin Holliday, County Clerk to review. Ms. Holly informed the Commissioners she will make a note on the contract about the canvass. Contract signed.

The Commissioners received and reviewed a letter from Powellton Coal Company, LLC requesting permission to withdraw water from Sugarcamp Branch of Rich Creek, located on the Gauley watershed. Copy forwarded to Tim Richardson, Zoning Officer. The Commissioners asked that Mr. Richardson review and prepared a reply for the Commission to review.

The Commissioners received and reviewed from Tim Richardson, Zoning Officer informing the Commissioners he reviewed and approve the request of Powellton Coal Company to withdraw water from two separate locations on Sugarcamp Branch on Rich Creek. The Commission approved.

The Commissioners received and reviewed checks from the West Virginia Development Office for payment for Legislative Digest Grant #02-470 Christians Helping Others Food Pantry (\$500.00) and Legislative Digest Grant #02-472 Fayette County Youth Soccer (\$3,074.00).

The Commissioners signed a letter to the West Virginia Development Office requesting sixth drawdown for the Courthouse Handicapped Accessibility, amount \$34,802.56.

The Commissioners signed a letter to the West Virginia Development Office requesting fifth drawdown for the Christian Helping Others Food Pantry, amount \$500.00.

The Commissioners signed a letter to the West Virginia

Development Office requesting third drawdown for the Fayette County Youth Soccer Association, amount \$8,155.99.

The Commissioners signed a letter to the West Virginia Development Office requesting third and final drawdown for the Gauneka-Ruritan Building, amount \$2,300.24.

The Commissioners authorized Larry Parsons to purchase materials for picnic tables at the Deepwater Civitan Park, amount \$350.00.

The Commissioners received and reviewed the Bill of Sale from James Hall of the City of Oak Hill on a 1980 GMC-VIN#T49CCAV573817, amount \$6,500.00.

The Commissioners signed a letter to the Fayette County Board of Education in support of Kara Deist Project for a community center that will help enhance our education, recreation, and socialization, as well as, encourage exposure to the arts for our youth, families and seniors.

The Commissioners approved minutes of August 16. Commissioner Wender suggested scheduling on the agenda October 29, 2002 at 1:30 to discuss minutes.

Ms. Holly informed the Commissioners she found an addendum for C-PAC but it was never signed. The Commissioners asked Ms. Holly to forward to C-PAC for signature.

Commissioner Wender asked if any response was received regarding their request to the Public Service Districts providing the Commission with the status of any outstanding bond issues (including interest rates, current balance, terms etc.)

Ms. Holly informed the Commissioners she received response from Page-Kincaid Public Service District and Danese Public Service.

The Commissioners approved to release check to the Fayette

County Recovery Team from the West Virginia Housing Development Fund Grant.

Ms. Holly told the Commissioners she would have to advertise for the janitorial position, presented copies of legal for the Commission to review.

Commissioner Wender asked to put on October 18 agenda to fill janitorial position. Commissioner Lopez asked Ms. Holly to check with James Perdue, Maintenance Supervisor regarding work.

The Commissioners received and reviewed a letter from Kelvin Holliday, County Clerk asking that the Commission appoint a Special Fiduciary Commission in the Estate of Thomas E. Elswick. The Commissioners asked that Carl Harris, Assistant Prosecuting Attorney review.

Discussion was held regarding the repairs of vehicles for the County.

Commissioner Wender offered a motion to run an advertisement in the local paper advising all auto repair's shops the County needs for outside services and contact Earl Pauley, Park Superintendent if interested, Mr. Pauley has final approval an acceptance of work. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a list of a pledge of securities from SunTrust Bank and Branch Banking and Trust Company (BB&T).

Ms. Holly presented to the Commissioners C-PAC's weekly fees collected for September 20 to September 26, 2002, amount \$340.00, for September 27 to September 30, 2002, amount \$235.00 and October 1 to October 3, 2002, amount \$180.00, and Monthly Revenue Report and Activity Report for September. Ms. Holly told the Commissioners she

will prepare allotment for next Commission meeting.

The Commissioners received/reviewed and approved Polling Places for the General Election being held November 5, 2002. Ms. Holly informed the Commissioners that Earl Pauley told her that Precinct 51 will be moved to the Park Office instead of the canteen room.

Ms. Holly presented a list of vendors for this Fiscal Year 2002-2003 Financial Report to the Commissioners. Ms. Holly told the Commissioners that the financial information has been completed.

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

The Commissioners received and reviewed a letter from Verizon informing that some of the pay phones will be removed from the Courthouse Annex.

The Commissioners received and reviewed a check in the amount of \$2,846.47 from the West Virginia Office of Emergency Service to the Fayette County Local Emergency Planning Commission to offset cost of response planning.

The Commissioners received and reviewed a letter from Steptoe and Johnson regarding lawsuit.

The Commissioners received and reviewed a letter from the County Commissioners' Association informing that plans are underway for this year's ten regional meeting to be held across the state during the next few weeks. Fayette County Roundtable meeting will be held October 30 at 1:00 p.m. to 3:00 p.m. at the Clay County Courthouse.

The Commissioners received and reviewed from the Governor asking all County Commissioners assistance in advising the voters of the importance of their support of Amendment 1.

The Commissioners received and reviewed a letter from the Upper

Kanawha Valley Enterprise Community (UKVEC) announcing a tour of the UKVEC Business Center by Secretary of Housing and Urban Development Mel Martinez and Congresswoman Shelly Moore Capito. The tour will start at the UKVEC Business Center at 1:00 a.m. The Secretary is also making a sizable funding announcement.

The Commissioners received and reviewed copies of Putnam County Personnel Policy and Procedures Manual.

Commissioners Witt informed the Commission they need to push the personnel policy.

Commissioner Wender informed the Commission they need to address sick days before the first of the year.

The Commissioners asked to schedule October 29 at 1:00 p.m. to discuss the Sick Leave Policy.

The Commissioners received and reviewed a letter from Charter Communications informing that effective on the November billing cycle, monthly Basic Service will increase from \$12.95 to \$14.95 and Monthly Expanded will increase from \$29.95 to \$30.30.

The Commissioners received and reviewed Charter Communication's ("Charter") annual rate justification filing for 2003 pursuant to the Federal Communication Commission's ("FCC") rate setting methodology.

The Commissioners received and reviewed a check from Charter Communication in the amount of \$45.08 for 911 fees for the month of August 2002.

The Commissioners received and reviewed a letter to The St. Paul Companies from Sheriff William Laird enclosing information related to the comprehensive accident avoidance driver training program to be made mandatory for all sworn personnel within the Fayette County sheriff Department. The Fayette County Sheriff's Office and

Management and Technical Training Educational Resources signed contract.

The Commissioners received and reviewed a letter from the Department of Agriculture informing that Thomas E. Aiello, Assessor has completed the Farm Census of 2002 and has satisfactorily complied with the requirements of the Farm Statistics Law, amount \$3,630.00.

The Commissioners received and reviewed an invoice from Verizon for lease of the telephone equipment.

The Commissioners received and reviewed Annual Public Service Commission Water and Sewer Reports for the Fiscal Year 2002 from Page-Kincaid Public Service District.

The Commissioners received and reviewed an update on the Payroll from Michael Dougherty, Extension specialist/Extension Assistant Professor with West Virginia University on the Fayette County Job Description and Pay Classification System.

The Commissioners received and reviewed a letter from American Electric Power informing they will be using a helicopter to trim trees that are close to power lines in the Ferrellsburg, Green Shoals, Big Hart, Little Hart and Leet areas and from Pea Ridge to and around/14-Mile Mountain. Project to be completed in the next two weeks.

The Commissioners received and reviewed claims and correspondence from St. Paul Company.

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

The Commissioners received and reviewed Fayette County Project Recovery Final Report/Executive Summary for September 18, 2001 - September 30, 2002.

The Commissioners received and reviewed fax from the County Commissioners' Association informing the Commission of the Public Employees Retirement (PERS) rates for employer contributions from current 9.5% to 10.5% as of July 1, 2003. The Commissioners discussed the Public Employees Insurance (PEIA) rate increase of 17%.

The Commissioners received and reviewed a letter from the New River Engineering, Inc. informing they are proposing a port mining land use change on a portion of Permit #S-3006-91, Revision No. 5 from forestland/fish and wildlife habitat to commercial forestland. Original forwarded to Tim Richardson, Zoning Officer and a copy to Dave Pollard, County Resource Coordinator.

The Commissioners received and reviewed a letter from the Public Service Commission to Senator John D. Rockefeller acknowledging the receipt of Sheila Withrow letter requesting water service on Harver Road near Ansted, in Fayette County. The Public Service Commission told Mr. Rockefeller this has been forwarded to the Water and Wastewater Division.

The Commissioners received and reviewed a letter from Tuck Engineering, Inc., an aerial photography, mapping and surveying firm located in Southwest Virginia.

The Commissioners received and reviewed a memo from Sheriff Bill Laird forwarding to the Commissioners a copy of the letter he received from Robert H. Hill of Advanced Alarm Technology concerning his replacement of the access control system for the courthouse alarm system. Mr. Hill maintains that the lightning protection was fully installed at the time of this incident.

The Commissioners signed a letter to the New River Gorge National River requesting copies of the water quality monitoring on

tributaries of the New River on a regular basis so they can monitor the situation closely.

The Commissioners signed a letter to Sheriff Bill Laird concerning the request that a definite answer be given about the finding required to address the alleged back wage issue. The Commissioners informed Sheriff Laird that they will continue to defer any action on this matter.

The Commissioners approved to pay an invoice from Walbrow Real Estate and Appraisal Services from the Hazard Mitigation Account, amount \$7,000.00.

The Commissioners received and reviewed a check from the Emergency Services for FEMA-Hazard Mitigation Fund for reimbursement on King Property at Deepwater, amount \$7,800.00.

The Commissioners received and reviewed a check in the amount of \$7,000.00 from the Criminal Justice Services for the Courthouse Security Grant #01-CS-06.

The Commissioners signed a letter to Adjutant General Alan Tackett informing that it has come to their attention that the engineering design for the placement of sewer lines to serve the new Guard facility in Fayette County has been routed in a fashion as to leave out several potential users, including at least three business interests, the Commission is requesting that they consider alternatives that may enable these potential customers to avail themselves of the services.

Carl Harris, Assistant Prosecuting Attorney asked to be disqualified as Special Fiduciary Commissioner in the Estate of Thomas E. Elswick do to conflict of interest.

The Commissioners suggested asking Grady Ooten to be appointed



Special Fiduciary Commissioner, if he accept.

Commissioner Witt made a motion that subject to Grady Ooten acceptance that he is appointed Special Fiduciary Commissioner in the Estate of Thomas E. Elswick. Commissioner Lopez seconded. Unanimous.

Mr. Harris will contact Mr. Ooten, per Mr. Harris the order will be prepared by the County Clerk.

The meeting was adjourned at 2:00 p.m. The next scheduled meeting is October 18, 2002.

The Commission reconvened the County Commission at 2:10 p.m.; Commissioner Wender offered a motion to approve outstanding bills. Commissioner Witt seconded. Vote passed 2-0.

The meeting was adjourned at 2:15 p.m.



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FAYETTE COUNTY COMMISSION  
SPECIAL SESSION  
OCTOBER 18, 2002  
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 18<sup>th</sup> day of October 2002.

Commissioner Witt called the meeting to order at 9:05 a.m.

Exonerations were approved and signed.

The Commissioners signed a title for a GMC Truck. Earl Pauley, Park Superintendent purchased the truck from James Hill.

The Commissioners discussed rebuilding the Animal Shelter. Commissioner Wender informed between the contractor fees and the materials, the Commission should be able to recover the cost from FEMA.

Commissioner Wender made a motion that the Commission commits and authorizes expenditures up to \$10,000 for rebuilding the Animal Shelter. Commissioner Lopez seconded. Unanimous.

Ms. Holly informed the Commissioners that FEMA will review the cost might go up or down.

Commissioner Witt called for a motion to go into Executive Session with Sheriff William Laird.

Commissioner Lopez made a motion to go into Executive Session with Sheriff Laird. Commissioner Wender seconded.

Commissioner Lopez made a motion to reconvene the County Commission meeting. Commissioner Wender seconded.

Commissioner Witt informed they went into Executive Session to discuss with Sheriff Laird and the State Police the security of citizens during the KKK rally coming to town and sticking to their decision denying the use of the Courthouse property.

Barbara Painter with the Weatherization Program appeared before the Commission to inform that October 30 has been designated as National

Weatherization Day and asked the Commission if they would sign proclamation. Ms. Painter presented and read proclamation to the Commission.

Commissioner Wender made a motion that the Commission accept and endorse proclamation designating October 30 as National Weatherization day. Commissioner Lopez seconded. Unanimous. Proclamation signed.

Ed Scott appeared before the Commission to discuss the right-of-way on Hall Street in the Valley District. Mr. Scott informed the Commissioners that Karen Fitzgerald had place a double-wide on the edge of her property and place an out building on Hall Street blocking the right-of-way.

Commissioner Witt asked who gave Ms. Fitzgerald the permission to put the double-wide on the edge of the property.

Commissioner Witt asked if it was required that a house had to be place on the property so many feet from the road?

Tim Richardson, Zoning Officer was present and informed the Commissioners that the board of Zoning Appeals had given her permission to place the double-wide on the edge of the property. Mr. Richardson informed the Commissioners the Board of Zoning Appeals did not give her permission to place an outbuilding on the street.

Commissioner Lopez asked Carl Harris, Assistant Prosecuting Attorney what the Commission could do.

Mr. Harris told the Commissioner he would have to check into the right-of-way.

Commissioner Witt asked Mr. Harris to review and get back with him recommendation.

Ms. Holly presented to the Commissioners Legislative Digest applications and resolutions for Upper Kanawha Valley Community Center, Fayette County Health Department, and the Gauneka-Ruritan Club.

Commissioner Lopez made a motion to approve and authorize the adoption of the Resolutions of Upper Kanawha Valley Community, Fayette County health Department, and Gauneka-Ruritan Club. Commissioner Wender seconded. All

approved. Resolutions signed.

Commissioner Wender informed the Commissioners that Dan Doyle told him that on October 26, 2002 they are planning a rally at the Fayetteville Town Park the day the KKK plans to walk through the Town of Fayetteville and would like the Commission to support and sign Community For All Resolution.

Commissioner Wender made a motion that the Fayette County Commission sign resolution and the County Commission support the Fayette County Community For All Resolution. Commissioner Lopez seconded. Unanimous. Resolution signed.

Gene Kistler a member of the Fayette County Planning and Zoning Commission and Dave Pollard, County Resource Coordinator appeared before the Commission to review and give an update on the proposed Fayette County Unified Development Code.

Mr. Kistler informed the Commissioners the Fayette County Unified Development Code will go before the Planning and Zoning Commission for a vote on October 28, 2002.

Commissioner Wender suggested to Mr. Kistler and Mr. Pollard to make the public aware of the new Planning and Zoning Ordinance.

Commissioner Wender informed the Commissioners he would like the Fayette County Planning and Zoning Commission to revisit the tower ordinance.

Dave Pollard presented for the Commissioners' signature the Flex-E-Grant Commissioner Witt signed.

Judge John Hatcher appeared before the Commission to inform them that he has received \$12,000 from the State budget Digest Grant and presented with a letter written to Delegate John Pino from Harold Michael, Finance Chairman verifying the 2002 Budget Digest Grant awarded to the Fayette County Commission to replace jurors chairs in the court room. Ms. Holly informed the Commission she received the information on the Digest Grant.

The Commissioners received and reviewed a letter from Norfolk Southern requesting to be place on the County Commission agenda to address questions

# Community for All Resolution

As residents of Fayette County, we promise to work for a community where tolerance and diversity flourish. We seek a community where all people, regardless of creed or color, can enjoy comfort and well-being. Our economic and social future requires nothing less. We want to be known as "A Community for All".

We encourage our neighbors to demonstrate this spirit by supporting the tolerance activities around October 26<sup>th</sup>.

- Join the "Community for All" celebration at Fayetteville Town Park on Saturday, October 26, 10 am to 1 PM.
- Avoid downtown Fayetteville, 9:30 am to 11:30 AM on October 26.
- Display the "Community for All" poster.
- Arrange a showing and discussion of Not in Our Town.\*
- Sign this resolution for yourself or your organization to take a public stand for tolerance in the Fayette Tribune and Montgomery Herald. Mail it to: The Community for All Committee, Box 1074, Oak Hill, WV 25901.  
Information: 465-1252; 465-9732

Name	Organization	Phone
<i>Matthew White</i>	<i>Member Fayette Comm</i>	<i>469-6364</i>
<i>John B. Lips</i>	<i>Member Fayette Comm</i>	<i>442-8981</i>
<i>John S. Witt</i>	<i>Fayette Co. Commission</i>	

\*A 27 min video tells the story of how Billings, Montana joined together to prevent hate crimes and promote tolerance. (1995). Available at Fayetteville Public Library.

