

FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
JANUARY 6, 2003  
COURTHOUSE

FAYETTEVILLE, WV 25840

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

Others Present: Kevin Walker, Appalachian Office Products

The Fayette County Commission met in a regular session on this 6<sup>th</sup> day of January 2003.

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

Commissioner John H. Lopez made a motion to name Commissioner Matthew D. Wender as President for the year 2003; Commissioner Kenneth L. Eskew seconded. Motion carried.

Discussion was held regarding changing the Commission meeting dates.

Commissioner Wender suggested having two regular meetings per month, the first Monday immediately preceding the 15<sup>th</sup> of each month at 9:00 a.m. and the last Monday in the month effective March 3, 2003.

Commissioner Wender suggested all day meetings.

Commissioner Wender suggested meeting for the month of January on the 6, 15 and 31, 2003.

Ms. Holly asked Eddie Young, to check to see if Monday, February 3 okay for Board of Equalization and Review, may have to meet prior to the end of January 2003.

The Commissioners suggested Commissioners John Lopez as Purchasing Agent and Deborah Berry designated Assistant Purchasing Agent, suggested and authorized for Charlotte Holly, County Administrator and Earl Pauley, Park Superintendent to make purchases up too \$600.00 prior to County Commission approval for the year 2003.

Commissioner Wender suggested notices of the meetings, date, time, place and tentative agenda of all regular scheduled sessions and the date, time, place and purpose of all special sessions shall be made available, in advance as per order.

Commissioner Eskew offered a motion to accept reorganization order as per discussion. Commissioner Wender seconded. All approved.

Commissioner Lopez made a motion to approve and sign as presented exonerations. Commissioner Eskew seconded. All approved.

Commissioner Lopez offered a motion to approve and sign a request to combine or divide and segregate land as submitted by the Assessor's Office. Commissioner Eskew seconded. All approved.

Commissioner Lopez made a motion to approve paying \$1,500.00 to the City of Montgomery to facilitate the replacement of the roof drainage system and related roof structure. Commissioner Eskew seconded. All approved. Check to be released today.

Commissioner Lopez informed the Commissioners he thought Shirley Roberts, Mayor of Pax would be in today, if so, any request she may have, Commissioner Lopez asked the Commission to consider in Budget Session.

Commissioner Lopez informed the Commissioners the County has no Dog Warden at this time. Commissioner Lopez told the Commissioners he received a call Saturday morning regarding some dogs. Commissioner Lopez said he called the 911 Center and was told they were not taking dog calls. Commissioner Lopez told the Commissioners he called David Neal, E911 Coordinator was told that he was not aware that the 911 Center was not taking calls. Mr. Neal told Commissioner Lopez the call should have been passed on to the closest deputy. Commissioners

Lopez told the Commissioners that the deputy is not able to take the dogs.

Ms. Holly told the Commissioners that the dog warden position is under the Sheriff Department. Ms. Holly told the Commissioners the Sheriff is talking with C-PAC, C-PAC feels they have an employee that could do the job. This has not been addressed by anyone at this time.

Ms. Holly told the Commissioners it is her understanding that C-PAC is taking care of the animal calls at this time.

Commissioner Lopez told the Commissioners that Deputy Donnie Williams called 911 Center and 911 Center told him to call the Commission.

Commissioner Wender suggested asking Sheriff Laird to appear this afternoon to discuss.

Ms. Holly told the Commissioners that the Sheriff is working with C-PAC.

Commissioner Wender read legal notice from Earl Pauley, Park Superintendent informing they would be accepting bids for a Bell Saw Mill.

Commissioner Eskew questioned who would do clean up. Mr. Pauley replied they would do the clean up.

Ms. Holly informed the Commissioners that proof of insurance, workers' compensation etc. would have to be provided.

Ms. Holly informed the Commissioners that at their last meeting they approved to advertise.

Mr. Pauley informed the Commissioners that Jim Hall was sick cannot attend meeting today to discuss mini golf course and slick tracks but if the Commission has any questions they could call Mr.

Hall at 465-8370.

Mr. Pauley questioned the Commissioners about the accident problems with vehicles.

Mr. Pauley informed the Commissioners he and Ms. Holly has talked about having to get three estimates.

Mr. Pauley asked the Commission if it was possible to put Sam's Body Shop on a retainer to use for all the vehicles instead of getting the three estimates.

Commissioner Lopez told the Commissioners that Sam's is the cheapest, and he charges \$25.00 per hour others charges more.

Mr. Pauley informed the Commissioners he's tried to give others a chance, Pat Kessler will not paint vehicles and will not order parts.

Commissioner Lopez told the Commissioners that Sam's Body Shop would give priority to the County vehicles.

Commissioner Eskew suggested that a cap of \$2,000 be placed on repairs, anything above the \$2,000 would have to get bids.

Commissioner Wender questioned why Mr. Pauley has to get estimates and not the deputies.

Mr. Pauley replied this way repairs would get done faster. The deputies are too busy.

Commissioner Wender suggested running ad with this request for work, the shop to be inspected by Mr. Pauley.

Commissioner Wender suggested that Mr. Pauley write down what is expected in the ad and bid request.

Mr. Pauley told the Commissioners he would talk with Sam to see if he would be interested.

Ms. Holly informed the Commissioners she talked with Mr. Pauley



about getting quotes for work not a retainer.

Commissioner Wender suggested stating in the bid that you need a date when they are available to do the work and cost.

Commissioner Wender suggested running ad for work not a retainer.

Mr. Pauley told the Commissioners he will give information to Ms. Holly on bid for service.

The Commissioners suggested waiting until Jim Hall can be present to discuss mini golf course and slick tracks.

Mr. Pauley requests that the Commission go into Executive Session to discuss personnel matter.

Commissioner Lopez made a motion to go into Executive Session. Commissioner Eskew seconded.

Upon reconvening as County Commission meeting Commissioner Lopez made a motion that the employee be suspended with pay until investigation is complete by Sheriff Department. Commissioner Eskew seconded. All approved.

Kenneth Fox, John David and Bart Jackson with Page-Kincaid Public Service Commission appeared before the Commission to request a grant from the Commission in the amount of \$20,000.00 to flow tests and clean both of their wells in order to restore the quality and quantity of their only water supply.

Mr. Fox told the Commissioners they received a letter about two months ago regarding possibly refinancing loans. Mr. Fox told the Commissioners that parties that have the bond's would have to approve. Mr. Fox asked the Commissioners if they could give him directions on how to do this.

Commissioner Wender told Mr. Fox that the first letter came from

the Commission regarding interest rates on bonds. Commissioner Wender informed Mr. Fox that if the rates are higher they would need an Agreement with the Bond holder. Commissioner Wender suggested to Mr. Fox to contact a Bond Council.

John David asked the Commissioners if they would administer bond issue for Page-Kincaid Public Service District.

Commissioner Lopez asked if the Commission could do this.

Commissioner Wender suggested having Vince Collins, Carl Harris, Assistant Prosecuting Attorney appear at future meeting to see if feasible.

Commissioner Wender asked Dr. David to check with Vince Collins. Dr. David agreed. Carl Harris requested to appear for guidance.

Commissioner Lopez suggested to the Commission to curtail expenditures until Budget Session. Commissioner Lopez informed he does not want the County to be in the red come July 2003.

The Commissioners told Mr. Fox they will take under consideration during Budget Session.

The Commissioners suggested to Mr. Fox to take their request before the current Legislature.

Commissioner Lopez told Mr. Fox that the Fayette County Commission is not in any position to fund this request.

Mr. Fox told the Commissioners that this is not an emergency request, just wanted to take care of the flow testing and cleaning as soon as possible.

Commissioner Lopez asked Mr. Jackson about Page-Kincaid Public Service District reserves. Mr. Jackson replied reserves depleted from the flood.

Commissioner Wender suggested first to deal with the bond issue and then ask vendor cost in stages on how to deal with.

Commissioner Wender told Mr. Fox before the Commission make a decision they will discuss during Budget Session.

Ms. Holly told Mr. Fox that since this is not an emergency Ms. Holly suggested to Mr. Fox to submit request to budget digest.

Commissioner Wender suggested scheduling a meeting with the Bond Council, check with Dave Pollard, County Resource Coordinator to see if he could get possible funding elsewhere, ask Legislative for assistance and bring up at Budget Session have an amount needed.

Ms. Holly informed the Commissioners she returned Commissioner Witt's swipe card to the Sheriff Department.

Sheriff William Laird appeared before the Commission to address the Dog Warden issues.

Sheriff Laird told the Commissioners they need to recruit and fill the Dog Warden position, the Dog Warden would have to be able to work with C-PAC.

Sheriff Laird told the Commissioners Patti Payne informed him that an employee at the Center would handle until issue could be resolved.

Sheriff Laird told the Commissioners they need to address the City Councils, deputies are out there the cities enjoying service without helping, service can be improved if the cities worked with the deputies.

Commissioner Lopez told the Commissioners and the Sheriff the main problem is communication and suggested to the Sheriff to see if possible get C-PAC in line with the 911 Center and give C-PAC a

contact number.

Sheriff Laird asked the Commissioners for time to get with Patti Payne and the 911 Center, will try to look at a package for the cities to review.

Commissioner Wender informed he has talked with Paul Blake, Prosecuting Attorney about C-PAC hiring the Dog Warden, was told by Mr. Blake that the Dog Warden has to be a county employee.

Commissioner Eskew questioned as to why the cities were not responding.

Ms. Holly replied some cities did contribute several years ago. The Fayette County Commission tried to work out a solution.

Commissioner Lopez asked Sheriff Laird about the issues of back pay for officers. Commissioner Lopez asked the Sheriff to share information.

Sheriff Laird told the Commissioners that the Levy does not fund enough to take care of deputies, staffing short.

Commissioner Wender asked about the history of the Law Enforcement Levy.

Sheriff Laird explained how the Levy got started.

Sheriff Laird told the Commissioners he asked Joe Carelli to sit in on preliminary discussion of back pay.

Sheriff Laird told the Commissioners the estimated figures was roughly projected at \$43,000.00 to \$44,000.00.

Sheriff Laird told the Commissioners he looked at payment sources, would try to prevent a Circuit Court suit.

Commissioner Wender and Commissioner Eskew asked if some of the deputies are no long working as deputies. Sheriff Laird replied yes.

Commissioner Wender asked if the County had to pay interest. Sheriff Laird replied deputies would waive interest.

Commissioner Wender asked if other Counties have had the same problem. Sheriff Laird replied this could possibly make become Case Law and has worked with the Prosecuting Attorney and will work with the amount of \$43,000.00-\$44,000.00 and try to work out.

Commissioner Wender told the Sheriff the Commission would like to see worked out amicably and asked the Sheriff to work out a presentation.

Commissioner Wender asked Ms. Holly and the Sheriff to look at Levy Funds and the Commission will look at during Budget Session.

Commissioner Wender asked that this be taken care of before March 2003.

Sheriff Laird informed the Commissioners he will draft a memo informing of the procedure.

Commissioner Wender asked the Sheriff to work out over several years if interest does not apply.

Ms. Holly told the Commissioners if majority does come from Levy will not make a difference in County budget as long as employee salaries okay to use. Ms. Holly told the Commissioners the Sheriff would need to submit a list.

Ms. Holly told the Commissioners expenditures more than what is taking in. Roll back features could make better results.

Commissioner Wender asked the Sheriff to submit proposal and work with Ms. Holly and the Prosecuting Attorney.

Commissioner Lopez offered a motion to pay outstanding bills. Commissioner Eskew seconded. All approved.

Ms. Holly informed the Commissioners she is holding check for Data Design, waiting for a letter from the Prosecuting Attorney's Office.

Ms. Holly informed the Commissioners she is holding a check for ACS to Budget an Accounting waiting for mitigation.

The Commissioners signed checking accounts information sheets for the Branch Banking & Trust (BB&T), Fayette County National Bank, and Bank of Mount Hope, Inc.

Swipe Card Access to side doors was issued to Commissioner Kenneth Eskew.

Mr. Holly presented to the Commissioners letters requesting that meals, authorization, for the Elected Officials to stay at the Charleston Marriott and the Embassy Suite Hotel and Conference Center for the Annual West Virginia Association of Counties meeting being held January 26-28, 2003. Ms. Holly told the Commissioners that since Kelvin Holliday, County Clerk is staying at the Embassy Suites. The cost per night is \$99.00.

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

The Commissioners received and reviewed a check from Verizon for \$40,149.17, a check from Z-Tel Communications, Inc. for \$2.00, a check from Citizens Telecommunication Company for \$58.38 and a check from Metro-Teleconnect Company for \$35.28 for 911 fees for the month of November.

The Commissioners received and reviewed reimbursements checks from the Town of Fayetteville (\$90.00) and the City of Oak Hill (\$765.00) for jail fees for the month of November.

The Commissioners received and reviewed reimbursement check for \$1,500.00 for rent for the Family Law Master Office for the month of December 2002.

The Commissioners received and reviewed a check from the West Virginia Development Office for New Haven Public Service District Water Extension-Paint Creek/Plum Orchard Grant, amount \$40,329.88.

The Commissioners received and reviewed a check for Gasoline Excise Tax 60 Refund, amount \$13,441.65.

The Commissioners received and reviewed reimbursement check for TRIDENT overtime for Garland Burke, \$920.49 for the month of September.

The Commissioners received and reviewed Erie Insurance Group information regarding Garland Burkes vehicle.

Commissioner Wender read order dated December 13, 2002 transferring 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.

Ms. Holly informed the Commissioners that any balance left in the General School Fund would go to the State that's the reason for the transfer.

Ms. Holly read letters from the City of Ansted and the City of Mount Hope requesting that the Fayette County Commission on their behalf request a tap on the Dominion transmission gas line for their community.

Commissioner Wender suggested that Ms. Holly incorporate the two

requests and write a letter to Bob Orndorff, contact Carl Harris, Assistant Prosecuting Attorney to discuss the Hawks Nest issues.

Ms. Holly told the Commissioners she will give the letter to Carl Harris, Assistant Prosecuting Attorney to draft for the Commissioners and send copies to the City of Ansted and the City of Mount Hope.

Commissioner Wender told the Commissioners he will ask Earl Pauley, Park Superintendent to come to a County Commission meeting in February to discuss status of gas line issue and Mr. Pauley to contact anyone he needs to appear with him.

Ms. Holly presented to the Commissioners for Dave Pollard, County Resource Coordinator an Appalachian Regional Commission (ARC) Grant (\$1,008,457) from the West Virginia Development Office.

Commissioner Lopez made a motion to approve and authorize the acceptance of the Resolution. Commission Eskew seconded. All approved. Resolution signed.

Ms. Holly presented to the Commissioners from Mr. Pollard Contract Agreement for the Flex-E-Grant (\$10,000.00).

Commissioner Lopez offered a motion that Commissioner Wender sign contract agreement for the Flex-E-Grant. Commissioner Eskew seconded. Unanimous.

Ms. Holly informed the Commissioners she received a letter from Michael Dougherty, Extension Specialist regarding the Commission request to review the four administrative/professional positions, to examine the pay levels of all county employees and the final report for the project.

Commissioner Eskew made a motion that the Commission table for future meeting until they have time to read. Commissioner Lopez



seconded. All approved.

The Commissioners received and reviewed Weekly Fees Collected from the Fayette County Animal Control Center for the month of December, amount \$895.00 and the Weekly Fees Collected for January 1, 2003-January 2, 2003, amount \$30.00, the Monthly Revenue for the Report of December, and Activity Report for the month of December.

Ms. Holly presented to the Commissioners Trial Balance Reports, estimated Revenue Expenditures for December 31, 2002.

Ms. Holly informed the Commissioners that the Revenue is not the exact amount this is to give the Commissioners an ideal of where the County stands.

Commissioner Wender requested that Ms. Holly review year to date Revenues.

The Commissioners will take an early look at in February at the other line items.

Eddie Young, Chief Tax Assessor asked the Commissioners if they were going to meet for the Board of Equalization and Review hearings on or before February 1, 2003.

The Commissioners discussed their schedule for the Board of Equalization and Review hearings no decisions were made.

Ms. Holly told the Commissioners she received an invoice form the Fayette County Board of Education for cost of utilities at the Memorial Building for 2001 and 2002. The Commissioners asked Ms. Holly to check.

Discussion was held regarding including on the Fayette County commission stationary a picture of the Courthouse.

Commissioner Wender asked Ms. Holly to contact Bud Hill to get

approval from Carolyn Hill to use her sketch of the courthouse on the Fayette County Commission letterhead.

Ms. Holly presented to the Commissioners from Earl Pauley, Park Superintendent, FEMA reimbursements for new construction work done at the Animal Shelter at the Fayette County Park. Ms. Holly told the Commissioners she forwarded copies to Steve Cruikshank, OES Director and asked him to submit reimbursement to FEMA as soon as possible.

Earl Pauley appeared before the Commission to request that the Commission put on paper what cost are budgeted for the Animal Shelter.

Commissioner Lopez informed the Commissioners they need to get Steve Cruikshank in here to get answers on FEMA reimbursements. Commissioner Lopez informed the Commissioners he was told by Senator Shirley Love that there's a time frame on the reimbursements.

Commissioner Wender suggested asking Mr. Cruikshank to present a written report on the status of all claims broken down by categories, status of deposit, and accounting of funds.

Commissioner Wender asked that Attorney James Blankenship and Jon Lopez, FEMA be present to discuss status on Buy-Outs.

The Commissioners received and reviewed a letter from the Family Court Judge informing they reviewed a letter from Matt Edwards and believe that the revised Option 2 with the five year period until the rent would come under review again, and the provision that the landlord would provide for minimal garbage collection, is workable and in the best interest of the Supreme Court and Fayette County.

The Commissioners were informed Carl Harris, Assistant Prosecuting Attorney is in the process of preparing lease agreement.

Commissioner Wender questioned the Supreme Court approval of the

increase.

Ms. Holly told the Commissioners she talked with the Family Law Master and they are in agreement.

Ms. Holly informed the Commissioners that the addendum can cancel the lease between the Fayette County Commission and Matt Edwards.

The Commissioners agreed to Option 2 lease agreement with Matt Edwards.

Commissioner Wender asked to include in the lease agreement the provision subject to approval of the Supreme Court to reimburse County Commission \$9.00 square feet at \$2,025.00 a month.

Commissioner Lopez questioned about the lottery cut to West Virginia.

Commissioner Wender asked about the ambulance service in the Meadow Bridge area.

The Commissioners discussed getting someone to service the area.

Commissioner Wender suggested asking David Neal, E911 Coordinator to contact different ambulance services to see who could service the area.

The Commissioners received and reviewed an estimate from Electro-Tech Service, Inc. for a back up generator at the E911 Center the cost to replace is \$25,000 plus or minus 10%.

Ms. Holly informed the Commissioners she recommended to Mr. Neal to get a second opinion.

The Commissioners asked Ms. Holly to have Mr. Neal get dollar amount for second party to inspect the generator and have Mr. Neal give status at next meeting.

The Commissioners received and reviewed a letter from the Gauley

River Public Service District informing they have been awarded a Governor's Community Partnership Grant in the amount of \$45,000 to assist in the restoration of the Belva Steel Water Storage Tank.

The Gauley River Public Service District is requesting the Commission's commitment of \$5,000 toward this project contingent upon the same commitment from Nicholas County Commission. The Commissioners approved.

Kelvin Holliday, County Clerk appeared before the Commission to request reopening of the door adjoined to the County Clerk's Office.

Commissioner Wender offered a motion to approve opening door adjoined to the County Clerk's Office but keep the front door closed. Commissioner Lopez seconded. All approved.

Mr. Holliday informed the Commission he would like to discuss the future use of the County Clerk's Office, has ideas he needs to address.

Mr. Holliday asked about the status of the copier for the County Clerk's Office.

Kelvin Walker with Appalachian Office Products was present and presented to the Commissioners figures of the cost (\$8,190.00) and information on the copier for the County Clerk's Office.

Ms. Holly informed the Commissioners that the copier in the County Clerk's Office has not been used to capacity.

Ms. Holly informed the Commissioners she would contact American Office System and have them talk with Mr. Holliday.

Commissioner Eskew left at 1:35 p.m.

Commissioner Wender informed he would like minutes today by the next meeting.

The Commissioners approved to purchase two filing cabinets for the County Commission Office.

The Commissioners received and reviewed notice from James Perdue, Maintenance Supervisor asking to deduct one day salary from Scott McComas check, he did not work January 3, 2003 and has no sick or annual leave at this time. The Commissioners approved.

The Commissioners received and reviewed a letter from the United States Department of the Interior informing they are developing a free management plan that will include preparedness activities, suppression of wildlife and the use of prescribed fire in accordance in National Park Service policies. Copy forwarded to Steve Cruikshank, OES Director and David Neal, E911 Coordinator.