# Fayette County



**A Community  
For All**

## COMMUNITY FOR ALL RESOLUTION

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Avoid downtown Fayetteville, 9:30 a.m. to 11:30 a.m. on October 26, 2002.

Display the "Community for All" poster.


Arrange a showing and discussion of Not in Our Town.

Sign this resolution for yourself or your organization to take a public stand for tolerance in the Fayette Tribune and Montgomery Herald. Mail it to: The Community for All Committee, Box 1074, Oak Hill, WV 25901. Information: (304) 465-1252; (304) 465-9732.

Fayette County Commission

  
John L. Witt, President

  
John H. Lopez, Commissioner

  
Matthew D. Wender, Commissioner

about the survey, report and settlement process regarding their compliance with the Environmental Condition 11 of the Surface Transportation Board decision to approve the joint acquisition of Consolidated Rail Corporation (Conrail) by Norfolk Southern and CSX.

The Commissioners asked that Norfolk Southern be scheduled for November 6, 2002 at 10:00 a.m.

Ms. Holly presented to the Commissioners a Certification of Grant Completion, Governor's Community Partnership Grant Program for the Courthouse Handicapped Accessibility, Grant #99-169. The commissioners approved and authorized Commissioner Witt to sign.

Commissioner Wender asked if Boso and Boso have completed the work.

Ms. Holly informed the Commissioners that they need to schedule a final walk through.

The Commissioners asked to scheduled Dan Snead for October 29 special County Commission meeting for a final walk through.

The Commissioners asked Ms. Holly to have Dan Snead send a letter to Greg Boso asking him to send a letter verifying and stating that the shaft meets specifications and is ready to accept a car.

Ms. Holly presented to the Commissioners an application for a Governor's Local Economic Development Assistance Program Fund for the Boomer volunteer Fire Department and a Resolution.

Commissioner Lopez made a motion to approve Resolution and authorize Commissioner Witt to execute agreement for the Boomer Volunteer Fire Department. Commissioner Wender seconded. Unanimous. Resolution signed.

The Commissioner received and reviewed a letter from the State Tax Department informing they reviewed the Commissioners Application for Refund (WV/509V) filed August 30, 2002 for 67,615 gallons of gasoline at \$13,861.00, claim approved for payment as amended, 2,046 gallons of gasoline were purchased prior to July 1, 2001, claims been adjusted 65,569 gallons refundable at \$13,441.65, will receive payment within six to eight weeks.



The Commissioners approved and signed State Tax Quarterly Report for the Fayette County Park.

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.

Discussion was held regarding hiring Robert Williams as a janitor.

Commissioner Wender offered a motion to hire Robert Williams permanent full-time custodian, salary \$1,100 with benefits retroactive to October 16, 2002. Commissioner Lopez seconded. Vote passed 2-0.

Ms. Holly informed the Commissioners she received a request from Jon Lopez, FEMA to write a check for \$7,000 from the Hazard Mitigation Fund for the King Property. Ms. Holly told the Commissioners check has been prepared.

Commissioner Wender offered a motion to authorize Ms. Holly to process payment from FEMA to the King Property project. Commissioner Lopez seconded. Unanimous.

Ms. Holly informed the Commissioners that bids for the Road Office roof are due October 29, 2002.

The Commissioners received and reviewed weekly fees collected for the week of October 4, 2002 to October 10, 2002, amount \$130.00.

Ms. Holly informed the Commissioners she has prepared allotment check for C-PAC for the month of October, amount \$8,516.45.

Ms. Holly informed the Commissioners she would be receiving a Lease Agreement from IBM sometime next week, would have the Prosecuting Attorney review.

The Commissioner received and reviewed a check in the amount of \$33,269.37 representing a disbursing of Wireless E-911 subscriber fees for the months of may, June and July 2002.

The Commissioners received and reviewed 911 fees checks from Metro-Teleconnect Companies, amount \$27.44, and Citizens Communications, amount \$58.38, for the month of September 2002.

The Commissioners received and reviewed a check from Verizon for commission in the amount of \$18.86.

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

The Commissioners received and reviewed a fax from the County Commissioners' Association requesting that the Commission consider putting Amendment 1 and Amendment 2 inserts in the next payroll checks along with the flyer received from the All For One committee to help promote Amendments 2 for the good of all local governments. The Commissioners approved, copy forwarded to the Payroll Clerk.

The Commissioners received and reviewed from State Treasurer John Perdue SMART%29, The College Savings Solution brochures asking that they be distributed to employees. The Commissioners approved to distribute with next payroll, copy forwarded to the Payroll Clerk.

The Commissioners received and reviewed a check from Gary Hough, Principal, Fayetteville Middle School for rental of the Memorial Building for the Yellow Dog Promotions, Certificate of Insurance included.

The Commissions received and reviewed Administrative Order from Judge John Hatcher regarding mental hygiene Proceedings Physician and Psychologist Fees. (See attached).

The Commissioners received and reviewed notice from the Public Employees Retirement system informing that effective July 1, 2003 the employer's contribution rate will increase from 9.5% to 10.5%

The Commissioners received and reviewed Audit Reports from Ansted Certified fire Department, Inc. for the year ended June 30, 2001 and from the Nuttall Volunteer Fire Department for fiscal year ending June 30, 2002.

The Commissioners received and reviewed from the County Commissioners' association of West Virginia the October Legislative interim Schedule for October 20, 21, 22, 2002.

The Commissioners received and reviewed Rental agreements from the

Co. Comm.

# IN THE CIRCUIT COURT OF FAYETTE COUNTY, WEST VIRGINIA

IN RE: MENTAL HYGIENE PROCEEDINGS PHYSICIAN AND PSYCHOLOGIST FEES

FAYETTE COUNTY  
CIRCUIT CLERK  
WELMA M. KIRK  
JUL 16 10 42 AM '07

## ADMINISTRATIVE ORDER

WHEREAS, the provisions of West Virginia Code Chapter 20, Article 2, Section 4 provides for the Circuit Court to order the payment by the County Commission of physician and psychologist services in mental hygiene proceedings, and

WHEREAS, FMRS Health Systems, Inc., has provided the services of physicians and psychologist for mental hygiene proceedings and will provide those services in the future and,

WHEREAS, FMRS Health Systems, Inc., has indicated that it will continue to provide the services of physician or psychologist at a fixed rate of One Hundred Twenty-Five Dollars (\$125.00) per mental hygiene proceeding, and

WHEREAS, the Court believes that said fee is reasonable and appropriate, and

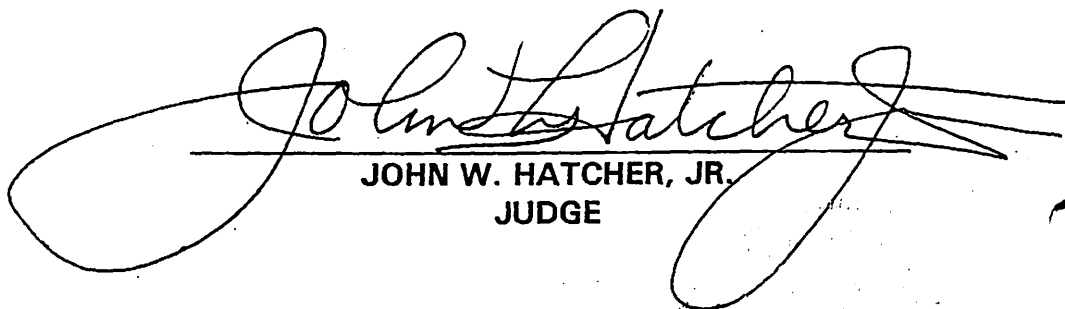
WHEREAS, the Court believes that judicial economy is best served by an Administrative Order providing for payment of the fixed rate, when billed, rather than a separate order for each hearing.

Therefore, it is **ORDERED** that the County Commission of Fayette County, West Virginia, upon receipt of a statement from FMRS Health Systems, Inc.,

issue payment to FMRS Health Systems, Inc., for the services of a physician or psychologist, not to exceed One Hundred Twenty-Five Dollars (\$125.00) for each mental hygiene proceeding.

It is further **ORDERED** that the Clerk of this Court send an attested copy of this Administrative Order to the Fayette County Commission, the Fayette County Prosecuting Attorney, FMRS Health Systems, Inc., and both Fayette County Mental Hygiene Commissioners.

**ENTERED** this the 16th day of October, 2002.



JOHN W. HATCHER, JR.  
JUDGE

A TRUE COPY of an order entered

Oct. 16, 2002

Teste: Shelma M. Fincaid

Circuit Clerk Fayette County, WV

Fayette County Park.

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

The Commissioners received and reviewed order from the Division of Highways ordering the addition of Elizabeth James Road to the State local Service System.

The Commissioners received and reviewed a letter from the Public Service District to Vivian Wallace informing they received from the Commission a letter dated June 22, 2002 to Governor Wise regarding their request for water service for the community of Derryhill near Beckley.

Ms. Amy Swann, Director of the Water and Wastewater Division informed ms. Wallace that they discussed the situation with Tom Muncy, Oak Hill Operations Office of the West Virginia American Water Company and he advised their Staff that they had prepared several cost estimates over the previous ten (10) years for this area. Copy forwarded to Dave Pollard, County Resource Coordinator. (See attached)

The Commissioners received and reviewed a letter from Kelvin Holliday, County Clerk informing that he would be available at 1:00 p.m. on October 29, 2003 to discuss the personnel handbook and sick leave policy.

James Lively presented to the Commissioners a copy of a proposal from the Board of Risk Insurance Management for liability insurance for the County.

The Commissioners received and reviewed from the Business radio Licensing and Renewal and Modification. Copy forwarded to David Neal, E911 Coordinator.

Commissioner Wender offered a motion to approve outstanding bills. Commissioner Lopez seconded. All approved.

The Commissioners received and reviewed check to the 4-C Economic Development Authority for second quarter Fiscal Year 2002-2003, amount \$12,587.40.

The Commissioners received and reviewed a letter from the Department of

Military Affairs regarding a copy of the Floodplan Management questionnaire. The Commissioners asked that this be forwarded to Tim Richardson, Zoning Office to review and complete.

The Commissioners signed a letter to Benjy Simpson congratulating and thanking him for the very informative and professional magazine he prepared and published for Bridge Day 2002.

The Commissioners received and reviewed a letter from the West Virginia Development Office regarding the Fiscal Year 2003 Legislative Digest.

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 Division of Natural Resources enclosing a supply of the latest version of the Public Land Corporation Stream Activity Application dated 10/98, which replaces any old application forms.

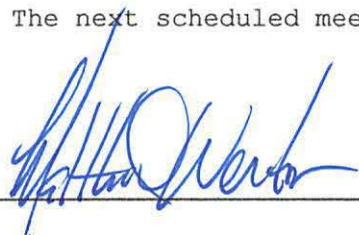
The Commissioners received and reviewed a letter from Carl Harris, Assistant Prosecuting Attorney giving information regarding the legal name on how the County Commission should be titled.

The Commissioners received/reviewed and signed a letter to the West Virginia Development Office requesting fourth drawdown for the Fayette county Youth Soccer association, amount \$2,446.75.

The Commissioners received and reviewed a letter from the West Virginia Development Office regarding Fiscal Year 2003 Legislative Digest, Governor's Community Partnership Grant Program, Fayette county Commission-Gauley Bridge Little League Football (\$3,000). Ms. Holly informed the Commissioners she told Lisa Green this grant should have sent to the Town of Gauley Bridge not Fayette County Commission.

Commissioner Wender offered a motion to adjourn the County Commission meeting. Commissioner Lopez seconded.

The meeting was adjourned at 1:15 p.m. The next scheduled meeting is October 29, 2002.



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FAYETTE COUNTY COMMISSION  
SPECIAL SESSION  
OCTOBER 29, 2002  
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a special session on this 29<sup>th</sup> day of October 2002.

Commissioner Witt called the meeting to order at 12:15 p.m.

Delegate John Pino was present and told the Commissioners that with the help of the Governor and speaker of the House Robert Kiss, Mr. Pino presented a check for \$25,000 to the Commissioner to offset the cost for the elevator.

Delegate Pino told the Commissioners that this money came from the Governor's contingency Fund not the Legislative Digest.

Delegate Pino told the Commissioners that Robert Kiss would like a receipt acknowledging receipt of the money.

Commissioner Witt and the Commissioners thanked Delegate Pino.

Commissioner Wender suggested to the Commissioners to write a letter of thanks to the Governor and the Speaker of the House Robert Kiss.

The commissioners did a walk through of the elevator project.

The Commissioners met with the Elected Officials to discuss Sick Leave Policy.

Commissioner Lopez called Tom Aiello, Assessor and he told the Commissioners he was 100% in favor of cutting the sick days to eighteen with a carry over.

Paul Blake, Prosecuting Attorney agreed with the eighteen days and suggested adding in policy that employees can donate some of

their sick leave to employees who may have exhausted all of there.

All the Elected Officials where in agreement with the eighteen sick days and carry over.

Commissioners Wender informed that since everyone is in agreement to cut the 30 days sick days to 18 days and a carry over up to 90 days Commissioner Wender asked the Elected Officials to come back on November 15 to discuss and finalize the Sick Leave and Vacation Leave Policies.

Commissioner Wender asked Jim Lively what if the county get the Board of Risk and Insurance to write up a policy for the County.

Mr. Lively told the Commissioners they would have to send application and quote on the same limits, building and number of employees.

Commissioner Wender made a motion to cancel the November 27, 2002 and the December 4, 2002 County Commission meetings. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion that payrolls and outstanding bills be approved, payrolls to be released tomorrow. Commissioner Lopez seconded. Unanimous.

The meeting was adjourned at 4:00 p.m. The next scheduled meeting is October 30, 2002.



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FAYETTE COUNTY COMMISSION

REGULAR SESSION

OCTOBER 30, 2002

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 30<sup>th</sup> day of October 2002.

Commissioner Witt called the meeting to order at 9:02 a.m.

Commissioner Witt informed the Commissioners that Paul Blake, Prosecuting Attorney requesting that the Commission go into Executive Session to discuss a personnel matter.

Commissioner Wender made a motion to go into Executive Session. Commissioner Lopez seconded. Unanimous.

The Commissioners returned back from Executive Session. No decision was made during Executive Session.

Exonerations were approved and signed.

Mike Newman, area Manager with Verizon appeared before the Commission to give an update on the fiber optic phone cable lines.

Mr. Newman informed the Commissioners they will be refurbishing the system along Route 60 with Fiber Optic cables, and 650 customers will receive better service in the area proximity to the Divide Elementary School and New River Health Clinic.

Commissioner Wender asked Mr. Newman how much of Fayette County is wired for fiber optic.

Mr. Newman informed the Commissioners that Verizon's Central Office is wired.

Roger Buckland was present and presented his resume to the Commissioners.

Ms. Holly presented to the Commissioners copies of the 2002 Financial Statement.

The Commissioners received and reviewed a complaint from Robert P. Maroney regarding the garbage collection bins at the James Brooks' apartment property in Falls View. The Commissioners asked that a copy of the letter be sent to the Philip Perone, Sanitarian at the Fayette County Health Department.

The Commissioners received and reviewed a letter from Dan Snead informing the Commissioners a final inspection was performed on the Fayette County Courthouse Elevator project on Friday, October 11, 2002, listed items that were observed that require the Commission immediate attention.

Commissioner Wender offered a motion to approve order listing the number of votomatics to be sent to the precincts for the General Election. Commissioner Lopez seconded. Unanimous.

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 2002.

The Commissioners signed right-of-way easement from the American Electric Power Company for the Animal Shelter.

The Commissioners received and reviewed from the Fayette County Health Department a Flue Clinic schedule.

The Commissioners received and reviewed Accident Report for Deputy Charlie Bryant 2002 Dodge Durango.

The Commissioners signed invoices for the Confinement of inmates at the Southern Regional Jail for the City of Smithers (\$225.00), City of Mount Hope (\$45.00), the Town of Ansted (\$90.00), the Town of Fayetteville (\$90.0), and the City of Oak Hill (\$1,485.00) for the

month of September.

The Commissioners received and reviewed a letter from Armstrong Public Service District informing the Commission of their outstanding bonds.

The Commissioners received and reviewed application from the Federal Licensing, Inc. Renewal/Modification Division for Layland Tower. Original forwarded to David Neal, E911 Coordinator.

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 weekly fees collected for the week of October 11, 2002 to October 17, 2002, amount \$390 and for the week of October 18, 2002 to October 24, 2002, amount \$365 from the Fayette County Animal Control Center.

Ms. Holly informed the Commissioners she talked with Rich O'Brien with Verizon they have worked out the equipment problem, sent written agreement to be signed, they will install Caller ID when become available at no charge.

Commissioner Wender offered a motion to authorize Commissioner Witt to sign lease agreement with Verizon. Commissioner Lopez seconded. Unanimous.