The Commissioners signed order having been advised of the need to substitute certain securities pledged on behalf of the Fayette County National Bank, 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 asked Ms. Holly to prepare calendar for Board of Equalization and Review.

The Commissioners received and reviewed Statement of Expenditures for the Fayette County Park as of December 2002.

The Commissioners received and reviewed a letter from J. Dan Snead and Associates enclosing the final closeout documents for the elevator project (AIA G706A-Contractor's Affidavit of Release of Liens, AIA G706-Contractor's Affidavit of Payment of Debts and Claims, and AIA G707-Consent of Surety Company to Final Payment).

The Commissioners asked Ms. Holly to call Mr. Snead to see if anything the Commission needed to do regarding the three documents.

The Commissioners received and reviewed a letter from the Division of Highways regarding an overdue balance for flood related emergency water hauling. Copy forwarded to Steve Cruikshank, OES Director to respond.

The Commissioners received and reviewed Notice of Approval of Evidentiary Materials and release of Funds from the West Virginia Development Office for Paint Creek/Plum Orchard Water Extension Project.

The Commissioners received and reviewed a copy of a notice to David Neal, E911 Coordinator informing that December 29, 2002 is the last day of employment for Michael R. Myers, as a full time Telecommunication Specialist for the 911 Center.

The Commissioners received and reviewed a letter from Attorney James Blankenship enclosing his final Attorney Title Report for Juanita Wickline-Lot 144, Kilsysth SD, Plateau District, Fayette County, West Virginia; Mr. Blankenship will coordinate the closing with this office at the earliest convenience.

The Commissioners received and reviewed a letter from the National Emergency Number Association informing of their new post office box mailing address. Copy forwarded to David Neal, E911 Coordinator and Debbie Berry, Bookkeeper.

The Commissioners received and reviewed a letter from the Fayette Health Department informing that starting in the summer of 2003 all groups using the Fayette County Park cafeteria will be inspected.

The Commissioners received and reviewed from Kelvin Holliday,

County Clerk his 2002 County Clerks' Annual/Sick Leave Report.

The Commissioners received and reviewed Pledge Statement from the SunTrust Bank as of November 29, 2002.

The Commissioner received and reviewed from Charter Communications informing of the changes in the Scarbro, Page and Ansted franchise areas.

The Commissioners received and reviewed a copy of the final version of the 21<sup>st</sup> Century Grant-Accent Education submitted by the West Virginia Development Office for the New River Health Association.

The Commissioners received and reviewed from the West Virginia Rural Water Association Training Schedule and Directories for the months of January, February and March 2003. Original forwarded to Earl Pauley, Park Superintendent.

The Commissioners received and reviewed the Business Radio Licensing Renewals and Modification from the Federal Communication Company. Original forwarded to David Neal, E911 Coordinator.

The Commissioners received and reviewed a letter from the State Emergency Response Commission regarding the 2002 SERC Grants available to assist with the operation and administration of LEPC's, no local matching funds required. Copy to Commissioner Wender and Steve Cruikshank, OES Director.

The Commissioner received and reviewed minutes of Page-Kinciad Public Service District for the month of December.

The Commissioner received and reviewed an Audit Report from Pax Volunteer Fire Department for Fiscal Year ending June 30, 1998, 1999, 2000, 2001 and 2002.

The Commissioner received and reviewed a letter from the West

SUNTRUST BANK, ATLANTA  
SAFEKEEPING DEPARTMENT MC 3908  
PO BOX 4418  
ATLANTA GA 30302  
1 (800) 685 - 4786

PLEDGE STATEMENT

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11/29/02

AS OF 11/29/2002

FAYETTE CO COMMISSION  
WEST VIRGINIA  
FAYETTE COUNTY COURTHOUSE  
PO BOX 307  
FAYETTEVILLE, WV 25840

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ACCORDING TO OUR RECORDS, THE FOLLOWING LIST REPRESENTS SECURITIES PLEDGED TO THE ABOVE PLEDGEE AS OF THE DATE OF THIS STATEMENT.

*orig to Co. Clerk  
12/29/02*



AS OF 11/29/2002

ACCOUNT #: 156001118 PLEDGOR: FAYETTE COUNTY NATIONAL BANK FAYETTEVILLE, WV 25840

SECURITY	ORIGINAL FACE/ CURRENT FACE	POOL #	SECURITY DESCRIPTION	COUPON RATE	MAT DATE PRICE DT	MARKET PRICE/ MARKET VALUE
312902PM5	250,000.00 250,000.00		FEDERAL HOME LOAN MTGE CORP MEDIUM TERM NOTE	7.20	01/14/2005 11/29/2002	100.643700 251,609.25
312924SA2	200,000.00 200,000.00		FEDERAL HOME LOAN MTGE CORP MEDIUM TERM NOTES	4.18	11/08/2005 11/29/2002	103.663700 207,327.40
31331LKQ0	500,000.00 500,000.00		FEDERAL FARM CREDIT BANK AGENCY COUPON	6.15	06/18/2008 11/29/2002	102.437500 512,187.50
3133M2X36	500,000.00 500,000.00		FEDERAL HOME LOAN BANK AGENCY COUPON SERIES VV08	5.725	01/22/2008 11/29/2002	109.218800 546,094.00
3133MBKD8	400,000.00 400,000.00		FEDERAL HOME LOAN BANK AGENCY COUPON	8.15	06/09/2010 11/29/2002	103.187500 412,750.00
3133MD6L2	500,000.00 500,000.00		FEDERAL HOME LOAN BANK AGENCY COUPON	5.375	02/15/2006 11/29/2002	107.250000 536,250.00
3133MEU66	300,000.00 300,000.00		FEDERAL HOME LOAN BANK AGENCY COUPON	5.375	05/15/2006 11/29/2002	107.343800 322,031.40
3133MGVA1	400,000.00 400,000.00		FEDERAL HOME LOAN BANK AGENCY COUPON	5.25	08/15/2006 11/29/2002	107.062500 428,250.00
3133MJ3H1	600,000.00 600,000.00		FEDERAL HOME LOAN BANK AGENCY COUPON	4.625	10/17/2006 11/29/2002	102.531300 615,187.80
3133MJ3H1	200,000.00 200,000.00		FEDERAL HOME LOAN BANK AGENCY COUPON	4.625	10/17/2006 11/29/2002	102.531300 205,062.60
3133MJUR9	300,000.00 300,000.00		FEDERAL HOME LOAN BANK AGENCY COUPON	4.125	11/15/2006 11/29/2002	102.812500 308,437.50
3133MKED5	900,000.00 900,000.00		FEDERAL HOME LOAN BANK AGENCY COUPON	4.875	11/15/2006 11/29/2002	105.562500 950,062.50
Totals:	5,050,000.00 5,050,000.00					5,295,249.95

MARKET INFORMATION PRESENTED HEREIN, WHILE OBTAINED FROM SOURCES WE BELIEVE TO BE RELIABLE, IS NOT GUARANTEED.  
 THIS IS NOT AN OFFER TO PURCHASE OR SELL THE ABOVE SECURITIES, NOR A SOLICITATION OF ORDERS.

SUNTRUST BANK, ATLANTA  
SAFEKEEPING DEPARTMENT MC 3908  
PO BOX 4418  
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1 (800) 685 - 4786

PLEDGE STATEMENT

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11/29/02

AS OF 11/29/2002

GRAND TOTAL FOR: FAYETTE CO COMMISSION/2084

Original face:	5,050,000.00
Current Face:	5,050,000.00
Market Value:	5,295,249.95

Virginia Department of Environmental Protection regarding the Dunloup Creek Watershed Association, Inc.

The Commissioner received and reviewed from the Secretary of State a copy of the proposed Legislative Changes to be presented to the legislative for consideration during the upcoming 2003 Legislative Session.

The Commissioner received and reviewed from the County Commissioners' Association the January Legislative Interim Schedule.

The Commissioners received and reviewed a fax from the USDA Rural Development regarding funding opportunities and aids related to sustainable community development. Copy forwarded to Dave Pollard, County Resource Coordinator and Commissioner John Lopez.

The Commissioner received and reviewed a fax from the USDA Rural Development informing that an Economic Development Finance profession training series will be offered in Charleston. Copy forwarded to Dave Pollard, County Resource Coordinator.

The Commissioners received and reviewed a fax from Dave Pollard requesting office equipment for his office.

The meeting was adjourned at 2:15 p.m. The next scheduled meeting is January 15, 2003.



FAYETTE COUNTY COMMISSION

REGULAR SESSION

JANUARY 15, 2003

COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 15<sup>th</sup> day of January 2003.

Commissioner Wender called the meeting to order at 9:10 a.m.

Exonerations were approved and signed.

Angie Sleeth with Region 4 Planning and Development Council presented a request for payment for the Small Cities Block Grant New Haven Public Service District Water Extension Project Contract 13, amount \$3,522.63 to the Commissioners.

Commissioner Lopez offered a motion to approve and authorize the payment of services. Commissioner Eskew seconded. Unanimous. Resolution signed.

Ms. Sleeth presented a letter to the Commissioners addressed to the West Virginia Development Office requesting 90% (\$9,000) from the Fiscal Year 2002 Flex E-Grant Program for the Tourism Destination Feasibility Study, the Commission will provide a complete accounting for the funds in accordance with the terms and conditions contained in the Flex E-Grant Program Agreement dated January 6, 2003.

Sheriff William Laird and Carl Harris, Assistant Prosecuting Attorney appeared before the Commission to discuss the Military Leave requirements.

Sheriff Laird informed the Commissioners he was notified by Deputy J. R. McMullen that his National Guard unit was recently mobilized and he has been ordered to report on January 30, 2003 for

in-processing and training before his further deployment.

Sheriff Laird informed the Commissioners that Sergeant C. R. Bryant and Deputy Sheriff M. A. Webb could also be ordered to report at a later date.

Sheriff Laird told the Commissioners that from his limited research it appears that the "Uniformed Services Employment and Reemployment Rights Act of 1994" ("USERRA") 38 U.S.C. 401 et seq. is the controlling federal statute in defining employer responsibilities during military activations.

Sheriff Laird informed the Commissioners that the minimum requirements are that employers are obligated to maintain the budgeted position and that the returning employee is entitled to the same position and pay grade which the employee would have held if employment had been uninterrupted.

Sheriff Laird informed the Commissioners that from his interpretation of this law, it is clear that employers have no obligation to compensate employees who are performing military service, although some employers have elected to voluntarily compensate employees for the difference between their military pay and what the employee would have received had their employment not been interrupted for military service.

Sheriff Laird told the Commissioners that the provisions of the Federal law may apply to leave benefits, health care coverage, and pension plans. Sheriff Laird told the Commissioners that USERRA provides that service members who are on duty for more than 30 days may elect to continue employer-sponsored health care coverage for themselves and their family members for up to 18 months.

Sheriff Laird told the Commissioners that should this option be exercised, it would appear that the employee can be required to pay increased portions of the full premium cost. Sheriff Laird told the Commissioners that this matter would not be an issue since persons activated for military service are qualified to receive their health benefits through the military.

Sheriff Laird discussed with the Commissioners the retirement or pension benefits, Sheriff Laird told the Commissioners it would appear that employees may be required to continue to pay the employee contribution share into the retirement system, however, it would appear that returning service members are to be given an extended period of time in which to repay employee contribution (i.e. three (3) times the period of military service, but no longer than five (5) years).

Sheriff Laird told the Commissioners that the Consolidated Public Employees Retirement System should be able to provide additional clarification on this.

Sheriff Laird told the Commissioners he have encouraged the West Virginia Association of Counties to provide some statewide guidance in this matter since it will be important for counties to maintain some consistency in handling this matter.

The Commissioners asked the Sheriff to work with Carl Harris in drafting up a Military Leave Policy by January 31, 2003.

Discussion was held regarding the Regional Jail cost.

Commissioner Wender asked that the Sheriff and Paige Skaggs be placed on the agenda for January 31 to discuss Deputy Sheriff Jesse McMullen reimbursement to the City of Ansted.

Carl Harris, Assistant Prosecuting Attorney appeared before the Commission to inform them that he had gotten with Kelvin Holliday, County Clerk, last week to go over Data Design, Inc. invoices.

Mr. Harris recommended to the Commission to pay invoices for \$142,50, \$190.00 423.75, \$142.00 and \$71.25. Mr. Harris informed the Commissioners that the amount they billed for presentation will be taken off, but the per diem expense is in their contract. Mr. Harris recommended to the Commissioners to pay today \$7,869.75 to Data Design, Inc.

Commissioner Lopez made a motion to the Commission to approve the recommendation of Mr. Harris to pay Data Design, Inc. \$7,869.75. Commissioner Eskew seconded. Unanimous.

Attorney James Blankenship, Fiduciary Commissioner presented an order to the Commissioners regarding Sandra Bohanna Guardian of Terrance D. Bohanna. (See attached)

Commissioners Lopez made a motion that Westfield pay to Terrance D. Bohanna the sum of \$15,326.98 and Attorney James Blankenship, III, the sum of \$431.08, and upon payment of these sums, Westfield shall be released from its bond. Order to be filed with the County Clerk once evidence is provided that Mr. Bohanna has been paid. Commissioner Eskew seconded. Unanimous. Order signed.

Attorney James Blankenship presented nine (9) property closings that have been completed (Collen Izzo, Roger Williams, Helen Jarrett, Juanita Wickline, Samuel Ayers, George and Doris Worley, James and Cindy Whitlow, James B. Billings and Thelma Phillip) to the Commissioners.

Mr. Blankenship told the Commissioners that he has prepared and

submitted title examinations for eighteen (18) additional tracts that are to be acquired by the Commission.

Mr. Blankenship told the Commissioners he is still awaiting instructions on preparing the title examination on the properties owned by the Estate of Homer Williams & Ruth Proskin.

Mr. Blankenship asked the Commissioners if they would be willing to accept property that has a septic system on the lot used by an adjoining landowner, John Tolley the property owner was present.

Mr. Harris informed the Commissioners that the County is willing to accept property if Mr. Tolley retain an attorney to draw up an agreement stating the County would not be liable if something happens.

Commissioner Wender asked the Commissioners to entertain a motion.

Commissioner Eskew made a motion that the Commission would accept property subject to Mr. Tolley retaining an Attorney to draw up an agreement with the County for permission of the use of the septic system subject to the review of the agreement by the Prosecuting Attorney's Office. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion that payrolls and outstanding bills are approved. Commissioner Eskew seconded. All approved.

David Neal, E911 Coordinator appeared before the Commissioners to discuss the generator for the 911 Center.

Mr. Neal informed the Commissioners that they had purchased the generator from Electro-Tech Service, Inc., in 1991 for \$4,790.00.

Mr. Neal told the Commissioners he received a second opinion on the generator from CAT Walker Engine Power.

Mr. Neal presented an estimate that he received from CAT Walker



Engine Power to review the generator at the E911 Center to the Commissioners.

Mr. Neal recommended to the Commissioners to allow CAT Walker Engine Power to load bank and test the generator at the 911 Center for \$778.00.

Commissioners Lopez made a motion to approve the recommendation of Mr. Neal to accept CAT Walker Engine Power estimates of \$778.00 to check the generator at the E911 Center and pay up to \$500.00 to replace parts (i.e., hoses). Commissioner Eskew seconded. Unanimous.

Mr. Neal presented information from Quinwood Ambulance regarding ambulance service in the Danese area to the Commissioners. (See attached)

Commissioner Wender asked Mr. Neal to contact the Greenbrier/Summers County Ambulance Service to see about getting some kind of service to the Danese area.

Commissioner Wender asked Mr. Neal to see if there's some common ground regarding ambulance service and then recommend arrangements he might make with General Ambulance Service.

Howard and Brenda Hughes with the Upper Paint Creek Watershed appeared before the Commission to request funding of \$3,000.00 to help maintain office, clean up roads, and creeks along the surrounding Paint Creek areas.

Commissioner Wender told Mr. Hughes the Commission will be going into budget sessions in March and asked Mr. Hughes if he would prepare a more complete itemized estimate of what they wanted and present to the Commission before the budget session.

Commissioner Wender informed Mr. Hughes the Commission will hold

request for additional information and take under advisement during Fiscal Year 2003-2004 Budget Session.

Harold Bragg appeared before the Commissioners to request funding of \$250.00 to help cover postage cost for sending Military Care Packages.

Commissioner Lopez made a motion to contribute \$250.00 to help cover cost of sending Military Care Packages. Commissioner Eskew seconded. All approved.

James Holstein representative for the Pax Community Library appeared before the Commissioners to request funding to help offset the heating expenses for the Pax Community Library in the Community Building.

Commissioner Lopez made a motion to approve \$250.00 to offset heating costs for the Pax Community Building. Commissioner Eskew seconded. Unanimous.

Carl Harris, Assistant Prosecuting Attorney appeared before the Commission to discuss the elevator project.

Mr. Harris told the Commissioners he reviewed the letter from Boso & Boso, Inc.

Mr. Harris recommended to the Commissioners to pay the amount of the contract minus liquidation cost.

Commissioner Eskew made a motion that the Commission pay Boso and Boso, Inc. the balance of the contract less liquidation cost. Commissioner Lopez seconded. Unanimous.

The Commissioners adjourned for lunch at 12:10 p.m.

The Commissioners reconvened as County Commission meeting at 12:55 p.m.

Commissioner Wender offered a motion to approve several minutes of the County Commission meetings. Commissioner Lopez seconded. All approved.

Ms. Holly informed the Commissioners she contacted a temporary services in Beckley, Ms. Holly told the Commissioners they would have to pay the Agency \$10.60 an hour for the temporary service, the Agency will pay the temporary employee.

Ms. Holly informed the Commissioners that Software System will be switching out the AS400 and PC's this weekend.

The Commissioners signed Organization Order for the Year 2003.

The Commissioners approved to schedule a County Commission meeting on March 24, 2003 at 9:00 a.m.

Commissioner Lopez made a motion to approve dates for the Board of Equalization and Review hearings. Commissioner Eskew seconded.  
(See attached)

The Commissioners signed letter to Tom Aiello, Assessor, and Paul Blake, Prosecuting Attorney informing them of the dates and times of the Board of Equalization and Review hearings.

Commissioner Eskew made a motion to approve and sign requests to combine or divide and segregate land as submitted by the Assessor's office. Commissioners Lopez seconded. All approved.

The Commissioners signed a letter to Carolyn Hill requesting her permission to incorporate a toned background copy of her 1982 drawing of the Fayette County Courthouse on the letterhead of the County Commission.

The Commissioners received and reviewed an order from Attorney Tom Fast asking the Commission to appoint Sheriff William Laird

Committee for Charles D. Keenan, convict.

Commissioner Lopez made a motion to appoint Sheriff William Laird Committee for convict Charles D. Keenan. Commissioner Eskew seconded. All approved. Order signed.

The Commissioners signed letters to the City of Mount Hope and the Town of Ansted attaching a copy of a letter dated December 12, 2002 to the Federal Energy Regulatory Commission informing them that their request regarding a T on the Greenbrier Pipeline was included.

Ms. Holly presented an Addendum to Rental and Lease Agreement for the Family Law Master Office to the Commissioners. Ms. Holly informed the Commissioners that beginning January 2003 the rent is \$2,025.00 a month. The Commissioners approved and signed Addendum to Rental and Lease Agreement.

The Commissioners signed a letter to Alison Chambers, Director, Family Law Masters regarding reimbursement to the County Commission for Office Space for the Family Law Master.

The Commissioners approved to schedule a Budget Session on Monday, March 3, 2003 to discuss the Fiscal Year 2003-2004 budget with the Elected Officials and Department Heads.

The Commissioners signed a letter to all Elected Officials and Department Heads asking that they meet with them on Monday, March 3, 2003 to discuss their budget request for Fiscal Year 2003-2004.

The Commissioners signed letters to the West Virginia Development Office for drawdown requests for the Fayette County Sheriff's Department (\$5,926.28) and Christians Helping Others Food Pantry (\$1,187.24).

The Commissioners signed Quarterly Sales Tax Report for the

Fayette County Park, amount \$102.30.

Ms. Holly presented a title to the Commissioners from Erie Insurance Group. Ms. Holly told the Commissioners that this vehicle was totaled and the County brought back the vehicle from the Erie Insurance Group to get salvage title. Title signed.

Commissioners Lopez made a motion to approve payrolls for the seconded half of January. Commissioner Eskew seconded. All approved. The payrolls are to be released on January 30, 2003.

Commissioner Lopez told the Commissioners that Freda Cincinnati a former employee of the County Commission husband passed away and asked the Commission if they would send a sympathy card.