The Commissioner received and reviewed Emergency Medical Service Statistics for the month of September.

Ms. Holly informed the Commissioners she received a \$3,000 Legislative Digest Grant for Gauley Bridge Little League Football. Ms. Holly informed the Commissioners she gave a copy to Joe Belmont.

Commissioner Witt asked that a thank you letter be written to the Governor and Speaker Robert Kiss thanking them for the \$25,000

contribution to go toward the elevator completion.

Ms. Holly told the Commissioners they will have to readvertise for an elevator car.

Tim Richardson, Zoning Officer appeared before the Commission to present amendments.

Mr. Richardson informed the Commissioners that the Planning Commission unanimously recommended to the County Commission for the Adoption of the Fayette County Unified Development Code.

Commissioner Wender asked that this be scheduled for a vote on November 15 for public comment.

Commissioner Wender suggested that a small ad advising the public of the adoption.

Commissioner Wender offered a motion to vote to accept the Adoption of the Fayette County Unified Development Code.

Commissioner Lopez seconded. Unanimous.

Mr. Richardson informed the Commissioners that the Planning and Zoning Commission unanimously recommended to the County Commission that the Amendment to the Fayette County Comprehensive Plan for the purpose of adding a chapter entitled "Post Mining Use Land Use Management Plan," as provided for in the West Virginia Senate Bill 603.

Commissioner Wender offered a motion to vote to accept the adoption of rules governing surface mining operations and post mining use of the land. Commissioner Lopez seconded. Unanimous.

The Commissioners signed a letter to Powellton Coal Company, LLC informing that after reviewing their request to withdraw water from Sugarcamp Branch of Rich, located on the Gauley waterbed, Fayette County and receipt of the approval from the Division of Natural

Resources for a "right of Entry" and completion of the "Stream Activity Application" from the Public Land Corporation the Commission agrees that they meet the criterial for this project and grant their approval.

Attorney Tom Fast appeared before the Commission with a petition to remove Kathy Stanley, Executrix for the Estate of Frank K. Thomas. Also present were Attorney Pat Fragile, Carl Harris, Assistant Prosecuting Attorney, Michael Swartz, Terry Stanley, Kathy Stanley and Tim Dennler.

Michael Swartz and Tim Dennler were sworn in.

After lengthy discussions and testimonies, the Commissioners informed both parties that this would have to be continued and asked that this be tentatively scheduled for November 15 at 1:00 p.m. Both parties agreed to continuance.

The Commissioners received and reviewed from the West Virginia Development Office reimbursement checks for the Fayette County Youth soccer Grant #02-472, amount \$8,155.99, Gauneka-Ruritan Grant #00-348, amount \$2,300.24, and Christians Helping Others Grant 02-470, amount \$500.00.

Ms. Holly informed the Commissioners she received one bid from IPI, Inc, amount \$10,200.00 for the roof at the Road Office. Ms. Holly informed the Commissioners she has another bid from Tri-State Roofing, amount \$17,481.00.

Commissioner Wender suggested sending both bids to Sheriff William Laird to review.

Commissioner Wender offered a motion to receive bids from IPI, Inc. and Tri-State Roofing for Sheriff Laird to review. Commissioner Lopez seconded. Unanimous.

Ms. Holly presented to the Commissioners orders to reappoint the members of the Fayette County Beautification Committee.

Commissioner Wender questioned why Tim Richardson, Zoning Officer did not want to be reappointed.

Commissioner Lopez suggested holding until he talk with Mr. Richardson.

Commissioner Wender offered a motion to approve cleaning carpet at the 911 Center, cost \$512.93. Commissioner Witt seconded. Vote passed 2-0.

The Commissioners received and reviewed Application for Employment from Judy J. Williams.

The Commissioners received and reviewed from the West Virginia Development Office extension of Elevator Project from September 1, 2002 to December 31, 2002.

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

The Commissioners received and reviewed from the Secretary of State Office information regarding absentee voting and write-ins.

Ms. Holly reminded the Commissioners that Canvass is November 12, 2002.

The Commissioners received and reviewed Amended Notice of hearing in the matter of Charles D. Keenan, convict. Original forwarded to the County Clerk's Office and a copy forwarded to Sheriff William Laird.

The Commissioners received and reviewed a letter from the Office of the Adjutant General thanking the Commission for their recent letter addressing the location of the sanitary sewer line servicing the new Glen Jean Armed Forces Reserve Center. Original forwarded to

Dave Pollard County Resource Coordinator.

The Commissioners received and reviewed a letter from the National Park Services informing they would be happy to add the County Commission to their mail list regarding water quality monitoring on tributaries of the New River as well as on the main stem.

The meeting was adjourned at 1:07 p.m. The next scheduled meeting is November 6, 2002.

A handwritten signature in blue ink is written over a solid horizontal line. The signature is cursive and appears to read "M. H. Wagner".

FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
NOVEMBER 6, 2002  
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 6<sup>th</sup> day of November 2002.

Commissioner Witt called the meeting to order at 10:01 a.m.

Exonerations were approved and signed.

Commissioner Wender offered a motion to approve the 1st half payroll for November to be release on November 15. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to approve 2<sup>nd</sup> half payroll for November, to be released on November 29. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to approve outstanding bills. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez made a motion to go into Executive Session to discuss personnel study and salaries of the County Commission employees. Commissioner Wender seconded. Unanimous.

Discussion was held regarding the cost of operating the Memorial Building. Commissioner Witt suggested discussing on December 15. Commissioner Wender suggested appointing a committee to make recommendations on what would be a fair way in maintaining the building. The Commissioners suggested appointing Tim Richardson, Zoning Officer, Eddie Young, Chief Tax Assessor, and Carl Harris, Assistant Prosecuting Attorney and have them to check into the cost of operating and maintaining the building and ask them to give their



recommendation at the first meeting in December.

Commissioner Wender offered a motion to appoint a committee, Eddie Young, Tim Richardson and Carl Harris to work up cost of operating Memorial Building and maintaining a fair lease or rental fee for the Board of Education.

Bill Caudill appeared before the Commission to request funding for the Fayette Toy Fund for children who otherwise would not have a Merry Christmas. Mr. Caudill informed the Commissioners they serve about six hundred kids in Fayette County.

Commissioner Lopez asked Mr. Caudill if they have any other source of funding. Mr. Caudill replied no.

Commissioner Wender asked Mr. Caudill to get more information to Ms. Holly and schedule appointment to come back on November 15, 2002 at 10:15 a.m. to discuss.

Commissioner Wender offered a motion to proclaim November 15, 2002 as America Recycles Day in Fayette County. Commissioner Witt seconded. Unanimous. Vote passed 3-0. Proclamation signed.

The Commissioners signed a letter to Philip Perone, Fayette County Health Department asking that he investigate the complaint they received from Robert Maroney regarding the garbage collection bins at the James Brooks' apartment properties in Falls View.

The Commissioners received and reviewed franchise tax fees for the period July 1, 2002, to September 30, 2002 for Charter Communications (\$22,629.64), alarm and 911 fees (\$42,418.22) and reimbursements for TRIDENT overtime (\$991.42).

The Commissioners received and reviewed request from David Neal, E911 Coordinator requesting computer upgrades for the National crime Information Center (NCIC) and the computer used to monitor alarm

calls. Commissioner Lopez moved to approve computer upgrades (\$3,400) to be paid out of the 911 Fund. Commissioner Wender seconded. Unanimous.

The Commissioners received and reviewed from Kelvin Holliday, County Clerk, a quote from Data Designs, Inc. to replace the hard drive in his laptop computer. After a brief discussion the Commissioners suggested asking Mr. Holliday to hold for Fiscal Year 2004 budget request.

The Commissioners received and reviewed a letter from Otis Elevator Company informing they are in the process of improving their maintenance billing procedures and would like to change the monthly maintenance billing cycle to an annual payment and is offering a 4% discount if they change the billing cycle by December 31, 2002.

Commissioner Wender suggested getting other folks interested in bidding on the elevator.

Commissioner Wender suggested to the Commissioners that the purchase of the elevator car and installation of the elevator be broken down in two parts when advertised.

Commissioner Lopez made a motion to advertise for the elevator car and the installation of the elevator. Commissioner Wender seconded. Unanimous. The Commissioners asked Ms. Holly to contact J. Dan Snead Associates.

Ms. Holly informed the Commissioners she received a letter from J. Dan Snead Associates informing that the back window and shelves are not covered in the contract.

Ms. Holly informed the Commissioners she has prepared the 4<sup>th</sup> drawdown for Boso and Boso, Inc., amount \$3,587.23.

Ms. Holly informed the Commissioners that this is not the final

drawdown.

Commissioner Wender asked if they were going to ask Boso and Boso for \$200 a day or \$200 per work day (10 days at \$2,000 or 7 days at \$1,400).

Commissioner Wender asked that the 5% retainage be deducted in Boso and Boso last payment.

Commissioner Wender asked if the Commission had received a letter from Dan Snead saying that the shaft is complete and ready to accommodate a car. Ms. Holly informed the Commissioners that Boso was holding back on retainage fees.

Ms. Holly informed the Commissioners she received this morning a copy of the Economic Development Association Report and a request for the remainder of the funding from Southern Appalachian Labor School. Ms. Holly informed the Commissioners she was still holding the check until she received the report.

Commissioner Wender offered a motion to approve release of the check pending review by Dave Pollard, County Resource Coordinator regarding compliance. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed Southern Appalachian Labor School Foundation, Inc. Independent Auditors' Report and Financial Statements for the year ended December 31, 2001.

Ms. Holly presented to the Commissioners from C-PAC Activity Report, Weekly Fees Collected, and Monthly Revenue Report for the month of October.

Ms. Holly informed the Commissioners in checking reports she found a purchase of a \$370.98 Samstone VCR from Sam's and informed the Commissioners she had talked with Patti Payne regarding contracting with her husband for contracting services.

Ms. Holly informed the Commissioners she has not received the addendum to the contract from C-PAC. The Commissioners approved monthly amount of \$10,130.13.

The Commissioners received and reviewed a letter from the Fayette County Beautification Committee informing that the terms of Tim Hannah, John "Phil" Raney, Phil Perone, Tim Richardson, and Larry Parsons expired on August 26, 2002 and ask that all but Tim Richardson be reappointed to serve another two-year term.

The Committee asked that David Neal, E911 Coordinator replace Tim Richardson.

Commissioner Wender informed the Commissioners' he feel the Zoning Officer should be on the Committee and asked that Tim Richardson be reappointed.

Commissioner Wender offered a motion that Tim Hannah, John "Phil" Raney, Tim Richardson, Phil Perone and Larry Parsons be reappointed to serve on the Fayette County Beautification Committee. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from the West Virginia University Eberly College of Arts and Sciences informing that the West Virginia Association of Counties has received a grant to sponsor a retreat to discuss the future of the Local Government Leadership Academy being held Friday evening December 6, from 6:00 p.m. to 9:00 p.m. at the Embassy Suites Hotel and Conference Center in Charleston.

Ms. Holly informed the Commissioners that the computer equipment has been ordered.

Ms. Holly informed the Commissioners that she received a call from the West Virginia University Extension Office informing that

Diane Meadows has been hired as the Family Consumer Science Agent effective November 1, 2002.

The Commissioners approved request from the West Virginia University Extension Office to pay for the annual subscription to the Fayette Tribune from the education and supplies funds from the Board of Education.

The Commissioners received and reviewed a letter from Roseann Berry, Director of the Fayette County Chapter Red Cross informing that they are looking for a used refrigerator and a good used living room suit for a mother and her three children who lost their home and all they had to a house fire.

The Commissioners discussed the invitation from the Fayette County Park. Commissioner Wender asked Ms. Holly to ask Earl Pauley, Park Superintendent how they handle funds.

The Commissioners received and reviewed a fax from the County Commissioners's Association regarding an article in the Herald Dispatch in Parkersburg.

The Commissioners received and reviewed a letter from the Division of Criminal Justice Services informing they have not received the required progress reports for the Court Security Grant for the months of July, August, and September 2002, which were due October 20, 2002. A copy forwarded to Sheriff William Laird.

The Commissioners received and reviewed a copy of a letter to Thelma Kincaid, Circuit Clerk from Judge John Hatcher informing that starting with the next entered sentencing and commitment order, the Circuit Clerk shall cause to be transmitted, via a facsimile machine, forthwith, and attested copy of the sentencing and commitment order, to the West Virginia Division of Corrections, and the jail to which

the defendant is remanded, if the defendant is sentenced to the penitentiary, or to the appropriate regional jail, if the defendant is sentenced to jail.

The Commissioners received and reviewed a letter from the Internal Revenue Service regarding the backup withholding for Carolyn O'Dell contracted services. Original forwarded to the Payroll Clerk.

The Commissioners received and reviewed Audit Report of Page-Kincaid Public Service District for the Fiscal Year Ended June 30, 2002 and 2001.

The Commissioners received and reviewed a list of the inactive civil actions from Judge Charles M. Vickers (Carlton Crowder vs. Fayette County Board of Zoning Appeals).

The Commissioners received and reviewed a letter from Verizon informing that they are delighted to comply with the Commission's request to provide one PRI Card at no additional cost for the NEC PBX purchased from Verizon Enterprise Solutions.

The Commissioners signed Verizon Credit Inc. Certificate of Acceptance.

The Commissioners approved to reschedule first meeting in December to be held December 6 and payroll meeting to be held December 16.

The Commissioners received and reviewed a letter from the United Way Life Bridge Community Council informing the Commissioners the Board of Directors voted to continue for a third and final year the LifeBridge partnership with Southern Appalachian Labor School (SALS) on the Coalfield Housing Project.

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

The Commissioners received and reviewed reimbursements from the Federal Emergency Management Agency for Fire Levy Payroll.

The Commissioners received and reviewed contribution of \$25,000.00 from the Governor's Contingency Fund Grant for elevator.

The Commissioners received and reviewed a check in the amount of \$986.86 for damages to 2002 Dodge Durango.

Ms. Holly informed the Commissioners she received from James Perdue, Maintenance Supervisor notice that John Barnhart resign as of November 15, 2002.

The Commissioners received and reviewed notice from the Fayette County Health Department of Flu Clinic schedule.

Commissioner Lopez asked that Scott Emil McComas start work on November 18 on temporary basis through the month of December at an hourly pay.

Commissioner Wender offered a motion that Scott Emil McComas be hired on temporary bases November 18 through the end of December and permanent contingent upon his performance as a custodian, salary \$1,100.00 a month. Commissioner Lopez seconded.

The Commissioners asked that W. D. Smith be placed on the agenda to discuss the administrative fees that are going to Region 4 and not back to the county.

The meeting was adjourned 1:05 p.m. The next scheduled meeting is November 15, 2002.



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FAYETTE COUNTY COMMISSION

REGULAR SESSION

NOVEMBER 15, 2002

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 15<sup>th</sup> day of November 2002.

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

Exonerations were approved and signed

Commissioner Witt announced that the Commission was here to certify the canvass of the General Election held November 5, 2002.

Ms. Holly presented the Abstracts by voting precincts and orders to be signed to the Commissioners.

Commissioner Witt read the Order certifying the canvass for the Special School Levy and the Amendments. Commissioner Lopez made a motion to certify the 202 General Election. Commissioner Wender seconded.

Daniel Wright, William Arthur, Steve Pilato, and Mary Frances "Missy" Smith members of the Fayette County Board of Education were present to sign order certifying the Special Levy Election. The Commissioner signed order certifying the Amendments.

The Commissioners signed letters to Governor Bob Wise and Secretary of State Joe Manchin, III enclosing the Board of Canvassers' certificates of the results of the General Election held in Fayette County on the 5<sup>th</sup> of November 2002.

The Commissioners signed orders and appointment letters for Larry Parsons, Tim Hannah, John Raney, Phil Perone, and Tim Richardson informing them of their reappointment to the Fayette



County Beautification Committee.

Ms. Holly informed the Commissioners that the Governor had declared Friday, November 29 as an additional day off at Thanksgiving for State employees.

Ms. Holly asked the Commissioners if they were going to give the county employees the same day off. Commissioner Lopez made a motion to designate said November 29, as an additional day for County employees, without charge against accrued annual leave for the Thanksgiving Day holiday. Commissioner Wender seconded. Unanimous. A letter was signed to all Elected Officials and Fayette County employees.

Commissioner Lopez asked that the County Commission meeting that is scheduled for December 16 be changed back to December 13. The Commission approved.

The Commissioners signed a legal holiday list to all Elected Officials and Fayette County employees for the year 2003.

John David and Jackie Ashbury with Southern Appalachian Labor School (SALS) appeared before the Commission to seek renewed and continued support for the group Work Camps, Energy Express and the Community Center. Mr. David presented a copy of Southern Appalachian Labor School (SALS) Audit Report.

Commissioner Wender asked Ms. Ashbury how much did they raise last year. Ms. Ashbury replied \$25,000. Commissioner Wender asked Mr. David to put together a report of what's been done.