Ms. Holly informed the Commissioners that part-time janitor Scott McComas resigned. James Perdue and Allen Ballard have been covering since January 8, 2003.

Commissioner Wender suggested readvertising for the janitor and suggested asking Earl Pauley, Park Superintendent if Dee Lively can come up and work part-time.

The Commissioners reviewed bids for a copier for the County Clerk's Office. The Commissioners decided to approve the lower bid of Appalachian Office Products.

Commissioner Eskew offered a motion to approve purchase of a 2535 Digital Imaging System for the County Clerk's Office, amount \$6,525.00. Commissioner Wender seconded. All approved.

Ms. Holly informed the Commissioners she did check the invoice from the Fayette County Board of Education for the cost of electricity at the Fayette County Memorial Building, Ms. Holly informed the Commission this had not been paid.

The Commissioners approved to pay \$8,929.50 to the Fayette County Board of Education for the cost of electricity at the Fayette County Memorial Building.

Discussion was held regarding filling the appointed committee boards held by former Commissioner John Witt. Commissioner Wender informed he would fill the Central Appalachia Empowerment Zone of West Virginia (CAEZ), Commissioner Eskew informed he would fill the New River Gorge Bridge Day Commission and Region 4 Planning and Development Council. Commissioner Eskew informed he would check on the WVU Extension Office appoint.

Ms. Holly informed the Commissioners she received a complaint about smoking in the Sheriff's Road Office. Ms. Holly told the Commissioners she forwarded a copy of the complaint to Sheriff Bill Laird. Ms. Holly presented a copy of the memo Sheriff Laird gave to his employees.

The Commissioners approved to pay \$10,019.90 allotment to C-PAC for the month of January 2003. The Commissioners approved to pay \$46.16 balance due C-PAC for the month of December 2003.

The Commissioners received and reviewed Press Release from American Water Works announcing the completion of the Acquisition by Thames Water, RWE's Water Division.

The Commissioners approved to cancel the subscription to the Beckley Newspaper.

The Commissioners received and reviewed from Boso and Boso, Inc. the Fayette County Courthouse Renovations Project Shop Drawings. Original given to James Perdue, Maintenance Supervisor.

The Commissioners received and reviewed from the West Virginia

Association of Counties a summary of the federal law governing military leaves of absences as well as a copy of applicable state laws.

The Commissioners received and reviewed a check for \$1,922.63 from the Sheriff of Raleigh County reimbursement for TRIDENT overtime for Deputy Sheriff Garland Burke for the month of October 2002.

The Commissioners received and reviewed a check for \$14,257.36 from TRIDENT Drug Task Force reimbursement for purchase of a new 2003 Chevrolet Blazer for Deputy Sheriff Garland Burke.

The Commissioners received and reviewed claims and correspondence from Worker's Compensation Division and the Unemployment Division.

The Commissioners received and reviewed a check for \$500.00 from the West Virginia Development Office for Christians Helping Others Legislative Digest Grant #02-470.

The Commissioners received and reviewed checks from Citizens Telecommunications Company, amount \$4.62 for the month of December for 911 fees and a check in the amount of \$34,598.24 representing a disbursement of Wireless E-911 subscribers from the Public Service Commission for the months of August through October 2002.

The Commissioners signed invoices for the confinement of inmates at the Southern Regional Jail for the Town of Fayetteville (\$45.00), the City of Oak Hill (\$1,080.00) and the Town of Ansted (\$45.00) for the month of December.

The Commissioners received and reviewed a copy of a letter from the Division of Criminal Justice Services to Sheriff William Laird informing that Deputy Paul M. McGraw will meet the requirements for equivalent certification upon his successful completion of all the

requirements of §149CSR2-14 of the legislative rule, this will include the completion of the basic entry level training classes at the West Virginia State Police Academy.

Commissioner Wender signed application for Admission to the Basic Police Training School for Deputy Paul M. McGraw.

The Commissioners received and reviewed a notice from James Perdue, Maintenance Supervisor asking the Payroll Clerk to deduct one day wage from Robert Williams check.

The Commissioners received and reviewed a letter from the Southern Appalachian Labor School (SALS) informing they would be supportive for mandatory garbage enforcement.

The Commissioners received and reviewed a letter from the Department of Tax Revenue informing that the Assessor is required to prepare a budget detailing the proposed use of the PVC money and submit the budget to the Property Valuation Training and Procedure Commission on or before January 15.

The Commissioners received and reviewed a letter from Charter Communications informing that a letter dated December 15, 2002 was sent out informing that Fox Sports World was on Digital Channel 451, channel number was incorrect should have been 340.

The Commissioners received and reviewed operating expenses from the Boomer Volunteer Fire Department for the period October 1, 2002 to December 31, 2002.

The Commissioners received and reviewed a letter from Sheriff Bill Laird informing that Curtis Adkins has resigned his position as a Fayette County Deputy Sheriff effective Friday, January 10, 2003.

The Commissioners received and reviewed a letter from Glen's



Towing and Road Services informing they have taken over Danieley's Wrecker Service in Princeton, WV and sent an update on their mechanical abilities.

The Commissioners received and reviewed a letter from the State Emergency Response Commission (SERC) informing that grants to assist with the operation and administration of LEPC's are being made available by the State Emergency Response Commission (SERC). Copy forwarded to Commissioner Wender and Steve Cruikshank, OES Director.

The Commissioners received and reviewed from Earl Pauley, Park Superintendent Lacy's Lights and Maples Display donation's deposits for the month of December, amount \$2,799.59.

The Commissioners received and reviewed Application for Employment from Jackelyn D. Johnson.

The Commissioners received and reviewed Response Statistic for the Year 2002 from the 911 Center.

The Commissioners received pledge of securities from SunTrust Bank, Branch Banking & Trust Company and Pledge Statement from SunTrust Bank as of December 31, 2002.

The Commissioners received and reviewed a letter from Central WV Regional Airport Authority-Yeager Airport informing of the improved air service to the region.

The Commissioners received and reviewed from James Perdue, Maintenance Supervisor, Maintenance Department 2002 Annual and Sick Leave Statement.

The Commissioners received and reviewed bankruptcy notice for Americomm Holdings, Inc. Copy forwarded to Paul Blake, Prosecuting Attorney and Thomas Woodrum, Chief Tax Deputy.

The Commissioners received and reviewed from the County Commissioners' Association a list of bills that will be worked on for the 2003 legislative session.

The Commissioners received and reviewed from Central Appalachia Empowerment Zone of WV (CAEZ) a letter informing that the CAEZ Board of Directors will meet Tuesday, January 7, 2003 at 6:00 p.m. at the CAEZ office.

The Commissioners signed a letter to the Central Appalachia Empowerment Zone of WV (CAEZ) informing the Commission appointed Matthew Wender to serve as a member of the CAEZ Board of Directors replacing former Commissioner John Witt.

The Commissioners received and reviewed a letter from the West Virginia Division of Culture and History informing applications are now being accepted for historic preservation development grants through the State Historic Preservation Office (SHPO) of the West Virginia Division of Culture and History.

The Commissioners received and reviewed a letter from the West Virginia Development Office informing they approve request for a budget amendment for Fiscal Year 2001 Small Cities Block Grant, Fayette County Commission-Paint Creek/Plum Orchard Water Extension Project, Project #01SCBG0041X.

The meeting was adjourned at 2:30 p.m. The next scheduled meeting is January 31, 2003.



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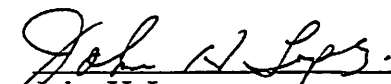
IN THE COUNTY COMMISSION OF FAYETTE COUNTY, WEST VIRGINIA


IN RE: SANDRA BOHANNA  
GUARDIAN OF TERRANCE D. BOHANNA

ORDER

On December 19, 2002, there was filed with the Commission the Findings of Facts, Conclusions of Law and Recommendations of the Fiduciary Commissioner, James C. Blankenship, III, in this matter. The parties were advised to file any objections or exceptions to the Fiduciary Commissioner's Findings of Facts, Conclusions of Law and Recommendations on or before January 6, 2003. On January 15, 2003, said Fiduciary Commissioner appeared before the County Commission and advised the commission that no such objections or exceptions had been filed. Upon consideration of the foregoing, it is the order and judgment of the Fayette County Commission as follows:

1. Westfield Group Ohio Farms Insurance Company shall pay unto Terrance D. Bohanna the sum of \$15,326.98 as surety upon the bond herein posted.
2. Westfield Group Ohio Farms Insurance Company shall pay to James C. Blankenship, III, Fiduciary, Commissioner, the sum of \$431.08.
3. Upon payment of the aforesaid sums, the surety, Westfield Group Ohio Farms Insurance Company, shall be released from the bond herein posted.
4. Upon the payments as aforesaid, the estate of Terrance D. Bohanna, an infant, now Twenty-five (25) years of age, shall be and is hereby settled.
5. The Clerk of the Fayette County Commission shall record a copy of this Order in the index for Guardian Estates in said Clerk's Office.

  
\_\_\_\_\_  
John H. Lopez

  
\_\_\_\_\_  
Mathew D. Wender

  
\_\_\_\_\_  
Kenneth Eskew

PREPARED BY:

JAMES C. BLANKENSHIP, III  
Fiduciary Commissioner

JAMES C. BLANKENSHIP, III  
ATTORNEY AT LAW  
105 EAST WISEMAN AVENUE  
P O. Box 326  
FAYETTEVILLE, WEST VIRGINIA 25840  
304-574-3556  
FAX 574-2365

January 15, 2003

VIA FAX (859) 219-9823  
and  
U. S. MAIL

Ms. Anne M. Walker  
Bond Claim Counsel  
Westfield Group Ohio Farmers Ins. Co.  
2525 Harrodsburg Road Suite 400  
Lexington, KY 40504

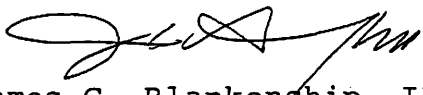
Re: Bond No. 5608947  
Principal: Sandra Bohanna, Guardian  
for Terrance Bohanna  
Fayette County, WV

Dear Ms. Walker:

I am sending herewith a copy of the Order of the Fayette County Commission dated January 15, 2003, wherein it is the Order and Judgment that Westfield pay unto Terrance D. Bohanna the sum of \$15,326.98 and James C. Blankenship, III, Fiduciary Commissioner, the sum of \$431.08. Further, upon payment of those sums, Westfield shall be released from its bond in this matter. Please provide me with evidence that Mr. Bohanna has been paid, and your check payable to me for the Fiduciary Commissioner's fee, and I will see that the Order is then filed with the Clerk. I will then provide you with an attested copy of the Order releasing Westfield from its bond.

If you have any questions, please let me know.

Sincerely,

  
James C. Blankenship, III

JCB, III/bb  
Enc.

**FAYETTE COUNTY OFFICE OF EMERGENCY SERVICES  
P.O. BOX 307  
200 WEST MAPLE AVE.  
FAYETTEVILLE, WV 25840  
OES OFFICE 304-574-1610  
E-911 CENTER 304-574-3590  
FAX 304-574-3594**

**Stephen M. Cruikshank  
OES Director/Fire Coordinator**

**David R. Neal  
E-911 Coordinator  
Deputy OES Director**

To: Mr. Matt Wender,  
Fayette County Commission

From: David R. Neal,  
E-911 Coordinator/Deputy OES Director

Re: Quinwood Ambulance

Date: December 23, 2002

Mr. Wender,

In response to your e-mail to Charlotte, which was forwarded to me, concerning the request made by Mr. Tim Goode. Currently Quinwood Ambulance Service serves the Meadow Bridge area, primarily from their Greenbrier County locations in Rainelle or Quinwood. Unfortunately, they do not appear to be maintaining the Meadow Bridge station any longer. I am in total agreement that there is a great need for an ambulance service in the Danese-Meadow Bridge area. I have contacted both private providers, General and Jan Care, on multiple occasions. Both companies agree that there is a need for service, however, neither provider is willing to establish a station in that area. I have gone so far as to contact the Fire Department in Danese to solicit an agreement to allow the Ambulance to be housed within the Fire Department. Even with an agreement no action was taken by either company. Mr. Shane Wheeler, Jan Care Ambulance, has stated that they would provide service in that area IF the county would provide a financial subsidy.

In addition to the aforementioned situation, the E-911 Center maintains a log of temporary shortages of ambulance coverage for the entire county. I have enclosed a copy of the log for your review.

In conclusion, I am not aware of any agency or regulation that could be utilized to encourage and/or force coverage issues. If you would like to meet with the representatives from the ambulance companies and me, I will set up a time, date and location. If you require further, let me know. Thank you for your concern in this issue.

**Charlotte Holly**

**From:** "Charlotte Holly" <cholly@zoomnet.net>  
**To:** "Matthew D. Wender" <mwender@cwv.net>; "Kenneth Eskew" <kenneth@sunlitsurf.com>  
**Sent:** Wednesday, January 08, 2003 4:37 PM  
**Subject:** Board of E & R

Matt, Ken, & John--

Are the following dates OK with you:

- Friday, January 31 9:00 Board of Equalization
- 9:15 Co. Comm. meeting
- Wed., Feb. 5 9:00 Co. Comm. meeting
- 1:00 Board of Equalization
- Mon., Feb. 10 10:00 Board of Equalization
- Industrial hearings
- Friday., Feb. 14 9:00 Co. Comm. meeting
- 10:00 Board of Equalization
- Mineral hearings
- Friday., Feb. 21 10:00 Board of Equalization
- Thurs., Feb. 27 9:00 Co. Comm. meeting
- 1:00 Board of Equalization (final

*1/15/03  
 hopes - motion set  
 + meeting dates for February  
 Eskew - 2:00 E & R  
 unanimous*

day)

Please let me know ASAP so I can notify the Assessor and Prosecutor's offices and publish a legal notice.

Thanks--  
Charlotte

FAYETTE COUNTY COMMISSION  
SPECIAL SESSION AND BOARD OF  
EQUALIZATION AND REVIEW  
JANUARY 31, 2003  
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a special session on this 31<sup>st</sup> day of January 2003 as Board of Equalization and Review.

Commissioner Wender called the Board of Equalization and Review to order at 9:10 a.m.

No hearings were scheduled.

Ms. Holly informed the Commissioners that the land books for the ensuing year have been prepared and are available for inspection.

Ms. Holly told the Commissioners she received a letter from Tom Aiello, Assessor, asking the Commission to 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 27<sup>th</sup> day of February 2003.

Commissioner Eskew 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 of Fayette County be corrected before February 27, 2003. Commissioner Lopez seconded. Unanimous.

Ms. Holly informed the Commissioners she received a letter from Chuck Barlow, Chief Geologist/Manager with the Department of Tax and Revenue informing they have completed a correction of coal values on certain parcels in Fayette County.

Mr. Barlow informed the Commissioners that these parcels were

inadvertently mapped incorrectly during the initial run of the Reserve Coal Valuation Mode. Mr. Barlow is asking that the Commission give the Department of Tax and Revenue permission to make correction and manually relink each of the affected parcels in Fayette County.

Commissioner Eskew made a motion to adjourn as Board of Equalization and Review. Commissioner Lopez seconded.

The Commissioners reconvened for a Special County Commission meeting at 9:15 a.m.

Exonerations were approved and signed.

Commissioner Wender informed the Commissioner's he received a fax from Doug Hurst informing he had talked with the staff at the Natural Resource Conservation Service (NRCS), they have a program called the Earth Team, a volunteer group which works on soil and erosion control projects. The Natural Resource Conservation Service informed that for a first project they would like to plant grass and stream bank shrub species (exact species to be decided under the direction of the NRCS) at the Animal Shelter on Laurel Creek, asked for the Commission support.

The Commissioners informed Earl Pauley they support the Natural Resource Conservation Service to plant grass and stream bank shrub species at the Animal Shelter on Laurel Creek.

The Commissioners signed order to make corrections to the initial assessment roll, that any errors created by the West Virginia Department of Tax and Revenue or by the Assessor be corrected before the 27<sup>th</sup> day of February 2003.

Ms. Holly presented copies of the outstanding vendor list to the



Commissioners that are to be approved today. The Commissioners told Ms. Holly they would review later this afternoon.

Ms. Holly told the Commissioners today in the mail she received from Senator Shirley Love, Budget Digest Request Forms. Ms. Holly asked the Commissioners what projects they wanted to submit this year.

The Commissioners asked Ms. Holly to submit requests for additional funding for the purchase and installation of an elevator, including architectural services for the Fayette County Courthouse (\$78,535), funding for scraping and painting exterior woodwork of the Fayette County Courthouse (\$20,000), funding for purchase and install one Generator for the Valley Tower site and one Generator for the Fayette County E911 Center (\$45,000) funding for restoration of a slate roof of historic Fayette County Jail (\$52,000), funding to construct an accessible ramp to improve access to the Courthouse from the adjacent parking lot (\$30,000) and funding for a roof at the Sheriff's Road Office (\$10,200). The Commissioners asked Sheriff Laird to present this to the Legislators this afternoon.

Ms. Holly presented to the Commissioners from David Neal, E911 Coordinator bid specifications for a generator for the E911 Center.

Commissioner Lopez offered a motion to request bids for a generator for the E911 Center. Commissioner Eskew seconded. All approved.

Ms. Holly told the Commissioners that \$5,000.00 had been taken out of Courthouse Expenditures for the Elevator project, Ms. Holly recommended to the Commissioners to take the \$5,000 out of the \$25,000 Governor's Contingency Grant to reimburse the Courthouse Expenditures.

Commissioner Lopez offered a motion to take the \$5,000 out of the

Governor's Contingency Grant to reimburse the Courthouse Expenditures for the Elevator project. Commissioner Eskew seconded. All approved.

Ms. Holly informed the Commissioners that she received a memo from Tom Woodrum, Chief Tax Deputy, informing that on May 6, 2002, Check No. 1585 was written from the Sheriff's Tax Account for the Assessors Valuation Fund for April Collections. Ms. Holly told the Commissioners the amount was written for \$1.71 more than needed and was deposited into the Assessors Valuation Fund. Ms. Holly told the Commissioners that Mr. Woodrum is requesting that a check in the amount of \$1.71 be written from the Assessor's Valuation Fund (14-0088-6) to the Sheriff's Tax Account (14-1054-4) to correct the error. A copy of the memo was forwarded to Tom Aiello, Assessor.

Ms. Holly informed the Commissioners that a \$2,730.84 reimbursement deposit was made to the General Fund account for FEMA grant for July 2001 flood expenses should have been deposited in the Fire Levy Fund for balance of the Fourth Quarter Office of Emergency Services Grant (EMP2001-GR336). Ms. Holly told the Commissioners that correction was made.

The Commissioners signed a letter to Region 4 Planning and Development Council informing that due to the resignation of former Commissioner John L. Witt, the Commission appointed Kenneth L. Eskew a member of the Region 4 Planning and Development Council to replace Mr. Witt.

The Commissioners signed an order, appointing Kenneth L. Eskew a member of the Fayette County New River Gorge Bridge Day Commission to serve the unexpired term due to the resignation of former Commissioner John Witt.

The Commissioners signed a letter to Central Appalachia Empowerment Zone appointing Matthew D. Wender a member of the CAEZ Board to replace former Commissioner John L. Witt.

Ms. Holly informed the Commissioners that Keith Spangler term of office as a member of the Fayette County New River Gorge Bridge Day Commission expired on August 8, 2002. Ms. Holly asked the Commissioners if they wanted to reappoint Mr. Spangler as a member. The Commissioners replied yes.

Commissioner Lopez made a motion to reappoint Keith Spangler a member of the Fayette County New River Gorge Bridge Day Commission. Commissioner Eskew seconded. Unanimous. Order and letter of appointment signed.

The Commissioners received and reviewed a letter from Eddie Young, Chief Deputy Assessor informing of Penny Begley overpayment of taxes on Account #9000513, 10-02-15-132.002, amount \$697.22 and recommending that Ms. Begley be given a credit on future taxes.

Commissioner Lopez made a motion to approve the recommendation of the Assessor's Office to give a credit on future taxes for Penny Begley. Commissioner Eskew seconded. All approved.

The Commissioners signed an order that subject to the approval of the Assessor that Penny Begley be afforded tax relief for tax year 1998, 1999, 2000, and 2001 in the total amount of \$697.22 in the form of a credit against taxes owing for the following year or years with said tax relief being spread over the year or years until the debt is paid.

Ms. Holly informed the Commissioners that before IBM began the mitigation of the AS400 they need to sign the Certificate of

Acceptance Processor Agreement. The Commissioners signed Certificate of Acceptance Processor Agreement.

The Commissioners signed the IBM Global Services Maintenance Agreement on the new AS400 System.