The Commissioners told Mr. David they would hold his request for the next year budget.

Ben Newhouse, Upper Kanawha Valley Economic Development Corporation (UKVEDC) appeared before the Commission to discuss the

Mahan Water Project.

Mr. Newhouse informed the Commissioners that forty-six households are requesting water service. Mr. Newhouse informed the Commissioners that contamination of the water was contributed by past activities. Mr. Newhouse told the Commissioners that the Division of Environmental Protection 100% behind the project. Mr. Newhouse informed the Commissioners that 10 miles of waterline has to be run, the cost would be \$4 to \$5 million.

Scott Muir with Norfolk Southern appeared before the Commission to give a presentation and answer any questions about the survey report and settlement process Norfolk Southern recently completed a field survey and report of potentially eligible noise sensitive receptors located along rail line segment N-111 within Fayette County, outside of the Town of Gauley Bridge.

Mr. Muir informed the Commissioners that the County still has the option of negotiating individual settlements with the owners of eligible structures identified as noise sensitive receptors.

Commissioner Witt told Mr. Muir that the Commission will stay with their decision that Norfolk Southern deal directly with the property owners.

Bill Caudill with the Fayette Toy Fund appeared before the Commission to inquire about the Commission contribution to the Fayette Toy Fund.

Commissioner Lopez told Mr. Caudill that the Commission has received several requests for funding but there is no money in the budget.

Commissioner Lopez made a motion to contribute \$500 to the Fayette Toy Fund. Commissioner Wender seconded. Unanimous.

Commissioner Lopez made a motion to go into Executive Session with W. D. Smith to discuss personnel matter. Commissioner Wender seconded.

Upon returning from the Executive Session, Commissioner Witt informed no action was taken. Commissioner Wender offered a motion to go back into the regular County Commission meeting. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to approve first half payrolls for November and outstanding invoices. Commissioner Lopez seconded. All approved.

Commissioner Wender offered a motion to approve second half payrolls for November to be released on November 27. Commissioner Lopez seconded. All approved.

The Commissioners received and reviewed a letter to Dave Pollard, County Resource Coordinator from West Virginia Citizens' Conservation Corps. regarding the property from milepost OH-0.0 to OH-2.8 (Jones Avenue to Carlisle).

Commissioner Wender offered a motion for Commissioner Witt to sign railbanking letter to Vernon Williams, Director at the Surface and Transportation Board for future rails to rails. Commissioner Lopez seconded. Unanimous.

Kelvin Holliday, County Clerk appeared before the Commission and voiced his concerns, distributed as to why his time is shorten, postponed or changed. Mr. Holliday informed the Commissioners he has scheduled Larry Walker with the Department of Labor to appear today but due to the change of time he Mr. Walker would not be able to attend.

Mr. Holliday informed the Commissioners that effective today he

was going to draft an overtime policy for his office.

Mr. Holliday questioned the Commissioners about not approving the quote for replacing the hard drive on his laptop.

Commissioner Wender suggested to Mr. Holliday that when preparing for his next year's budget he should include estimates for general office maintenance.

Mr. Holliday informed the Commissioners that sometime unexpected expenditures come up.

Commissioner Lopez informed the Commissioners that the County Clerk has had numerous requests that the Commission have had to address more than any other elected official.

Commissioner Wender apologized to Mr. Holliday for the change in the agenda.

Commissioner Wender suggested holding Commission meetings from 9:30 a.m. to 4:00 p.m. after the first of the year. No decision made.

Commissioner Witt informed the Commissioners that he had scheduled an earlier appointment on the agenda but it was cancelled and he asked that the afternoon appointments be moved up to that time slot.

Commissioner Wender offered a motion to pay for laptop upgrade up to \$300.00. Commissioner Lopez seconded. All approved.

The Commissioners signed letters to Tim Richardson, Zoning Officer, Carl Harris, Assistant Prosecuting Attorney and Eddie Young, Chief Deputy Assessor appointing them to serve on a committee to evaluate the cost of operating and maintaining the Fayette County Memorial Building and to recommend a fair rental fee to charge the Fayette County Board of Education for rental of the building.

The Commissioners signed a memorandum to all Elected Officials informing that a representative of the Statewide Courthouse Authority will revisit the Fayette County Courthouse at 8:00 a.m. on Tuesday, November 19, 2002 to complete the record's retention and storage survey for Fayette County.

The Commissioners signed a letter to the West Virginia Development Office informing them that they are not the grantee of the legislative digest grant request for the Summerlee Wesleyan Men.

Ms. Holly informed the Commissioners she received a Lease Agreement for the new computer, Ms. Holly informed the Commissioners she will review and asked the Commission if they would authorize Commissioner Witt to sign. Commissioner Wender offered a motion to authorize Commissioner Witt to sign the Lease Agreement after Ms. Holly review. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez informed the Commissioners that Emil McComas has agreed to start work as a custodian on November 18, 2002 on probationary basis for the first 30-days.

Commissioner Lopez informed the Commissioners that Johnny Barnhart has submitted his resignation but he will stay until November 30, 2002 to train Mr. McComas.

The Commissioners signed a letter to Boso and Boso, Inc. enclosing a check in the amount of \$3,587.23 in payment of their number four invoice and advised them that they intend to deduct liquidated damages of \$200.00 per calendar day from the 5% retainage for construction time extending beyond the contract time from October 1, 2002, until October 10, 2002.

The Commissioners signed a letter to J. Dan Snead and Associates, Inc. asking they provide the Commission with a written

certification saying they have inspected the elevator shaft and certify that the construction of the shaft is complete according to the specifications and will accommodate the elevator equipment and car without additional construction or modifications.

The Commissioners signed letters to Governor Bob Wise, Senator Shirley Love, Delegates David Perry, Tom Louisos, John Pino and Robert Kiss, Speaker extending their appreciation for funding in the amount of \$25,000 from the Governor's Contingency Fund to offset the remaining costs for the completion of the elevator project.

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

The Commissioners signed a letter to the West Virginia Development Office requesting the sixth drawdown for the Christians Helping Others Food Pantry, amount \$500.00.

Commissioner Witt informed the Commissioners he received a call from WCHS asking if they could come up here Monday to promote the Food for the Poor Drive for the Valley area.

Commissioner Lopez made a motion to authorize Commissioner Witt to enter into an agreement to sign the Governor's Community Partnership Grant Resolution for the Gauley Bridge Little League Football. Commissioner Wender seconded. Unanimous.

Commissioner Wender asked the Commission about the sick leave policy for the County. Commissioner Wender asked Ms. Holly to put in some sort of chart form comparing plan to plan to circulate to the elected officials and asked the elected officials to write a proposal.

Commissioner Wender asked that Dave Pollard, County Resource

Coordinator be put on the agenda to present Quarterly Report updates.

Commissioner Wender asked Ms. Holly to ask Randy Housh to be present for Martha Hager with Village Tree Family Support Center, Inc. to discuss a housing development corporation at the County Commission next meeting.

The Commissioners received and reviewed a second letter from the Division of Criminal Justice Services informing they has not received the required progress reports for the court security grant for the months of July, August, and September 2002. Copy of the letter forwarded to Sheriff William Laird.

The Commissioners received/reviewed and signed corrected minutes from the Zoning Hearing held the month of August 28, 2002.

The Commissioners received/reviewed and signed the Zoning Hearings minutes of October 30, 2002.

Commissioner Wender presented to the Commissioners a letter from the Dunloup Watershed Association asking that the Commission put their letter to the West Virginia Department of Environmental Protection on the Fayette County Commission letterhead.

Ms. Holly presented to the Commissioners travel expenses for the delivery of absentee ballots to polling precincts from Kelvin Holliday, County Clerk. Ms. Holly informed the Commissioner that Mr. Holliday wants to pay \$5 only for delivering absentee ballots to precincts, Ms. Holly informed the Commissioners that in the past the Commission approved to pay \$5 for each precinct they delivered ballots to.

Commissioner Wender offered a motion that since in past practice the Commission approved to pay \$5 for each precinct he asked that the invoice be adjusted to pay \$5 per precinct. Commissioner Lopez

seconded. Unanimous.

Commissioner Wender offered a motion to pay the State rate mileage for the delivery of the absentee ballots to the precincts and to reimburse Mr. Moss for his cell phone. Commissioner Witt seconded. Unanimous.

Commissioner Lopez made a motion to go into Executive Session. Commissioner Wender seconded.

Upon returning from the Executive Session, Commissioner Witt informed the Commission is taking a recess from the Executive Session.

Upon returning from the recess, Commissioner Lopez made a motion to reconvene the Executive Session. Commissioner Witt seconded. No decision was made in Executive Session.

The County Commission meeting was reconvened.

The Commissioners received and reviewed from the Fayette County Health Department a notice informing that the flu shots will be given at the Fayette County Health Department every Wednesday as long as vaccine is in supply.

Ms. Holly informed the Commissioners she received a fax from Jeff Poe. Ms. Holly informed the Commissioners she had sent copies to Sheriff William Laird, Tom Woodrum, Chief Tax Deputy and Tom Aiello, Assessor. Ms. Holly informed the Commissioners that the tax had been refunded and ticket reinstated per Tom Woodrum, Chief Tax Deputy.

The Commissioners received and reviewed resignation of Debra Ferrell from the Fayette County 911 Center.

Ms. Holly informed the Commissioners she received a notice from Sheriff William Laird that Bert Lawhorn has resigned as Dog Warden



effective November 13, 2002. Ms. Holly told the Commissioners that Sheriff Laird informed her that he has been in contact with Patti Payne for a recommendation. Ms. Payne told the Sheriff she has someone in mind. Ms. Holly told the Commissioners that the Sheriff will tender his recommendation for the position in a timely manner.

The Commissioners approved Sheriff Laird recommendations for a roof for the Road Office.

The Commissioners received and reviewed the Audit Report for the Fayette County Magistrate Court for the period ended December 31, 2001.

The Commissioners received and reviewed FEMA invoices from Earl Pauley, Park Superintendent for the new Animal Shelter. Copies given to Steve Cruikshank, OES Director.

The Commissioners received and reviewed from the Department of Tax and Revenue a letter informing that Tom Aiello, Assessor has complied with the "assessor's additional duties" and that Mr. Aiello is compensated, amount \$15,000.00. The Commissioners approved.

The Commissioners received and reviewed a letter from Thelma M. Kincaid, Circuit Clerk, submitting an amended budget statement and requesting that Anna Vandall be placed on the County as a full-time employee with benefits effective November 1, 2002.

The Commissioners received and reviewed upcoming events from the Fayette County Historic Landmark Commission.

The Commissioners received and reviewed Workers' Compensation claims.

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

The Commissioners received and reviewed a letter from the West

Virginia Division of Culture and History regarding the announcement of the new statewide historic presentation plan.

The Commissioners received and reviewed from Sheriff William Laird progress and financial reports for the Court Security Grant, Project #02-CS-06.

The Commissioners received and reviewed from the West Virginia Development Office a check for the final payment for the Courthouse elevator, Grant #99-169, amount \$35,059.06.

The Commissioners received and reviewed from the West Virginia Development Office a check for the Fayette County Youth Soccer Association, Grant #02-472, amount \$2,446.75.

The Commissioners received and reviewed a check from the Office of Emergency Services reimbursement for second drawdown King property, Hazard Mitigation Grant, amount \$7,500.00.

The Commissioners received and reviewed jail fees from the City of Mount Hope (\$45.00), City of Oak Hill (\$1,485.00), the Town of Fayetteville (\$90.00), and the Town of Ansted (\$90.00).

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 Fayette County as of October 31, 2002.

The Commissioners received and reviewed November Legislative Interim Schedule and updates from the County Commissioners Association of West Virginia.

The Commissioners received and reviewed the 2002 "Unofficial" Election Results for County Commission Seats.

The Commissioners received and reviewed notice of meetings for the Greenbrier Pipeline Project Draft Environmental Impact Statement

for the month of November.

The Commissioners received and reviewed a letter from Charter Communications informing that a mistake was made on subscribers served by the Ansted headend billing statement.

The Commissioners received and reviewed an order from the West Virginia Department of Transportation informing of the addition of Smales Branch Access Road to the State Local Service System.

The Commissioners received and reviewed a letter from Vandalia Resources, Inc. informing of their intent to close all Vandalia Resources Inc. operations in West Virginia, including the Four-Mile Surface Mine, Alloy Plant and Boomer Surface Mine located in Fayette County off Route 60 near Boomer, and permanently lay off all employees due to a potential sale of these properties.

The Commissioners received and reviewed from Ms. Holly the quarterly allotment for the New River Convention Visitors Bureau, amount \$12,458.38.

The Commissioners adjourned to go back into Executive Session to discuss personnel matter of the County Clerk's Office.

Upon reconvening from the Executive Session, Commissioner Witt informed with all the parties involved nothing was resolved.

Commissioner Wender made a motion that the Commissions do not concur with the course of action taken by the County clerk; Commissioner Witt informed the Commission was not consulted with the action taken and furthermore the County Clerk did not consult the Prosecuting Attorney's Office.

Commissioner Lopez seconded. Unanimous.

Commissioner Witt informed this action is a littler premature.

The meeting was adjourned at 3:34 p.m. The next scheduled meeting is December 6, 2002.

  
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FAYETTE COUNTY COMMISSION  
EMERGENCY SPECIAL SESSION  
NOVEMBER 19, 2002  
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in an emergency special session on this 19<sup>th</sup> day of November 2002.

Commissioner Witt called the emergency session to order at 9:19 a.m. to discuss issues and duties related to payroll, payroll clerk, Clerk of the Fayette County Commission, and Fayette County Commission. Present were Paul Blake, Prosecuting Attorney, Carl Harris, Assistant Prosecuting Attorney, Sheriff William Laird, Thelma Kincaid, Circuit Clerk, and Tom Aiello, Assessor.

Commissioner Witt informed everyone that a memo was sent to Kelvin Holliday, County Clerk asking that he attend this emergency session.

Ms. Holly informed the Commissioners she received a letter from Mr. Holliday declining to appear today without proper counsel to represent him.

The Commissioners asked that this letter be included in the minutes.

Commissioner Witt informed that without a payroll clerk this puts the county in a real emergency because no one in the Clerk's office is trained to cut checks.

Sheriff Laird presented to the Commissioners a memo from the county officials expressing their concerns about the important need to ensure the proper and timely processing of the payrolls request for the payment of all employees within their respective offices.

Paul Blake, Prosecuting Attorney informed the Commissioners that there's nothing in the West Virginia Code that say the County Clerk has to provide the payroll.

Commissioner Wender offered a motion that the Fayette County Commission assumes all the responsibility of the county payroll clerk and is authorized to issue checks on a temporary basis of all the funds held by the payroll clerk to county employees. Commissioner Lopez seconded. Unanimous.

Mr. Blake informed the Commissioners that no criminal charges have been filed against Debbie Aliff at this time.

Mr. Blake informed the Commissioners he received no allegations and no embezzlement of county funds. Mr. Blake informed the Commission that the amount involved was \$150.00 the election day overtime and the involved personal matters within the County Clerk's Office and that's not subject to criminal charges.

Commissioner Lopez informed it would cost \$6,500.00 to \$8,000.00 to have Software Systems come down and train someone.

Commissioner Wender asked Ms. Holly about the insurance coverage.

Ms. Holly replied that employees are covered under a blanket bond up to \$80,000.00, the blanket bond does not cover individuals.

Commissioner Witt asked Mr. Blake what the Commission would have to do.

Mr. Blake informed the Commissioners he suggested negotiating with Ms. Aliff attorney.

Commissioner Wender asked if there were anyone else that could do the payroll. Ms. Holly replied it would take sometime and would have to have assistance from Software Systems.

Commissioner Witt informed the Commissioners they should consider asking Debbie Aliff to come back and work under the Commission.

Commissioner Wender offered a motion that the County Commission offers a temporary job to Debbie Aliif, Payroll Clerk with the understanding that she release the County Commission as the main defendants in the lawsuit filed in the Circuit Court. Commissioner Lopez seconded. Unanimous.

Commissioner Witt said the next step is to contact Ms. Aliff attorney.

Commissioner Wender suggested to the Commissioners to consider appropriating money for temporary service for the County Administrator and software training.

Commissioner Wender offered a motion that in the event that Ms. Aliff's offer for temporary employment is rejected authorizes and allocates \$5,000.00 for the employment of temporary staff for the County Administrator and for software training of the County Administrator. Commissioner Lopez seconded. Unanimous.

Mr. Blake informed the Commissioners that what was done here today is on temporary basis.

Ms. Holly asked the Commissioners about Ms. Aliff salary.

Commissioner Wender offered a motion that if Ms. Aliff agrees to be reinstated she's to be paid at the same rate of pay with benefits. Commissioner Lopez seconded. Unanimous.

Mr. Blake suggested that this be done by an order.

Mr. Blake suggested changing the locks on the Payroll Office.

Commissioner Witt questioned about the money allocated in the County Clerk's budget for the payroll clerk. Mr. Blake replied this

might have to be resolved at another time.

Tom Aiello, Assessor informed the Commissioners they have made everybody more comfortable and the elected officials appreciate.

Ms. Holly thanked the staff of the Prosecuting Attorney's Office for their time and appreciation for their help.

The Commission recessed so that the Prosecuting Attorney could consult with Ms. Aliff's attorney.

The County Commission reconvened back in session at 10:29 a.m.

Upon reconvening Mr. Blake presented to the Commissioners an order prepared by Carl Harris, Assistant Prosecuting Attorney regarding the issues and duties related to payroll, payroll clerk, Clerk of the Fayette County Commission, and the Fayette County Commission.

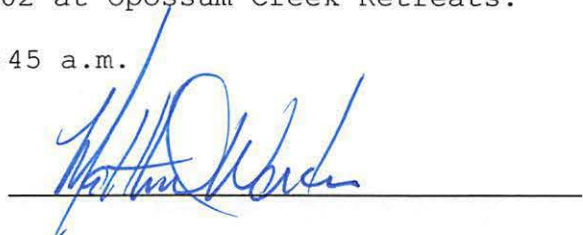
The Commissioners asked Ms. Holly to read the order. (See attached).

Mr. Blake informed the Commissioners that he had talked with Attorney James Keenan he has agreed to dismiss the lawsuit against the Commission and Ms. Aliff has agreed to return as payroll clerk under the jurisdiction of the Commission on a temporary basis.

Commissioner Wender suggested that a copy of the dismissal of the complaint against the Fayette County Commission be sent to the insurance carrier.

Commissioner Wender informed the Commissioners that the Fayette County Water Quality Collation Stakeholders Meeting, Fact Finding Presentation, and Feedback Session will be held from 1:00 p.m. to 4:00 p.m., Wednesday, November 20, 2002 at Opossum Creek Retreats.

The meeting was adjourned at 10:45 a.m.



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FAYETTE COUNTY COMMISSION  
SPECIAL SESSION  
DECEMBER 6, 2002  
COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS PRESENT: John L. Witt, John H. Lopez, Matthew Wender

The Fayette County Commission met in a special session on this 6<sup>th</sup> day of December 2002.

Commissioner Witt called the meeting to order at 9:06 a.m.

Exonerations were approved and signed.

Tom Syner with Syner Foundation Corporation appeared before the Commission to request a waiver of requirements for putting a tower up.

Tim Richardson, Zoning Officer and Carl Harris, Assistant Prosecuting Attorney were present.

Mr. Richardson suggested to the Commissioners to stay with the tower ordinance that's already in place because of the liability to the County.

Carl Harris, Assistant Prosecuting Attorney informed the Commission he agrees with Mr. Richardson. Mr. Harris told the Commissioners anytime you deviate from the original ordinance the biggest concern is the liability issues and liability on part of the County.

Mr. Syner informed the Commissioners this is a non-profit radio station and all he wants to do is promote Fayette County; he feels he should be put in a different group.

Mr. Syner presented a video of the radio station's location to

the Commissioners.

Commissioner Wender asked Mr. Syner who is the owner of this property.

Mr. Syner replied the property belongs to the Garrett Family.

Commissioner Wender asked Mr. Syner what would be the cost for the study. Mr. Syner replied cost would be \$5,000 to \$10,000.

Commissioner Wender asked Ms. Syner if he could give the Commission some kind of insurance that nothing would be built on this property. Mr. Syner replied yes.

Mr. Harris informed the Commissioners that he thinks this is a great idea for the County but that the purpose of the ordinance is for the safety for the County.

Commissioner Wender asked if the Commission could rewrite the ordinance.

Mr. Syner informed the Commissioners that he does have an engineer.

Mr. Richardson told Mr. Syner that the engineer would have to meet the standards of the ordinance.

Mr. Syner asked the Commissioners if it would help if he found an engineer to say it's okay to install the radio station on the property.

Commissioner Wender requested Mr. Syner that if he gets an engineer to say he can install the tower meeting the standards of the ordinance regulations to have him put in writing.

Mr. Harris recommended to Mr. Syner to get someone from West

Virginia Tech to look at the tower on a non-profit basis to see if it would meet these standards.

Mr. Syner informed the Commissioners he would do whatever it takes to get the tower up and running.

Commissioner Lopez suggested getting a copy of the lease from Mr. Syner.

Dave Pollard, County Resource Coordinator appeared before the Commission to give his Quarterly Report.

Mr. Pollard presented a contract for the New River Wastewater Engineering Study to be paid from Legislative Digest Grant 00-358 for a sewer study. The grant contract is \$5,500.

Commissioner Wender offered a motion to authorize President John Witt to sign the contract for the New River Wastewater Engineering Study. Commissioner Lopez seconded. Unanimous.

Carl Harris, Assistant Prosecuting Attorney, informed the Commissioners he approved to authorize Commissioner Witt to execute the agreement of the Rails to Trails Grant.

Dave Pollard, County Resource Coordinator informed the Commissioners that the financial responsibility would be waived.

Commissioner Wender asked the Commissioners if they would consider Mike Basile with Spilman, Thomas and Battle, PLLC to do an Emergency Study in the acquisition of the Berwind property payable from the \$100,000 in the budget for a business park. Ms. Holly reminded the Commission that on July 31 the Commission agreed to pay the entire \$14,000 engineering to Thrasher Engineering if the \$10,000

EDA grant application was not approved. Dave Pollard reported that the grant funding had not been secured.

Commissioner Wender offered a motion for Dave Pollard to sign on behalf of the Transition Team to contract with Mike Basile to work out and find funding for the acquisition of the Berwind property and to set and initialize a limit of a \$5,000.00 cap based on an hourly rate of \$205 for Basile and \$190 for his assistant. Commissioner Lopez seconded. All approved.

Randy Housh, Community Housing Organization appeared before the Commission with a final draft of the Technical Assistance Agreement with the West Virginia Housing Development Fund for consulting services on a contract basis for the establishment of a Fayette County Housing Program. Mr. Housh asked the Commission to sign the contract and to give him the authority to submit invoices.

Commissioner Wender offered a motion to authorize Commissioner Witt to sign off on the Technical Assistance Agreement between the West Virginia Housing Development Fund and the Fayette County Commission. Commissioner Lopez seconded. Unanimous. Resolution signed (see attached)

Mr. Housh presented to the Commissioners November and December invoices of \$3,333.50 per month for submission to WVHDA. Mr. Housh informed the Commissioners they would receive invoices on a monthly basis.

Commissioner Wender offered a motion to authorize the County Commission President to sign off on the monthly invoices without

having to come before the Fayette County Commission. Commissioner Lopez seconded. Unanimous.

Commissioner Wender informed the Commissioner that he feels Fayette County has been short changed by Multi-Cap and since Multi-Cap is in Chapter 11 he feels the Commission should withdraw Fayette County from any and all service designation and participation in the non-profit organization known as Multi-Cap, Inc. located in Charleston, West Virginia.

Commissioner Wender offered a motion that the Fayette County Commission pass a Resolution to withdraw from Multi-Cap, Inc. Commissioner Lopez seconded. Unanimous. (See attached)

Commissioner Wender informed the Commissioners that the Multi-Cap hearing is scheduled for Wednesday, December 11, 2002.

Commissioner Wender offered a motion that the County Commissions retain Paul Clay to represent the Commission at the hearing, to pay up to \$2,000. Commissioner Lopez seconded. Unanimous.

Commissioner Witt informed the Commissioners he received a letter from the Town of Ansted requesting that the Commission consider installation of a tap on Dominion's gas line for the North side of New River since there is no gas service in that area.

Commissioner Wender told the Commissioners that the City of Mount Hope is planning to send a letter regarding a tap on the Dominion gas line.

Tim Richardson, Eddie Young, and Carl Harris appeared before

the Commission and presented Operational Expenses for the Memorial Building and recommendation to contract the use of the facility to the Fayette County Board of Education on a school day use basis for gym classes and associated activities during school hours only, an annual contract sum of \$75,000.00.

The Committee told the Commissioners about the three windows that needed to be secured with safety enclosure bars immediately. Mr. Richardson reported the cost at \$120.00.

Commissioner Wender offered a motion to secure the three upper floor windows with safety enclosure bars at the Memorial Building. Commissioner Lopez seconded. Unanimous.

Ms. Holly asked the Committee if they included supplies in their recommendation. Mr. Richardson replied supplies were not included.

Mr. Harris suggested negotiating a lease with the Fayette County Board of Education.

Commissioner Lopez suggested scheduling a special session with the Board and suggested to the Committee to do a little more exploring, get the numbers together.

Commissioner Witt asked Mr. Harris, Mr. Richardson, and Mr. Young to work on figures and get back with recommendation. (See attached)

The Commissioners met with the Elected officials to discuss and revise Sick Leave and Vacation Leave Policy. (See attached revised Sick Leave and Vacation Leave Policy). Effective January 1, 2003,

the Commissioners agreed to grant each full-time employee 12 days sick leave carry over plus credit of 18 days in advance for calendar year 2003, beginning January 1, 2004 each full-time employee will accrue sick leave at a rate of 1.5 days per month. Employees are allowed to carry over all unused sick days up to a total of 30 days per calendar year and can donate unused sick days to other County employees who have exhausted their sick days and request a donation for a specific occurrence. The Commission also approved 3 days bereavement in the event of a death of an immediate family member only; bereavement time is not to be counted against sick or vacation time. Effective January 1, 2003, the Commission approved accrual of vacation time for all full-time County employees to follow WV Code §7-14-17a as provided for deputy sheriffs.

Commissioner Wender offered a motion to approve outstanding bills and first and second half payrolls for the month of December. Commissioner Lopez seconded. Unanimous.

The Commissioners asked that a memo be sent to the Elected Officials, Department Heads, County Employees, and Citizens and to contact the media to inform them of the swearing in ceremony for Kenneth L. Eskew as County Commissioner of Fayette County being held at 10:00 a.m. on Friday, December 27, 2002 in Judge John Hatcher's courtroom. A memo was signed.

President John L. Witt signed a letter approving the entering into by Ansted Certified Fire Department, Inc., of a lease/purchase agreement in an aggregate principal amount not to exceed \$152,575 to

finance equipment consisting of Emergency One Pumper to be located at 104 Page Street, Ansted.

The Commissioners signed a letter to Ron Elliott, Berwind Land Company informing that on behalf of the citizens of the community of Minden, Fayette County, the members of the Fayette County Commission are requesting that they transfer the ownership of the Berwind Land Company approximately 1.5 acres (Map 22, Parcel 3) tract of land at Minden for a community park.

The Commission proposed to own, insure, and lease the property to the sponsoring community group that is endeavoring to build a Minden Community Park.

The Commissioners signed a letter to John Fredericks, Inspector Supervisor, and Larry Robertson, with West Virginia Department Environmental protection and Randall Ramsey with West Virginia Conservation Agency attaching for their review and written response a copy of an inquiry received by the Commission with a request from the Dunloup Creek Watershed Association to forward the inquiry to the Division on Environmental Protection (DEP).

Ms. Holly presented a Local Economic Development Assistance Program Digest Grant information sheet to the Commissioners for the Fayette County Circuit Court Courtroom chairs.

Commissioner Wender offered a motion to authorize Commissioner Witt to execute agreement, approve and authorize the adoption of said Resolution. Commissioner Lopez seconded. Unanimous. Resolution signed.



Ms. Holly presented a Local Economic Development Assistance Program Digest Grant information sheet to the Commissioners for the New Haven Public Service District.

Commissioner Wender offered a motion to authorize Commissioner Witt to execute agreement, approve and authorize the adoption of said Resolution. Commissioner Lopez seconded. Unanimous. Resolution signed.

Ms. Holly informed the Commissioners that she was advised by Sam Miller, President of Caring Hands, Inc., that Caring Hands was closing its doors on December 6, 2002. Ms. Holly asked the Commissioners what she should do about the Caring Hands, Inc. grant.

Commissioner Wender suggested requesting that the scope of the project be changed to allow the Fayette County Commission to split the grant between the known major food pantries serving the citizens of Fayette County for necessary supplies.

Ms. Holly presented a Local Economic Development Assistance Program Digest Grant information sheet to the Commissioners for Caring Hands, Inc.

Commissioner Wender offered a motion to authorize Commissioner Witt to execute agreement, approve and authorize the adoption of said Resolution. Commissioner Lopez seconded. Unanimous. Resolution signed.

The Commissioners signed a contract for \$74.00 monthly with Dave's Sanitation for garbage disposal at the temporary Animal Shelter on Milroy Grose Road.

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.

The Commissioners received and reviewed a letter from Kathy Hellems opposing the appointment of Virginia (Goodwin) Critchley as personal representative of the Estate of Glen Orville Goodwin. The Commissioners appointed Attorney Jamie Blankenship as Fiduciary Commissioner.

The Commissioner signed a letter to Kathy Hellems informing they received her letter dated November 25, 2002 and forwarded it to Carl Harris, Assistant Prosecuting Attorney and informed her that attached is a copy of Mr. Harris's response.

The Commissioners received and reviewed a copy of a letter from the Prosecuting Attorney to Kelvin Holliday, County Clerk informing that effective December 6, 2002 Emily Corley has tendered her resignation, Chris Moore resigned effective December 20, 2002 and Anthony Ciliberti, Jr. has been hired as a new assistant prosecuting attorney, effective December 2, 2002, annual salary \$30,000 benefits included.

The Commissioners received and reviewed from the County Commissioners Association Election Results for Amendment 1 and 2 (Breakdown by County), annexation Issues, and notice of the Basic training meeting being held January 8-11, 2003 at Bridgeport Holiday Inc.

Ms. Holly informed the Commissioners she received from Matt

Edwards a request for an increase in rent at the Family Law Master Building effective January 1, 2003; Ms. Holly forwarded a copy to Family Law Master Janet Steele for her comments and recommendation.

The Commissioners approved purchase of dehumidifier for the Sheriff's Interview Room, cost \$255.00.

Ms. Holly informed the Commissioners she received a call from Erie Insurance asking if the Commission wanted to buy back the cruiser totaled by Garland Burke; the salvage cost would be \$1,261.68. Ms. Holly told the Commissioners the sheriff told her that TRIDENT is willing to pay \$16,000 to replace the cruiser if the Commission paid the cost difference from the insurance settlement. Commissioner Lopez asked Ms. Holly to ask Earl Pauley, Park Superintendent, about the cruiser.

The Commissioners received and reviewed 911 fees from Citizens Telecommunication Co. (\$58.38), Business Telecon, Inc. (\$15.68), Metro-Teleconnect Co. (\$29.40), Z-Tel Communication, Inc. (\$2.00), Elec communication (\$4412.00), and Verizon (\$40,253.23).

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

The Commissioners received and reviewed a letter from Philip Perone, Sanitarian, Fayette County Health Department informing the Commissioners he investigated the complaint of Robert Maroney regarding the apartments in the Falls View area.

The Commissioners received and reviewed Oath of Office from Tim Hannah, member of the Fayette County Beautification Committee and

James Painter, member of the Fayette county Planning and Zoning Commission.

The Commissioners received and reviewed a letter from Jim Lively informing that a Certificate of Insurance naming Fayette County as an Additional Insured should be required of all persons/organizations requesting use of the shooting range; the limit of liability coverage should be no less than \$1,000,000 per occurrence.

The Commissioners received and reviewed Shelter Rental Agreements for the year 2003 from the Fayette County Park.

The Commissioners received and reviewed a letter from the U. S. Department of Commerce denying request on behalf of the New Haven Public Service District to consider permitting rebid of the unused funds from the Economic Development Administration Grant 01-79-7261. Original forwarded to Dave Pollard, County Resource Coordinator.

The Commissioners received and reviewed a letter from Senator John Rockefeller informing he has been contacted by the U. S. Department of Commerce about his inquiry on behalf of the County Commission regarding the approval by the Economic Development Administration (EDA) for the use of excess investment funds provided to the New Haven Public Service District for improvements to the Fayette Plateau Regional Water System. Original forwarded to Dave Pollard, County Resource Coordinator.

The Commissioners received and reviewed a letter from Judge John Hatcher asking that keys for the new front door be issued to his

secretary, court reporter and bailiff. Ms. Holly told the Commissioners she talked with James Perdue, Maintenance Supervisor, and he informed her that they already have keys.

The Commissioners received and reviewed a thank you card from the American Red Cross.

The Commissioners received and reviewed letters from Dan Snead enclosing records of the O & M Manuals for the elevator shaft phase of the Fayette County Courthouse elevator project.

Mr. Snead informed the Commissioners these manuals cover the fire alarm and electrical devices that were installed. Ms. Holly told the Commissioners the manuals were given to James Perdue, Maintenance Supervisor.