W. D. Smith, Executive Director and Angela R. Sleeth with Region 4 Planning and Development Council appeared before the Commission to conduct a Public Meeting for an Appalachian Regional Commission Grant Administered through the Small Cities Community Development Block Grant Program.

Ms. Sleeth called the meeting to order at 10:00 a.m.

Ms. Sleeth informed the Commissioners the purpose of the public meeting is to discuss and receive citizens input relating to community development, the needs of low-and moderate-income persons, and furnish citizens with information concerning the Appalachian Regional Commission Grant Program and the funding received for the Saturday Road/Horseshoe Creek area.

Commissioner Wender asked if there was anything he should question Mr. Smith replied no.

No other comments were received, the meeting was adjourned at 10:05 a.m.

Commissioner Lopez offered a motion to authorizing an application for Appalachian Regional Commission Grant Program funds to be administered through the Small Cities Community Development Block Grant Program. Commissioner Eskew seconded. All approved. Resolution signed.

Ms. Sleeth presented to the Commissioners a letter to be signed to the West Virginia Development Office requesting approval to utilize

funds from the New Haven Public Service District Paint Creek/Plum Orchard Water Extensions to provide water service to the Jenkins Fork area of Fayette County.

Commissioner Eskew offered a motion to approve request for the New Haven Public Service District Paint Creek/Plum Orchard Water Extension to provide water service to the Jenkins Fork area. Commissioner Lopez seconded. Unanimous.

Sheriff Bill Laird appeared before the Commission to review and discuss the Military Leave of Absence Policy.

Sheriff Laird informed the Commissioners he had discussed the Policy with Ms. Holly and Carl Harris, Assistant Prosecuting Attorney.

After reviewing and discussing the Military Leave of Absence Policy, Commissioner Eskew made a motion to adopt the Policy.

Commissioner Lopez seconded. Unanimous.

Ms. Holly informed the Commissioners she has prepared a copy of the County Commission Tentative Meeting Schedule for 2003.

Tim Richardson, Zoning Officer appeared before the Commission to present the following dispositions: Z-493-03-1: Request of Don and Judy Jones, owners, for a change in land classification from RR, Agricultural and Rural Residence District to B-1, Neighborhood Business District, on Surf. 0.39 ac Residue of Roscoe Sevy property Dogwood Ridge, Route 60, New Haven District.

Mr. Richardson told the Commissioners that the recommendation of the Planning Commission was to approve this request, by a vote of 9-1.

Mr. Jones was present, and he informed the Commissioners that this was to be a retail sales of food and drinks, carry-out sales only.

Mr. Richardson informed the Commissioners that there was no opposition to this request.

Commissioner Lopez made a motion to accept the recommendation of the Planning Commission to approve the request for the change in land classification. Commissioner Eskew seconded. All approved. Vote passed 3-0.

Commissioner Eskew asked Mr. Jones how many employees would be working at the facility? Mr. Jones replied he would employ three during the day and possible three in the evening.

Mr. Richardson presented the next order of business to the Commissioners.

Mr. Richardson informed the Commissioners the Planning Commission on a motion by Gene Kistler and seconded by Bill Caudill voted unanimously to recommend the enactment of the recently adopted Unified Development Code, effective February 3, 2003 with the recognition that the Prosecuting Attorney review the entire document to clarify any process of this document that might be in conflict with the state code.

Commissioner Eskew made a motion to approve and enact as requested by the Planning Commission. Commissioner Lopez seconded. Vote passed 3-0.

The Commissioners received and reviewed a letter from the Office of Emergency Services requesting a payment of \$11,969.40 from the Hazard Mitigation Grant Program for the Kings' property Fayette County FEMA-DR-1378-WV-002. The Commission approved payment.

Sheriff Laird and Paige Skaggs appeared before the Commission to discuss Mr. Paige's request for the County to reimburse the Town of

Ansted for the agreement signed by Deputy Jesse McMullen to work for the Town of Ansted, amount \$3,692.00.

Sheriff Laird told the Commissioners he had talked with Mr. McMullen regarding this matter and he is willing to work out some kind of installment payment.

Commissioner Wender suggested to Mr. Paige that if the Commission make the decision that the County pay the Town of Ansted the full amount and deduct a certain amount from Mr. McMullen payroll check until balance is paid.

Commissioner Lopez suggested discussing this with the Prosecuting Attorney Office.

Commissioner Wender asked that this be tabled for the County Commission meeting February 14 and take action.

Steve Cruikshank, OES Director appeared before the Commission to give an update on the FEMA Hazard Mitigation Grant Program.

Mr. Cruikshank informed the Commissioners that two property owners were disqualified by the State and two property owners are holding off on purchase.

Jon Lopez, FEMA representative informed the Commissioners the Randolph property owner has to accept the \$38,000 offer for the property or he would have to withdraw from the program.

Joan Flack, with FEMA and Paul Simmons with the State Hazard Mitigation Plan appeared before the Commission to talk about ways to proceed with the Hazard Mitigation Grant Program so that the County would be eligible for funding if another flood occurs.

Commissioner Wender asked Mr. Cruikshank to put together a proposal and report back to the Commission of February 5.

Steve Cruikshank, OES Director and Attorney James Blankenship presented an Informational Report pertaining to the Buyout program being implemented by the Office of Emergency Services in conjunction with FEMA to the Commissioners.

The Commissioners asked Mr. Cruikshank to present a proposal and contract for the Hazard Mitigation Planning Grant on February 5, 2003 at 10:15 a.m.

Virgil Berry, Fayette County American Red Cross appeared before the Commission requesting funding for a 4-wheel drive vehicle and a storage trailer to store disaster supplies.

Mr. Cruikshank suggested to Mr. Berry to talk with Sheriff Laird about getting military equipment.

Commissioner Wender asked Mr. Berry to talk with the Sheriff.

Commissioner Wender asked Mr. Cruikshank if the Fayette County Firefighters Association would consider giving Mr. Berry a vehicle.

Commissioner Wender asked Mr. Berry to let the Commission know how the discussion went with Sheriff Laird and asked Mr. Berry to make a written request to the Fayette County Firefighters Association.

Commissioner Wender asked Mr. Berry to submit a written proposal to the Commission they would consider for the 2003-2004 Budget.

Brian Sparks, Agricultural Agent, Brent Clark, 4-H Youth Development Instructor, Karen Arrington, Nutrition Outreach Instructor, and Diane Meadows, Family Consumer Service Agent appeared before the Commission to give an update of the activities going on at the West Virginia University Extension Office.

Ms. Holly presented a copy of a Claim Details from the Hartford Specialty Company to the Commissioners. Ms. Holly informed the



Commissioners that the amount of the expenses paid is \$2,626.84. Ms. Holly informed the Commissioners she received from the Jim Lively Insurance giving claim deductible statements of third party claims and the balance due, amount \$1,434.38. The Commissioners approved to pay.

Ms. Holly told the Commissioners that the safety enclosure bars for the windows at the Memorial Building were measured incorrectly and they are too small. Ms. Holly informed the Commissioners the costs for the windows are \$2,160.00. Ms. Holly told the Commissioners that James Perdue, Maintenance Supervisor, asked if he could use windows at the courthouse.

Commissioner Lopez asked Ms. Holly to make a request to Fayette Awning to install windows at the Memorial Building at no charge.

Commissioner Wender asked Ms. Holly to have Tim Richardson and James Perdue to come in and discuss.

The Commissioners approved payment of Hotel Occupancy Tax to the New River Convention and Visitor Bureau for October through December, amount \$7,099.33.

Ms. Holly informed the Commissioners the bids for the log sawing bid and the applications for the custodial position were due today at 10:00 a.m.

Ms. Holly told the Commissioners she did not receive any bids for the log sawing bid and only received two applications for the custodial position.

The Commissioners asked Ms. Holly to hold applications for the custodial position for the February 5 County Commission meeting.

The Commissioners asked Ms. Holly to schedule the Sheriff for an Executive Session on February 5 to discuss Back Pay Wages.

Ms. Holly informed the Commissioners she received a fax from the Auditor's Office informing that the mileage rate has been decreased from \$.365 cents to \$.36 cents per mile effective January 1, 2003.

Commissioners Lopez made a motion to accept the new mileage rates of \$.36 per mile effective January 1, 2003. Commissioner Eskew seconded. All approved. Order signed.

Ms. Holly informed the Commissioners she received a notice that the Danese Volunteer Fire Department-Magistrate Court lease expired on December 31, 2001. Ms. Holly told the Commissioners she would have to review the lease.

The Commissioners signed a letter to Alison Chamber, Director, Family Law Masters requesting reimbursements for rent in the amount of \$4,050.00 for the months of January and February.

Ms. Holly informed the Commissioners she talked with Joyce Feirebee with the Auditor's Office and was told that Fayette County is next in line to be audited, would be here next month.

The Commissioners received and reviewed a copy of a letter to Debbie Aliff, Payroll Clerk from Tom Aiello, Assessor informing that effective February 1, 2003 the salary of Curtis Dotson is to be increased by the amount of \$150.00 per month, annual salary \$22,650.00. Mr. Dotson is to be paid through the Assessor's PVC Fund.

The Commissioners received and reviewed a letter from Tom Aiello, Assessor requesting approval to hire Paul A. Witt as a part-time employee in his office effective February 1, 2003, rate of pay \$8.00 per hour to be paid out the Regular County Payroll, no benefits. The Commissioners approved.

The Commissioners received and reviewed a letter from Judy

Gunsalis, Director, Fayette County Public Libraries voicing her concerns regarding the \$250.00 the Commission contributed to the Pax Community Library to pay for propane.

The Commissioners approved overtime for James Perdue, Maintenance Supervisor.

The Commissioners received and reviewed a copy of a letter to Debbie Aliff, Payroll Clerk from Sheriff Bill Laird regarding a payroll correction in Corporal R. C. Godsey salary.

Sheriff Laird informed the Commissioners he had been advised that a one time payment of \$150.00 to Corporal Godsey, in addition to providing a \$5.00 per month increase in Corporal Godsey pay, this would eliminate this payroll problem. Sheriff Laird asked that this be done as soon as possible.

The Commissioners received and reviewed Shelter Rental Fees from the Fayette County Park, amount \$750.00.

Commissioner Lopez offered a motion to approve outstanding invoices. Commissioner Eskew seconded. All approved.

The Commissioners received/reviewed and signed Uninsured Motorist Coverage from Jim Lively Insurance.

The Commissioners approved final payment to Boso and Boso, Inc. less liquidation damages (\$2,000), amount paid \$2,304.00.