The Commissioners received and reviewed a letter from Dan Snead informing that to the best of his knowledge, the recently completed work by Boso & Boso, Inc. relating to the new elevator shaft is consistent with plans and specifications.

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

The Commissioners received and reviewed a copy of a letter to the Public Service Commission from Jerry L. Keffer a member of the Arbuckle Public Service District asking for a waiver to complete training program in the spring for new members of the Public Service District Board; due to the death of his father-in-law, he had to leave the fall session.

The Commissioners received and reviewed a letter from David

Riggleman, Business Account Manager with Allegheny Energy, informing he has been promoted to Director, State Affairs, and that Kenny Yoakum, has been assigned to be the point of contact for the Fayette County Commission.

The Commissioners received and reviewed pledge statements from the SunTrust Bank. Original forwarded to the County Clerk's Office.

The Commissioners received and reviewed safety recall notice from Ford motor Company. Original forwarded to Earl Pauley, Park Superintendent, and a copy forwarded to Steve Kessler, Chief Deputy.

The Commissioners received and reviewed weekly fees collected from the Fayette County Animal Control Center for the month of November 8, 2002 to November 30, 2002, amount \$815.00, the week of December 1, 2002 to December 5, 2002, amount \$25.00, the Monthly Revenue Report for the Month of November, amount \$975.00 and the Activity Report for the month of November.

The Commissioners approved for Ms. Holly to write allotment check to C-PAC, amount \$10,110.32.

The Commissioners approved to reimburse Pete Hobbs, Fuel Advisory Committee member, amount \$195.28.

The Commissioners approved to reimburse Virgil Berry, Fayette County Coordinator WVWatch, amount \$111.89.

The Commissioners signed a letter to Dr. Fred Harrington, President, West Virginia Department of Education, informing him that the Fayette County Commission supports the collaboration of New River Health and the Southern Appalachian Labor School (SALS) in their

effort to bring a Community Learning Center to Mount Hope.

Ms. Holly asked the Commissioners if they were going to approve the election vouchers presented by County Clerk Holliday for delivery of ballots to the precincts on Election Day. The Commissioners asked to hold the vouchers until December 13, 2002.

The Commissioners received and reviewed checks from the City of Beckley for reimbursement of Deputies overtime, amount \$1,772.37, Workers Comp., amount \$40.62, City of Oak Hill, confinement of inmates, \$540.00, reimbursement from the Fayette County Chamber of Commerce Bridge Day security, amount \$1,188.72, Alarm fees, amount \$1,140.00 and Charter Communications, amount \$5.57.

The Commissioners received and reviewed a letter from the City of Montgomery requesting funding of \$3,000.00 to facilitate the replacement of the roof drainage system and related roof structure. No decision was made.

The Commissioners received and reviewed from the Division of Criminal Justice Services a West Virginia Court Security Fund Request for Proposals; applications for the Program must be submitted no later than 4:30 p.m. on Thursday, March 27, 2002. Original forwarded to Sheriff William Laird.

The Commissioners approved final salary check for Debra L. Ferrell, amount \$336.62. Ms. Ferrell resigned her position at the FC 9-1-1 Center.

The Commissioners received/reviewed and approved payment of calendar year 2002 telephone reimbursements to Magistrates Danita

Young (\$854.52), Michael Parsons (\$548.40), Dale Payne (\$547.56) and Sharon McGraw (\$740.52).

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

The Commissioners agreed to reschedule its January 9, 2003 meeting to January 6, 2003.

The meeting was adjourned at 2:52 p.m. The next scheduled meeting is December 13, 2002.



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**TECHNICAL ASSISTANCE AGREEMENT**  
**Between**  
**WEST VIRGINIA HOUSING DEVELOPMENT FUND,**  
**RANDY HOUSH,**  
**&**  
**FAYETTE COUNTY COMMISSION**

**TECHNICAL ASSISTANCE AGREEMENT** (the "Agreement") dated as of October 1, 2002 between **RANDY HOUSH**, an individual (Tax ID # 446-06-8418), whose mailing address is P O Box 728 Oak Hill, WV 25901, **FAYETTE COUNTY COMMISSION**, with its offices at Fayette County Courthouse Fayetteville, WV 25840-0307 and **WEST VIRGINIA HOUSING DEVELOPMENT FUND**, a governmental instrumentality of the State of West Virginia, with its principal place of business at 814 Virginia Street East, Charleston, West Virginia 25314 (the "Fund").

**WHEREAS**, the Fund is the fiscal agent for the technical assistance grants provided to the Fund by Appalachian Regional Commission (ARC Contract Number: CO-13754C) whose grant funds are to be used by the Fund to provide technical assistance to nonprofit organizations.

**WHEREAS**, Randy Housh will provide technical assistance to the Fayette County Commission, which is a qualified community based organization with the desire to develop affordable housing in a distressed Appalachian county in West Virginia through training and technical assistance.

**WHEREAS**, both Parties hereto are desirous of the Fayette County Commission serving as a technical assistance conduit that will provide the oversight of Randy Housh as he assists the Fayette County Commission in creating a Community Housing Development Organization (CHDO) to be known as Fayette County CHDO or other name approved by the Fayette County Commission.

**NOW, THEREFORE**, the parties hereto agree as follows:

1. **The Scope of Work.** Randy Housh agrees to provide assistance in creating a CHDO for the Fayette County Commission as described in, and in compliance with, the Fayette County Commission Technical Assistance Request Form dated September 20, 2002 and the amended memo dated October 1, 2002, copies of which are attached as Exhibits A and B, respectively.

**2. Reimbursement of Costs.** The Fund agrees to pay Randy Housh for the technical assistance services provided up to, but not exceeding the sum of Twenty Six Thousand Six Hundred Fifty Dollars (\$26,650.00) which amount shall be paid using monies from a technical assistance grant awarded to the Fund from the U.S. Department of Housing and Urban Development/ Appalachian Regional Commission.

**3. Invoices and Payments.** All invoices for Randy Housh requesting payment shall be sent to the Fayette County Commission at P. O. Box 307 Fayetteville, West Virginia 25840 for approval. After appropriate review and approval, the Fayette County Commission will send the approved invoices to the Fund at 814 Virginia Street, East, Charleston, West Virginia 25301 for payment. All payments shall be sent to Randy Housh at P. O. Box 728 Oak Hill, WV 25901.

**4. Randy Housh Responsibilities.** Randy Housh agrees to:

(a). Obtain the Fund's approval prior to incurring any costs which it intends to charge the Fund that is not specifically set forth in this Agreement;

(b). Insure that the work is completed by June 30, 2003;

(c). Allow the Fund, with reasonable notification, access to any and all documents related to the project;

(d). Randy Housh understands that the Fund has the right, at any time, to direct that work cease and be discontinued in connection with this Agreement.

**5. Relationship of Parties.** Randy Housh and the Fayette County Commission shall be considered as independent contractors as a matter of law for all purposes related to this Agreement. Nothing herein shall be deemed to create an agency or joint venture between the parties.

**6. Indemnity and Insurance.** Randy Housh agrees to indemnify and hold the Fund harmless from any and all claims, demands, actions, or causes of action, whether founded or unfounded, including reasonable legal fees and costs related to the defense of such claims or actions, that may arise from or are related to or result from the negligence or fault on the part of Randy Housh Training, or any of its agents, employees, officers or directors in the performance of this Agreement.

7. Randy Housh and the Fayette County Commission and the Fund agree that each will have in place and maintain insurance coverages, including general liability, professional liability, automobile liability, workers' compensation and such other coverages as a prudent company of the type and nature each is, in an amount adequate to protect it and the indemnified party from the types of losses that are reasonably foreseeable from the activities in which each is engaged in the ordinary course of its business.

8. **Assignment.** Neither party shall assign, transfer, or convey the obligations and rights provided by this Agreement without the written consent of the other party to this Agreement.

9. **Binding Upon Successors and Assigns.** This Agreement shall be binding upon the parties hereto and their respective successors and authorized assigns.

10. **Termination.** Performance under this Agreement may be terminated by the Fund upon thirty (30) days prior written notice. Performance may be terminated by Randy Housh or Fayette County Commission, if circumstances beyond its reasonable control preclude continuation of the project. Upon termination, Randy Housh will be reimbursed as outlined above in paragraph 2. Termination by either party will still require a final report by Randy Housh prior to any reimbursement of approved costs.

11. **Governing Law.** The validity and interpretation of this Agreement and the legal relationship of the parties to it shall be governed by the laws of the State of West Virginia and all applicable U.S. Federal laws including, but not limited to, those relating to nondiscrimination in the selection and training of nonprofits and individuals as follows:

- Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d et. Seq.), prohibits discrimination on the basis of race, color or national origin;
- Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681-1683 and 1685-86 which prohibits discrimination on the basis of sex;
- Fair Housing Act (42 U.S.C. 3601-3620) prohibits the sale or rental of housing or the brokerage services against any person on the basis of race, color, religion, sex, national origin, handicap or familial status.

- The Drug Abuse Office and Treatment Act of 1972 (P.L. 93-255), as amended, relating to non-discrimination on the basis of drug abuse
- The Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to non-discrimination on the basis of drug abuse;
- Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794) which prohibits discrimination on the basis of handicaps;
- Americans with Disabilities Act (42 U.S.C. 12131; 47 U.S.C. 155, 201, 218 and 225) which provides for the removal of architectural and communication barriers and provides for the comprehensive civil rights to individuals with disabilities in the areas of employment, public accommodations, state and local government services and telecommunications;
- The Age Discrimination Act of 1975, as amended (42 U.S.C. 6101-6107) which prohibits discrimination because of age;
- Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) as amended, which provides to the greatest extent feasible opportunities generated by certain federal assistance shall be directed to low and very low-income persons;
- Any other non-discrimination provisions in the specific statute(s) under which the application for Federal assistance is being made; and
- The requirements of any other non-discrimination statute(s) as may apply.

**12. Entire Agreement.** Unless otherwise specified, this Agreement and its Exhibits embody the entire understanding between the Fund, Randy Housh and Fayette County Commission, and any prior or contemporaneous representations, either oral or written, are hereby superseded. No amendments or changes to this Agreement, including without limitation, changes in the statement of work, cost, and period of performance, shall be effective unless made in writing and signed by authorized representatives of the Fund, Randy Housh and Fayette County Commission.

**13. Severability.** All provisions of this Agreement shall be applicable only to the extent that they do not violate any applicable law, and are intended to be limited to the extent necessary so that they will not render this Agreement invalid, illegal or unenforceable under any applicable law. If any provision of this Agreement shall be held invalid, illegal or

unenforceable, the validity, legality or enforceability of other provisions of this Agreement shall not be affected thereby.

**14. Waiver of Rights.** No waiver of any right or remedy hereunder by either of the parties shall be deemed to be a waiver of any other right or remedy of any subsequent right or remedy of the same kind.

**IN WITNESS WHEREOF,** the parties hereto have executed, or caused to be executed by the duly authorize officials, this Technical Assistance Agreement on the respective dates indicated below.

**WEST VIRGINIA HOUSING  
DEVELOPMENT FUND**

By: \_\_\_\_\_

*Joe W. Hatfield*  
Joe W. Hatfield  
Executive Director

**FAYETTE COUNTY  
COMMISSION**

By: \_\_\_\_\_

*John L. Witt*  
John Witt  
President

**RANDY HOUSH**

By: \_\_\_\_\_

*Randy Housh*  
Randy Housh  
Consultant

## RESOLUTION

On this 6th day of December, 2002, the Fayette County Commission, John Witt, President, hereby resolves to withdraw Fayette County from any and all service designation and participation in the non-profit organization known as MULTI-CAP Inc. located in Charleston, WV.

WHEREAS, MULTI-CAP Inc. has failed to provide those Fayette County residents who are determined by state and federal guidelines to be living in poverty, the services necessary to provide the social and economic opportunities that promote socio-economic self sufficiency,

and WHEREAS, MULTI-CAP Inc. has failed to provide adequate documentation regarding services delivered in Fayette County and the subsequent outcomes and effectiveness of those services that are stated to have been delivered,

and WHEREAS, MULTI-CAP Inc. has been determined by state and federal authorities to have been negligent in it's appropriation, distribution and fiscal oversight of those state and federal funds designated to serve West Virginia Counties, specifically Fayette County,

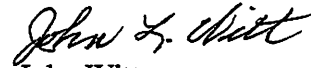
and WHEREAS, MULTI-CAP Inc. has failed to meet Results Oriented Management Accountability (ROMA) Federal requirements for agency and program performance evaluation and quality assurance,

and WHEREAS, MULTI-CAP Inc. has failed to comply with the National Association of Community Action Agencies (NACAA) Code of Ethics, the West Virginia Community Action Association (WVCADA) Quality Assurance Plan and the Fayette County Commission's commitment to provide to low-income residents of Fayette County reasonable access to quality services that are tailored meet the socio-economic needs of individuals and families, which will result in social well being and economic self sufficiency.

NOW, THEREFORE, be it resolved by the County Commission of Fayette County:

- It is hereby determined that the Fayette County Commission will withdraw Fayette County from any and all participation with MULTI-CAP Inc. regarding service delivery to the low income families residing in Fayette County.

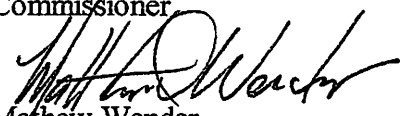
- It is also hereby determined by the Fayette County Commission to facilitate the submission of an application to the appropriate state office, regarding receipt of funds necessary to establish a Community Action Agency in Fayette County, by which to delivery quality service tailored to meet the socio-economic needs of Fayette County individuals and families.
- It is hereby determined that the Commission shall authorize the President to sign all necessary documents.



John Witt  
President



John Lopez  
Commissioner



Mathew Wender  
Commissioner

FAYETTE COUNTY COMMISSION

On this the 13th day of December, 2002, the County Commission of Fayette County meeting in a regularly scheduled session and having determined that a need exists for a revised vacation policy for all permanent, full-time employees in the various offices and departments of Fayette County, excepting such policies that are provided by West Virginia Code for civil service employees of the County, and in order to clearly establish the policies of the Commission with reference thereto, said Commission does hereby order effective January 1, 2003, for calendar year 2003 and for each calendar year hereafter:

In accordance with the following schedule, the rate of accrual and allowance of vacation (annual leave) for any calendar year is determined by the length of an employee's continuous, permanent, full-time service to the County as of his anniversary date in the calendar year in which the vacation (annual leave) is to be allowed:

<u>Length of Service</u>	<u>Accrual per Month</u>	<u>Maximum Annual Allowance</u>
6 months to less than 5 years	1.25 days (10 hours)	15 days (120 hours)
5 years to 10 years	1.5 days (12 hours)	18 days (144 hours)
10 years to 15 years	1.75 days (14 hours)	21 days (168 hours)
15 years or more	2.0 days (16 hours)	24 days (192 hours)

For the purpose of computing vacation (annual leave), previous length of service prior to a break in employment service to the County shall be disregarded.

An employee shall only receive vacation time for each month in which he or she shall have worked one hour more than one half the normal working hours in a given month as prescribed by the Fayette County Commission. A work day is equal to eight (8) hours. Vacation



(annual leave) is accrued on the last day of each calendar month or on the last work day for separating employees.

If an employee should use vacation (annual leave) which the employee has not yet accrued on a monthly basis and subsequently leave employment for any reason, the employee shall be required to reimburse the County Commission for the salary or wages paid to the employee for any remaining negative balance of vacation leave previously used but not accrued. The employee shall reimburse the County Commission as a deduction from his/her final paycheck and/or other prescribed means.

No more than thirty days of accrued vacation time may be carried forward from one calendar year to the next; accrued vacation time not eligible to be carried forward will be lost. An employee may not choose to forego his vacation (annual leave) and elect to receive additional pay instead of the time off.

Each employee shall arrange a vacation schedule with his/her department head or supervisor; all vacation leave requests shall be documented and submitted on the form entitled "Request For Leave" and shall be forwarded to the department head or supervisor for review and approval consideration. A copy of this form entitled "Request For Leave" is included as an attachment to this policy. Employees' preferences as to vacation schedules will be honored as far as is possible; however, vacation schedules shall be arranged in such a manner as to avoid impairment of the department's necessary and required operations. Accordingly, the department head shall seek to avoid a reduction in staff to a level where the work needs of the department can not be properly met. Each department head shall have the final authority to determine individual vacation schedules. In instances of emergency or when the compelling needs of the department may dictate such action, the department head reserves the right to cancel all vacation leave previously approved for any employee.

The minimum charge against annual leave shall be one hour; additional leave shall be in multiples of one hour.

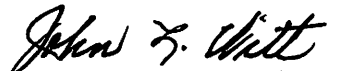
A departing employee, regardless of the reason for the separation, may take terminal vacation (annual leave) or may be paid in a lump sum for vacation (annual leave) time accrued to the date of separation in an amount not to exceed 30 days to be charged to the line item department from which the departing employee was employed. Department heads shall be responsible to insure that over expenditure of budget line items do not occur for his/her office.

Furthermore, during such period of vacation leave, the salary of such employee shall be paid; however, no employee shall qualify for vacation leave until he has worked for the County as a permanent, full-time employee for a period of six (6) consecutive months. All vacation leave is on a calendar year (January 1--December 31) basis.


For purposes of maintaining a complete and accurate record of all vacation leave benefits earned, accrued, and used by employees of each department, each department head shall keep and maintain an accurate and up-to-date record of all vacation leave records for each full-time employee of his/her department and shall submit a monthly copy of the employee leave record to the payroll clerk on the last day of each calendar month or on the last work day for separating employees; the payroll clerk shall notify the County Commission in writing prior to the first monthly meeting of the Commission of any monthly employee leave records not received from a department head. The document to be used in recording this vacation leave information shall be the "Employee Leave Record"; a copy of this form is included as an attachment to this policy. The department head shall annually review the "Employee Leave Record" with each full-time employee for purposes of ensuring accuracy and completeness.

It is further ordered that each officeholder or department head make written reports by January 15 for the previous calendar year and by July 15 for the previous fiscal year to the County Commission certifying as to the earned, accrued, and used time of his employees due to vacation during the preceding calendar or fiscal year as applicable.

FAYETTE COUNTY COMMISSION

  
John L. Witt, President

  
John H. Lopez, Commissioner

  
Matthew D. Wender, Commissioner

**COUNTY OF FAYETTE**  
**REQUEST FOR LEAVE WITH PAY**

<b>NAME:</b>	
<b>DEPARTMENT:</b>	<b>DIVISION:</b>
<b>I AM MAKING APPLICATION FOR THE FOLLOWING LEAVE:</b>	
_____ Hours Annual	_____ Hours Sick
_____ Hours Military	_____ Hours Sick (Imm. Family)
_____ Hours Witness/Jury	_____ Hours Bereav (Death in Imm.Fam)
	_____ Hours Comp.
<b>PERIOD OF LEAVE:</b>	
From	Date: _____
To	Date: _____
<b>EMPLOYEE SIGNATURE:</b>	<b>APPLICATION DATE:</b>
<input type="checkbox"/> Approved <input type="checkbox"/> Disapproved	<b>IMMEDIATE SUPERVISOR SIGNATURE:</b>  <b>DATE:</b>
<input type="checkbox"/> Approved <input type="checkbox"/> Disapproved	<b>DEPARTMENT HEAD AUTHORIZED SIGNATURE:</b>  <b>DATE:</b>
<b>Remarks (In addition to any remarks, please also use this space to note relationship if using sick leave for a family member's illness or death):</b>   	

- A Physician's Practitioner Excuse is required after 3 consecutive working days of sick leave.
- A maximum of 3 days of bereavement leave may be used for each occurrence of a death in the employee's immediate family.
- When witness/jury service leave or military leave is used, you must submit copies of the appropriate subpoena, summons, or military orders to the Department Head.

FAYETTE COUNTY COMMISSION

On this the 13th day of December, 2002, the County Commission of Fayette County meeting in a regularly scheduled session and having determined that a need exists for a revised sick leave policy for all permanent, full-time employees in the various offices and departments of Fayette County, excepting such policies that are provided by West Virginia Code for civil service employees of the County, and in order to clearly establish the policies of the Commission with reference thereto, said Commission does hereby order effective January 1, 2003, for calendar year 2003 and for each calendar year hereafter:

For the calendar year only beginning January 1, 2003 and ending December 31, 2003, each non-civil service, permanent, full-time employee on January 1, 2003, shall be given 12 days (96 hours) of sick leave as a carryover bank and shall be granted 18 days (144 hours) sick leave credit in advance of accrual at a rate 1.5 days (12 hours) per month for a total of 30 sick days (240 hours) in calendar year 2003.

For the calendar year only beginning January 1, 2004, and each year thereafter, each employee shall accrue sick leave based on the rate of accrual equal to 1.5 days (12 hours) per month for a total of 18 days (144 hours) annually.

An employee shall only receive sick time for each month in which he or she shall have worked one hour more than one half the normal working hours in a given month as prescribed by the Fayette County Commission. A work day is equal to eight (8) hours. Sick leave is accrued on the last day of each calendar month or on the last work day for separating employees.

If an employee should use sick leave which the employee has not yet accrued on a monthly basis and subsequently leave employment for any reason, the employee shall be required to reimburse the County Commission for the salary or wages paid to the employee for any remaining negative balance of sick leave previously used but not accrued. The employee shall reimburse the County Commission as a deduction from his/her final paycheck and/or other prescribed means.

No more than thirty days of accrued sick time may be carried forward from one calendar year to the next; accrued sick time not eligible to be carried forward will be lost.

An employee who is unable to report for his/her regularly assigned work shift due to illness is required to make proper notification to his/her immediate supervisor or department head as early as possible prior to or immediately following the beginning of the shift for which sick leave will be taken. During the period of any illness in which extended sick leave will be taken, the employee shall be responsible for keeping his or her supervisor properly informed of the need for any continued absence from the workplace and the anticipated time at which the employee may be available to return to work. The notification provisions of this policy shall not apply to any emergency medical conditions that may make such notification unreasonable. Immediately upon return to work, the employee's request shall be documented and submitted on the form entitled "Request For Leave" and shall be forwarded to the department head or supervisor for review and approval consideration. A copy of this form entitled "Request For Leave" is included as an attachment to this policy.

The minimum charge against sick leave shall be one hour; additional leave shall be in multiples of one quarter (1/4) hour.

An employee is required to produce a statement from an attending physician for each day of sick leave taken beyond three days. This

statement shall include the dates of treatment and shall also state that the employee was unable to perform his or her job or that the employee's absence was due to an illness of a member of the employee's immediate family and shall be given immediately to the department head at the time that the employee returns to work. In the absence of this physician's statement, annual leave shall be charged for the entire period of absence should that absence not be supported by an attending physician's statement.

Excessive absenteeism can seriously detract from the ability of the County departments to render essential services and can cause undue hardship on co-workers who must meet the increased demands placed upon them due to unanticipated manpower shortages. For this reason, no employee shall be permitted to abuse or otherwise misuse sick leave benefits. Accordingly, through records maintained for purposes of documenting the use of sick leave benefits, attention shall be given by the department head to any patterns of excessive usage that may indicate the potential abuse of sick leave benefits by an employee within his/her department. The department head reserves the right to investigate matters related to the potential abuse of sick leave benefits by an employee and may, if such abuses are found to exist, institute appropriate disciplinary action against any employee found to be abusing sick leave benefits.

Sick leave will be granted to full-time employees for the following reasons:

1. Illness-Sick leave shall be granted in the event of an illness of, or injury to, an employee which incapacitates him or her from performing his or her duties;
2. Exposure to Contagious Disease-Sick leave shall be granted in the case of exposure to a contagious disease when a physician determines and states in writing that the employee's presence on duty may jeopardize the health of others;
3. Pregnancy-An incapacity due to pregnancy shall be charged to sick leave under the same conditions applying to any illness;

4. Routine Dental and Medical Appointment for Employee-Routine dental and medical appointments for treatment or examination of the employee shall be charged to sick leave including reasonable travel time;

5. Illness and/or Routine Dental and Medical Appointments for Immediate Family-Absence for illness or routine medical and dental appointments of a member of an employee's immediate family including reasonable travel time shall be charged to accrued sick leave. Immediate family shall consist of parents, children, siblings, spouse, parents-in-law, children-in-law, grandparents, grandchildren, step-parents, step-siblings, stepchildren, and individuals in a legal guardianship relationship;

6. Work Related Illness or Injury-An employee may elect to use sick leave due to a personal injury received in the course of and resulting from covered employment with the County in accordance with West Virginia Code 23-4-1. However, an employee who elects not to use sick leave under this policy must apply for a medical leave of absence without pay as provided under the County's Workers' Compensation/Sick Leave Policy.

Unless otherwise provided by the Code of West Virginia, all accumulated sick leave shall be canceled as of the date of separation, regardless of the reason for separation.

Furthermore, during such period of sick leave, the salary of such employee shall be paid; however, no employee shall qualify for sick leave until he has worked for the County as a permanent, full-time employee for a period of six (6) consecutive months. All sick leave is on a calendar year (January 1--December 31) basis.

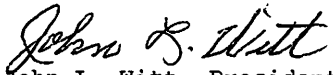
For purposes of maintaining a complete and accurate record of all sick leave benefits earned, accrued, and used by employees of each department, each department head shall keep and maintain an accurate and up-to-date record of all sick leave records for each full-time employee of his/her department and shall submit a monthly copy of the employee leave record to the payroll clerk on the last day of each calendar month or on the last work day for separating employees; the payroll clerk shall notify the County Commission in writing prior to the first monthly meeting of the Commission of any monthly employee leave records not received from a department head. The document to be used in recording this sick leave information shall be the "Employee



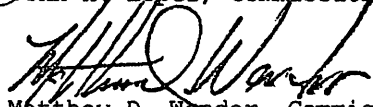
Leave Record"; a copy of this form is included as an attachment to this policy. The department head shall annually review the "Employee Leave Record" with each full-time employee for purposes of ensuring accuracy and completeness.

It is further ordered that each officeholder or department head make written reports by January 15 for the previous calendar year and by July 15 for the previous fiscal year to the County Commission certifying as to the earned, accrued, and used time of his employees due to sick leave during the preceding calendar year or fiscal year as applicable.

FAYETTE COUNTY COMMISSION

  
John L. Witt, President

  
John H. Lopez, Commissioner

  
Matthew D. Wender, Commissioner

**COUNTY OF FAYETTE  
REQUEST FOR LEAVE WITH PAY**

<b>NAME:</b>	
<b>DEPARTMENT:</b>	<b>DIVISION:</b>
<b>I AM MAKING APPLICATION FOR THE FOLLOWING LEAVE:</b>	
_____ Hours Annual	_____ Hours Sick
_____ Hours Military	_____ Hours Sick (Imm. Family)
_____ Hours Witness/Jury	_____ Hours Bereav (Death in Imm.Fam)
	_____ Hours Comp.
<b>PERIOD OF LEAVE:</b>	
From	Date: _____
To	Date: _____
<b>EMPLOYEE SIGNATURE:</b>	<b>APPLICATION DATE:</b>
<input type="checkbox"/> Approved <input type="checkbox"/> Disapproved	<b>IMMEDIATE SUPERVISOR SIGNATURE:</b>  <b>DATE:</b>
<input type="checkbox"/> Approved <input type="checkbox"/> Disapproved	<b>DEPARTMENT HEAD AUTHORIZED SIGNATURE:</b>  <b>DATE:</b>
<b>Remarks (In addition to any remarks, please also use this space to note relationship if using sick leave for a family member's illness or death):</b>    	

- A Physician's Practitioner Excuse is required after 3 consecutive working days of sick leave.
- A maximum of 3 days of bereavement leave may be used for each occurrence of a death in the employee's immediate family.
- When witness/jury service leave or military leave is used, you must submit copies of the appropriate subpoena, summons, or military orders to the Department Head.

**Operational Expenses for the Memorial Building  
(Based on figuring acquired from the Board of Education)**

<b>Utilities Averaged (water, sewage, natural gas, electricity, garbage)</b>	<b>\$ 36,000.00</b>
<b>Custodian (salary, benefits)</b>	<b>\$ 21,000.00</b>
<b>Additional Custodian help</b>	<b>\$ 10,500.00</b>
<b>Insurance (Facility)</b>	<b>\$ 6,872.00</b>
<b>TOTAL</b>	<b>\$ 74,372.00</b>

**Recommendation to contract the use of this facility, on a school day use basis for gym classes and associated activities during school hours only:**

**Annual contract sum of \$ 75,000.00**

# **Rental of Fayette County Memorial Building**

## **Functions:**

All functions requesting the use of these facilities shall submit a request to the Fayette County Commission.

Rates for the use of this facility shall be \$100.00 per hour.

All fees are due and payable 14 days in advance of event.

In addition to the fee above, where applicable, a \$25.00 trash service fee shall be due and payable to the Fayette County Commission, 14 days in advance.

## **Custodian:**

1. Daily upkeep of facility.
2. Preparation of facility for functions.
3. Presence at functions.

## **Insurance and Indemnity:**

**Indemnification of Fayette County Commission by promoter and/or sponsor of event:** Promoter and/or sponsor of the event, his/her successors and assigns, shall indemnify and hold harmless the Fayette County Commission, its officials and employees, at all times from and against any liability whatsoever, including but not limited to reasonable attorney's fees, for any damage or injury (including accidental death) caused to any person, or property, both real and personal, by the actions or omissions of the promoter and/or sponsor, his/her successors and assigns, on account of the approval of the event. The promoter and/or sponsor of the event shall obtain and maintain during the term of the event Public Liability Insurance in an amount of not less than \$1,000,000.00 for injuries and/or wrongful death to any one person and in an amount of not less than \$1,000,000.00 on account of one accident, Property Damage Insurance in an amount of not less than \$1,000,000.0 for any one accident, and naming the Fayette County Commission as the additional insured party, and shall protect the County from claims for said damages arising out of the exercise of rights and privileges and operations under the rental, to include operations by motor vehicles and trucks and to include damages from fire and perils usually covered by an approved extended coverage endorsement. Prior to the exercise of any rights under the rental, certificates of insurance and a signed

Hold Harmless Agreement shall be filed and deposited 14 days in advance with the Fayette County Commission or their official representative.

**Miscellaneous:**

1. Sponsors of any event scheduled at this facility will be responsible for any damages resulting from their activity.
2. Drinks and food are not allowed on the main floor. (Unless receiving prior approval by Fayette County Commission.)
3. No smoking anywhere in the facility.
4. Parking restrictions shall be observed in conjunction with the 911 Center.

## Memorial Building

### Transitional Update Repair List

Floor in men's restroom	\$1,200.00
Floor in Women's restroom (CTI- Floor Recovery)	\$1,200.00
Paint downstairs bathrooms and hallways	\$1,300.00
Paint concessions area and storage area (not including ceiling)	\$950.00
paint walls around seating on second floor (not including ceiling)	\$2,450.00
Bar enclosures for 3 windows upstairs	\$120.00
paint hallways (stairwells)	\$900.00
replace exterior doors (3 sets) ( 2" aluminum frame, panic bars, handicap accessible)	\$10,000.00
replace garage door off of stage	\$1,415.00
garage door opener	\$825.00
repair seats in balcony	\$400.00
replace guttering	\$8,000.00
replace roof (last replaced 1986)	\$40,000.00

replace exterior molding  
(along top of building)

\$4,000.00

TOTAL

\$72,760.00

FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
DECEMBER 13, 2002  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS Present:

John L. Witt, Matthew D. Wender

The Fayette County Commission met in a regular session on this 13<sup>th</sup> day of December 2002.

Commissioner Witt called the meeting to order at 9:10 a.m.

Commissioner Wender told everyone present that Commissioner Lopez sister is in the hospital he will be unable to attend.

The Commission received and reviewed a letter from Ralph Moore, Hanks Final Journey Coordinator, informing that due to the age of some of the Hank Williams Original Drifting Cowboys they are reluctant to travel to West Virginia for the December 31 show because of the unpredictable weather, they will have to cancel the use of the Memorial Building.

Mr. Moore asked if he could schedule the use of the Memorial Building for Friday, September 12, 2003 for the 50<sup>th</sup> Memorial Anniversary and the 80<sup>th</sup> birthday of Hank Williams.

Alice King and Angie Sleeth with Region 4 Planning and Development Council presented to the Commissioners a request for payment for the Paint Creek/Plum Orchard Water Extension, amount \$40,329.88.

Commissioner Wender offered a motion to approve and authorize payment of services. Commissioner Witt seconded. Resolution signed. Vote passed 2-0.

Ms. Sleeth presented to the Commissioners Project WV-14305-I-214-01SCBG0041X for the New Haven Public Service District Water Extension



Contracts 12 and 13.

Commissioner Wender made a motion to drawdown Contract 12 and 13 monies on the New Haven Public Service District Water Extension. Commissioner Witt seconded. Vote passed 2-0.

Commissioner Wender offered a motion that the Payroll Clerk pay overtime and part-time for first half and second half payrolls. Commissioner Witt seconded. Vote passed 2-0.

Commissioner Wender offered a motion to approve outstanding vouchers as presented for the month of December. Commissioner Witt seconded. Vote passed 2-0.

Earl Pauley, Park Superintendent and Tammy Gill appeared before the Commission to discuss sawing logs at the park when weather permits.

Mr. Pauley informed the Commissioners they have 200 logs anywhere from 8 feet long to 16 feet long. Mr. Pauley informed the Commissioners the logs consist of oak, pine, maple, red oak, chestnut oak and poplar.

Mr. Pauley told the Commissioners these logs will be used to build cabins to rent to the families that rent our shelters on the weekends.

Mr. Pauley told the Commissioners that Mr. Huffman will bring his sawmill to the park and work when the weather is nice, he will work at his own pace, cost will be \$175.00 a thousand board feet.

Commissioner Wender offered a motion that Earl Pauley, Park Superintendent writes specs and advertises to solicit bids for sawing up logs at the Fayette County Park. Commissioner Witt seconded. Vote passed 2-0.

Mr. Pauley informed the Commissioners that Jim Hall would like for the County to take over his miniature golf course and slick tracks.

Mr. Pauley told the Commissioners that Mr. Hall would like for all of his things to stay in Fayette County. Mr. Pauley told the Commissioners he agrees with Mr. Hall. The Fayette County Park needs the golf course, slick track cars and kiddie cars. Mr. Pauley told the Commissioners he believes these things will bring new people to the Fayette County Park. Mr. Pauley told the Commissioners beside just swimming; the Fayette County Park will be giving the camps and family reunions other things to do.

Mr. Pauley informed the Commissioners Mr. Hall told him that if the Commission agrees to take these things the Commission would only pay him when the Fayette County Park starts making money.

Mr. Pauley informed the Commissioner that Mr. Hall would meet with any or all of the Commissioners to give figures on what kind of money the Fayette County Park would make.

Mr. Pauley told the Commissioners Mr. Hall will give the Fayette County Park the lights, fence, trees and everything that are at his place.

Commissioner Witt asked Mr. Pauley about the cost of the purchase. Mr. Pauley replied \$7,000.00.

Commissioner Wender asked if Mr. Hall was in a hurry to move out. Mr. Pauley replied yes.

Commissioner Wender questioned about the liability insurance.

Commissioner Witt thinks the County should accept the offer.

Commissioner Wender asked Carl Harris, Assistant Prosecuting

Attorney if it would be appropriate for the Commission to meet with Mr. Hall in Executive Session to discuss. Mr. Harris replied yes.

Mr. Pauley told the Commissioners he would bring up drawings from the park.

The Commissioners asked Ms. Holly to call the insurance carrier for their recommendation and the Commission needs public input.

Commissioner Wender asked if the Commission decided to take the slick track would the Commission be competing with the private sectors? Commissioner Wender told Mr. Pauley the Commission needs to give some thought before they make final decision.

Commissioner Witt asked Mr. Pauley about the time frame. Mr. Pauley informed three months.

The Commissioners asked that this be put on the agenda for the first meeting in January 2003 at 9:30 a.m. to review the expenses the County will incur.

Mr. Pauley informed the Commissioner he is working with Mark Lokant, West Virginia Power and Gas regarding the line sizes and all the things the Park will have to do and all the things The Gas Company will do.

Mr. Pauley informed the Commissioners the Fayette County Park will do all the digging at least 30 to 36 inches deep, West Virginia Power will buy all the pipe (WV Power will use McJunkin out of Charleston).

Mr. Pauley informed the Commissioners they would have to lease the road at the dog pound, will have to get a creek crossing a permit from the Division of Natural Resource.

Mr. Pauley told the Commissioners the Gas Company will furnish an

inspector and they will do all the pipe and pressure tests on all the lines.

Mr. Pauley informed the Commissioners Mark and Paul from the West Virginia Power and Gas Company felt that this would be the way and probably the fastest way to get the gas on.

The Commissioner discussed The Sick Leave and Vacation Policy.

Commissioner Wender offered a motion to accept The Sick Leave Policy as presented and asked that President Witt sign when draft is completed. Commissioner Witt seconded. Vote passed 2-0.

Commissioner Wender offered a motion to accept Vacation Leave Policy as presented and asked that President Witt sign final draft when completed. Commissioner Witt seconded. Vote passed 2-0.

Commissioner Wender asked Ms. Holly to send out memo outlining comparisons between the old sick leave policy and the new sick leave policy.

The Commissioners asked Ms. Holly to prepare and send out to the Elected Officials and employees copies of the Sick Leave and Vacation Leave Policies before the first of the year.

Ms. Holly informed the Commissioners that the Governor has declared the remaining half day Tuesday, December 24, 2002 as an additional time off for the State employees.

Commissioner Wender offered a motion to follow the Governor's decision to declare the remaining half day Tuesday, December 24, 2002, as an additional time off for County employees. Commissioner Witt seconded. Vote passed 2-0.

The Commissioners received and reviewed invoices from the City of Oak Hill for the confinement of inmates at the Southern regional Jail,

amount \$765.00.

The Commissioners received and reviewed a letter from Michael Martin, Mayor City of Mount Hope asking that the City of Mount Hope arrange a meeting shortly after the holiday with Region 4 Planning and Development County, and Dave Pollard, County Resource Coordinator to the successful startup of the wastewater project to serve the area.

The Commissioners signed seventh drawdown request for Christians Helping Others Food Pantry, amount \$500.00,

The Commissioners signed an order re-appointing Clifford "Duke" Ramsey a member of the Fayette County Board of Zoning Appeals. An appointment letter signed and an Oath of Office form sent.

The Commissioners received and reviewed a letter from Matt Edwards requesting an increase in rent for the Family Law Master Office.

The Commissioners received and reviewed a letter from Judge John Hatcher suggesting to go with Option #1. The Commissioner informed they needed to get this clarified.

Commissioner Wender informed this is an outrageous increase and suggested to sign for one year and start looking for alternatives' space.

Commissioner Wender made a motion to accept lease extension agreement for one year period and accept the increase of \$2,025 for one year and authorize Commissioner Witt to sign lease agreement once the Prosecuting Attorney review. Commissioner Witt seconded. Vote passed 2-0.

Ed Hambrick, Director of the Department of Natural Resources and Phyllis Farley, District 4 Environmental Coordinator appeared before

the Commission to present Make-It-Shine Awards. Ms. Farley turned the presentation over to Tim Hannah, Chairman of the Fayette County Solid Waste Authority to present awards. Also present was Don Plumley, a member of the Fayette County Solid Waste Authority.

Mr. Hannah presented the Make-It-Shine Awards to the following individuals: Judson Wallace, Katheryn Pomeroy, and Kermit Foster who worked on the DREAP Program, Bill Raynes and Ralph Johnson who worked at the Boomer Baseball Field, Michael D. King, George Smith, worked in Mount Hope area, Dave Arnold Class VI, did Gauley River Clean-up, John David, Southern Appalachian Labor School (SALS), Roma Lively, Nancy Farrell, and Harold Kirby assisted in cleaning up of their community, Steve Cruikshank and David Neal their assistance in emergency debris removal, Virgil and Roseann Berry, Deputy Casey Howell, Deputy Donald Williams, Geoffrey Skaggs, Mayor of the Town of Ansted, John L. Witt, President Fayette County Commission. Pictures were taken of everyone who received an award.

Judson Wallace gave an update of what is going on at the Deepwater Park.

Mr. Wallace told the Commissioners that the building and the merry-go-round are looking good. Mr. Wallace told the Commissioners the guys who helped should be commented. Mr. Wallace thanked the Commission for all of their help and support.

Commissioner Witt told the Commissioners that Larry Parsons has made a great difference in our County.

The Commissioners discussed the voucher that was turned in by Kelvin Holliday, County Clerk regarding the payment of mileage for delivering absentee ballots to the polls.

Ms. Holly informed the Commissioner she had talked with the Secretary of State Office. Ms. Holly told the Commissioners the Secretary of State informed they had no problem with paying \$5.00 for each absentee ballot delivered to the precincts.

Commissioner Wender suggested paying the county rate for mileage 36.5¢ a mile.

Commissioner Wender offered a motion to pay \$5.00 per precinct and pay 36.5¢ for mileage for delivering absentee ballots to the precincts. Commissioner Witt seconded. Vote passed 2-0.

Ms. Holly asked the Commissioners about the cell phone charges.

Commissioner Wender offered a motion to reimburse Kelvin Holliday and J. C. Moss cell phone charges. Commissioner Witt seconded. Vote passed 2-0.

Commissioner Wender suggested to the Commissioners to establish this as our precedence that the County policy is to pay the State prevailing mileage rate and pay \$5.00 per precinct for delivery of absentee ballots. Commissioner Witt seconded. Vote passed 2-0.

Discussion was held regarding writing a letter to the Secretary of State regarding Data Design, Inc.

The Commissioners asked Carl Harris, Assistant Prosecuting Attorney to review the contract of Design, Inc.

The Commissioner approved to upgrade Laptop for Kelvin Holliday, County Clerk, cost \$1,206.00.

Commissioner Wender offered a motion to just paying \$8,225.00 and not cover the labor or when Data Design came down to present presentation and to make separate check. Commissioner Witt seconded. Vote passed 2-0.

Commissioner Wender offered a motion to pay for the new hard drive for the laptop upgrade (\$1,206.00) out of Mr. Holliday's payroll line item. Commissioner Witt seconded. Vote passed 2-0.

Mr. Holliday told the Commissioners he needed a new copier, would like for this to be paid out of his payroll salary line item.

Commissioner Wender made a motion to get bids on the copier up to \$8,190 and to transfer payroll salary line items to equipment/maintenance from County Clerk's Budget. Commissioner Witt seconded. Vote passed 2-0.

Mr. Holliday asked the Commissioners about the bid he received from Thomas Malone on rebinding the books in his office.

Commissioner Wender told Mr. Holliday that the book repairs did not come up in the Budget Session.

Commissioner Wender offered a motion to pay \$8,800 for rebinding of books for the County Clerk's Office. Commissioner Witt seconded. Vote passed 2-0.

Commissioner Wender offered a motion to recess for lunch at 12:00 p.m.

The Commissioners reconvened at 1:45 p.m.

The Commissioners received and reviewed orders from the Division of Highways ordering the abandonment of Berry Mountain-Ephriam, CR 25/2 section of highway from the Local Service System and an order ordering the addition of Thurmond Street (Oak Hill Area) section of highway to the State Local Service System.

Mr. Holly presented overtime for James Perdue, Maintenance Supervisor and Jackie Hickman, Secretary to the Commissioners.

Commissioner Wender offered a motion to approve overtime for



James Perdue and Jackie Hickman. Commissioner Witt seconded. Vote passed 2-0.

The Commissioners received/reviewed and approved from the Statewide Addressing and Mapping Project reviewed by David Neal, E911 Coordinator. Mr. Neal will deliver the West Virginia Statewide Mapping to Jack Bowden today.

The Commissioner received and reviewed a letter and a petition from Nina Ballard requesting naming the street located in front of her home "Bell Grove Place."

Commissioner Wender made a motion to approve naming street to Bell Grove Place. Commissioner Witt seconded. Unanimous.

The Commissioners received and reviewed a copy of a letter from the Public Service District to Congressman Nick Rahall concerning James Ray Davis request for water service near Scarbro, the Public District informed Congressman Rahall that this has been referred to the Water and Wastewater Division for response.

The Commissioners received and reviewed invitation from the County Commissioners' Association inviting the Commission to attend the Open House being held Friday, December 20, 2002 starting at 12:00 p.m.

The Commissioners received and reviewed jail fees' checks from the Town of Ansted (\$45.00) and the Town of Fayetteville (\$45.00).

The Commissioners received and reviewed a check from the West Virginia Development Office for Christians Helping Other Food Pantry, amount \$500.00.

The Commissioners received and reviewed a letter from the County Commissioners' Association informing that Fayette County is eligible

to receive two nights lodging during the County Commission Association Annual meeting being held January 8 to January 11, 2003.

The Commissioners received and reviewed a letter from the Prosecuting Attorney's Office informing that effective December 11, 2002 that the only persons authorized to receive or pick up payroll checks for his office is Carl Harris and Debbie Rinehart and effective January 1, 2003 the following employees' salaries would be increased: Carl Harris, \$57,000.00, Thomas Steele, Jr., \$42,000.00, Brian D. Parsons, \$40,000.00, Debra Rinehart \$25,000.00, Cathy Jo Canterbury \$20,000.00 and Iris E. Akers \$17,000.00 per year.

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

The Commissioners received and reviewed securities that were held by Branch Banking and Trust Company (BB&T) as collateral to serve the deposits of the Fayette County Commission as of November 30, 2002.

The Commissioners received and reviewed from the County Commissioners' Association December Legislative Interim Schedule.

The Commissioners received and reviewed Shelter Rental Agreements from the Fayette County Park for next year 2003.

Ms. Holly informed the Commissioners she wrote a check this morning for the first closing from the Hazard Mitigation Grant.

The Commissioner approved and asked Ms. Holly to give check to James Blankenship. Commissioner Wender asked Ms. Holly to call Ms. Wickline and give her a status on the claims.

The Commissioners received and reviewed a letter from Attorney James Blankenship informing that Steve Cruikshank has requested closing of Colleen Izzo (\$40,611.00), Roger Williams (\$16,681.40), and

James B. Billings (\$24,833.06) purchase of the flood damaged properties. Mr. Blankenship informed the Commissioners he has scheduled Mr. Billings closing for Friday at 10:00 a.m., Mr. Blankenship requested that a check payable to his trust account in the amount of \$24,833.56 for Mr. Billings be issued. Mr. Blankenship told the Commissioners he will advise them when the other closings have been scheduled.

Ms. Holly informed the Commissioners she received a call from Town of Pax Mayor Shirley Roberts informing that two-sewage pump burned up and asked if the Commission could assist.

Ms. Holly told the Commissioners that she asked Ms. Roberts if she had contacted Steve Cruikshank, OES Director to ask for emergency funding.

The Commissioners asked that this be tabled for the next County Commission meeting.

The Commissioners received and reviewed from the Business Radio Licensing Renewals and Modification application. Original forwarded to David Neal, E911 Coordinator.

The Commissioners received and reviewed invitation from the Retired and Senior Volunteer Program inviting the Commission to a Christmas Breakfast being held December 12, 2002 at the Summersville Baptist Church at 9:00 a.m. to 12:00 noon.

The Commissioners received and reviewed a letter from the West Virginia Public Port Authority informing that their studies have identified employment figures for both the construction phase of the proposed Regional Airport and the direct and indirect jobs which this project will create upon completion.

The Commissioner received and reviewed a letter from the Division of Transportation, a copy of the West Virginia Proposed Statewide Transportation Improvement Program (STIP).

The Commissioners signed order, ordered the balance of the Fayette County General School Fund in the amount of \$154,383.20 for the calendar year 2002 to be transferred to the Fayette County General Fund to defy the balance due for the cost of care and feeding of misdemeanor prisoners incarcerated by magistrates. (See attached)

The Commissioners resigned a letter to Senators Shirley love, Randy White and Delegates David Perry, John Pino, Tom Louis and Jesse Guills asking that they meet for a breakfast meeting to discuss the following topics. (See attached)

The Commissioners received and reviewed a letter from Patti Hamilton, Executive Director West Virginia Association of Counties to Commissioner John Witt wishing him congratulations and best wishes on his retirement as Fayette County Commissioner.

The Commissioners received and reviewed a letter from Vivian Parsons, Executive Director of the County Commissioners' Association to Commissioner John Witt informing that on behalf of the County Commissioners' Association she extends their sincere appreciation for the years of dedicated service he has given to the organization.

The meeting was adjourned at 2:10 p.m. The next scheduled meeting is January 6, 2003.



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ORDER

On this the 13<sup>th</sup> day of December, 2002, the County Commission of Fayette County meeting in Regular Session and acting pursuant to statute does hereby order the balance of the Fayette County General School Fund in the amount of \$154,383.20 for the calendar year 2002, 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 prisoners incarcerated by magistrates.

FAYETTE COUNTY COMMISSION

  
John L. Witt, President

  
John H. Lopez, Commissioner

  
Matthew D. Wender, Commissioner

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**

**December 13, 2002**

**CHARLOTTE N. HOLLY, C.P.A.**  
**ADMINISTRATOR**

**Mr. David G. Perry, Member**  
**House of Delegates**  
**330 East Martin Avenue**  
**Oak Hill, West Virginia 25901**

**Dear David:**

I have had brief conversation with several of our legislative representatives to see if they would be receptive to a joint meeting with the Fayette County Commission. The response was all positive so I would like to suggest that we get together for a breakfast meeting possibly at the White Horse Bed and Breakfast in early January.

This meeting will be very beneficial to all so that we can coordinate our efforts and work in unison for those projects deserving a higher priority.

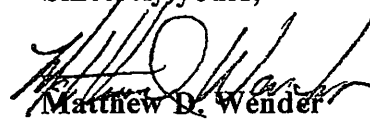
I propose the following topics:

- Dave Pollard present an update on all water and sewer projects, describing the status of each. I also believe it would be beneficial to ask Dave to set some priorities on which projects are more feasible and beneficial.
- Discussion on the County's need for a single-county CAP agency.
- Update on the Berwind property acquisition.
- We can add any additional topics you may wish to bring up.

I suggest that we meet the morning of January 3, 6, 10 or 13<sup>th</sup>.

Please let me know which of these dates works best for you.

Sincepely yours,

  
Matthew D. Wender  
Commissioner