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 Safety and Health Program manuals from Putnam County Commission and Harrison County Commission.

The Commissioners received and approved an invoice to the West Virginia Housing Development Fund for payment for services for Randy

Housh, Training and Technical Assistance for the month of January, amount \$3,333.50.

The County Commission meeting was adjourned at 1:20 P. M. for lunch.

The County Commission meeting reconvened at 2:15 p.m. for presentation of the Distinguished Citizen Award. Present for the presentation were Senators Shirley Love, Randy White, Delegates John Pino, David Perry, John Witt, Debbie Berry, Neal Clark and Sheriff William Laird, Dave Pollard and members of the Fayette County Leadership Program.

Senator White presented the Distinguished Citizen Award to John L. Witt.

Senator Love questioned the Commission as to why they would not sponsor the Wesleyan Men Group of Summerlee.

Senator Love asked the Commission if they would send a letter of support stating that the Fayette County Commission would be the sponsor.

Commissioner Lopez made a motion that the Commission be the sponsor for the Wesleyan Men Group of Summerlee. Commissioner Eskew seconded. All approved.

The meeting was adjourned at 2:45 p.m. The next scheduled meeting is February 5, 2003.



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FAYETTE COUNTY COMMISSION  
SPECIAL SESSION AND BOARD  
OF EQUALIZATION AND REVIEW  
FEBRUARY 10, 2003  
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in Special Session on this 10<sup>th</sup> day of February 2003.

Steve Cruikshank, OES Director appeared before the Commission to discuss the Hazard Mitigation Grant Program.

Mr. Cruikshank told the Commissioners that FEMA has approved the first phase of the plan. Mr. Cruikshank told the Commissioners that FEMA has backed down on the mapping portion.

Mr. Cruikshank told the Commissioners he got another grant to Digitize Flood Maps, would be classed Q4. Mr. Cruikshank told the Commissioners that Fayette County would be the first in the State with Q4 mapping. Mr. Cruikshank told the Commissioners this would take over a year before they would be able to produce some maps.

The Commissioners asked that Steve Cruikshank be put on the agenda February 21, 2003 at 9:00 a.m.

Commissioner Eskew asked Mr. Cruikshank if he had some kind of an outline of the mapping plans.

Commissioner Lopez asked Mr. Cruikshank about the rent on the temporary Animal Shelter.

Mr. Cruikshank told the Commissioners that he would have something in writing on February 14, 2003 regarding the FEMA drawdowns.

Commissioner Eskew made a motion to approve outstanding vouchers. Commissioner Lopez seconded. Unanimous.

Eddie Young, a member of the Ben Argento Basketball League appeared before the Commissioners to show their appreciation and thanks for the use of the Fayette County Memorial Building for their Basketball League. Mr. Young presented coffee mugs as tokens of their appreciation to the Commissioners.

Kyle Kincaid appeared before the Commission to ask if they would consider supporting the HB 2719 and HB 2033 allowing prisoners to be employed in a program sponsored by the State or any of its governmental subdivision to maintain any private and not-for-profit cemetery.

The Commissioners asked that a letter be sent to our Senators and Delegates informing that the Commission support HB 2719 and HB 2033.

Commissioner Lopez called the Board of Equalization and Review to order at 10:00 a.m.

Since there were no hearings scheduled, Commissioner Lopez offered a motion that the Commission adjourns at 10:05 a.m. as the Board of Equalization and Review. Commissioner Eskew seconded. Unanimous.

The Commissioners reconvened the County Commission meeting at 10:07 a.m.

Ms. Holly asked the Commissioners if they were going to make a decision on the applications for a custodian.

Ms. Holly informed the Commissioners that James Perdue, Maintenance Supervisor recommended hiring Daniel Jackson as janitor.

The Commissioner approved on the recommendation of Mr. Perdue to hire Daniel Jackson as janitor effective February 18, 2003, salary \$1,100.00 a month.

Ms. Holly informed the Commissioners she prepared a letter to Boso and Boso, Inc. enclosing a Check No.132382 issued as the Commission final payment in the amount of \$2,304.00 for the Fayette County Courthouse hoist way project.

The Commissioners informed this payment represents a reduction in the amount of \$2,000.00 for liquidation damages @ \$200.00 per day for 10 days from Boso and Boso, Inc. final invoice #13181 which was received on January 10, 2003.

Ms. Holly told the Commissioners she would let the Prosecuting Attorney review the letter.

The Commissioners signed a letter to the Town of Ansted informing them that their request regarding payment by the Commission to the Town of Ansted for the agreement by and between the Town of Ansted and Jess McMullen is not a financial obligation of the Commission and has been denied.

The Commissioners signed a letter to Debbie Aliff, Payroll Clerk, informing that effective February 1, 2003, Peggy Bennett will be employed as a secretary on a full-time basis at the Fayette County Park at an annual salary of \$14,428.00 plus benefits.

The Commissioners signed a letter to Senators Shirley Love and Randy White and Delegates David Perry, John Pino and Thomas Louisos informing they support on behalf of the Legislative Digest request submitted for the Wesleyan Men Group of Summerlee, Fayette County, West Virginia for \$8,000.00 to be administered by the City of Oak Hill

as grantee.

The Commissioners received and reviewed a second notice from the Division of Criminal Justice Services informing that they have not received progress reports for the Courthouse Security Grant #02-CS-06.

Ms. Holly informed the Commissioners she received a copy of a letter from Sheriff Bill Laird informing they have sent the progress and financial reports for the Court Security Grant for the period October 1, 2002 through December 31, 2002.

The Commissioners received and reviewed from the Fayette County Animal Control Center weekly fees collected for the week of February 1, 2003 to February 6, 2003, amount \$105.00.

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

The Commissioners received and reviewed a letter from Pullin, Fowler, and Flanagan, PLLC regarding the Kenneth E. Young, et al vs. Fayette County Commission et al lawsuit.

The Commissioners received and reviewed from Charter Communications franchise tax covering the period from October 1, 2002 to December 31, 2002, amount \$2,067.15.

The Commissioners received and reviewed a check from the Citizen Telecommunications Company (\$60.34) for 911 fees for the month of January.

The Commissioners received and reviewed a check from the Town of Ansted, amount \$45.00 for Jail Fees.

The Commissioners received and reviewed checks from Danese Fire Department (\$154.50), Meadow Bridge (\$50.00), and Gauley River Fired



Department (\$185.25) to be deposited to the Fire Levy Fund.

The Commissioners received and reviewed Statement for Legal Services Rendered from Attorney Paul Clay for his appearance at the Multi-Cap Bankruptcy hearing on behalf of the Fayette County Commission, amount \$900.00. The Commission approved.

Ms. Holly informed the Commissioners that Sheriff Bill Laird sent over a copy of the Danese Magistrate Lease Agreement for the Deputy Detachment.

The Commissioners asked Ms. Holly to have Sheriff Laird review and make recommendations.

The Commissioners signed a letter to the West Virginia Development Office requesting ninth drawdown for the Christian Helping Others Food Pantry, Grant #02-470, amount \$500.00.

Ms. Holly informed the Commissioners that Tom Steele, Assistant Prosecuting Attorney had brought a letter in the office from Roge Jean Arbaugh requesting an opportunity to address the County Commission at its Commission Meeting regarding the distribution of religious literature in or about the courthouse property and buildings.

Ms. Holly told the Commissioners that Mr. Steele suggested scheduling for the last meeting in April.

The Commissioners approved to schedule Ms. Roge Jean Arbaugh on the agenda for April 28.

Discussion was held regarding appointing a person to fill the vacancy on the Fayette County Health Department Board due to the death of Robert Stephens.

Ms. Holly informed the Commissioners that they would have to

appoint a Republican from the Valley District.

Commissioner Lopez told the Commissioners he would check with Jack Tamplin to see if he knows of a person who would be willing to serve.

The Commissioners received and reviewed a letter from Delegate David Perry acknowledging he received the Commission Budget Digest Request.

The Commissioners received a letter from West Virginia University asking the Commission to complete the survey regarding a research project to collect basic factual information about the status of land use policy and planning in West Virginia. The original forwarded to Tim Richardson, Zoning Officer.

The Commissioners received and reviewed a memo to Debbie Aliff, Payroll Clerk, asking to deduct one day wage from Robert Williams check. He did not work February 3, 2003 and does not have any sick leave time.

The Commissioners received and reviewed a notice from the United States Bankruptcy Court regarding Dimac Corporation, Case #03-10038-MFW. Original given to Tom Woodrum, Chief Tax Deputy and a copy forwarded to Paul Blake, Prosecuting Attorney.

Commissioner Eskew offered a motion to adjourn. Commissioner Lopez seconded. Unanimous.

The meeting was adjourned at 11:00 a.m. The next scheduled meeting is February 14, 2003.



FAYETTE COUNTY COMMISSION  
REGULAR SESSION AND BOARD  
OF EQUALIZATION AND REVIEW  
FEBRUARY 5, 2003  
COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: Matthew D. Wender, John H. Lopez, and Kenneth L. Eskew

The Fayette County Commission met in Regular Session on this 5<sup>th</sup> day of February 2003.

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

The Commissioners received and reviewed the two applications for the custodian position. The Commissioners suggested asking James Perdue, Maintenance Supervisor to interview and give his recommendation to the Commission.

Dave Pollard, County Resource Coordinator, introduced to the Commissioners Lisa Creger, his secretary from 4-C Economic Development Authority to work in his office.

Commissioner Wender presented to the Commissioners a request for office supplies from Dave Pollard, County Resource Coordinator; fax machine \$80, 3 laser printers (one for Randy Housh, one for the new 4-C Employee, and one for his intern) the cost of the printers is \$175.00 each for a total of \$525.00, monitor for intern \$150.00 and two surge strips \$15.00 each total \$30. Total cost of supplies is \$785.00.

Commissioner Lopez made a motion to approve office supplies for David Pollard, County Resource Coordinator, amount \$785.00.

Commissioner Eskew seconded. All approved.

Sharon Cruikshank, Director of the New River Convention and

Visitor Bureau appeared before the Commission and presented a packet of the fliers and brochures that were given out during the Year 2003.

Ms. Cruikshank informed the Commissioners that the New River Convention and Visitors Bureau receives assistance from the City of Oak Hill, the Town of Fayetteville and the Town of Ansted.

Ms. Cruikshank asked the Commissioners if they would continue their support and funding for 2003-2004 budget. Commissioner Wender asked Ms. Cruikshank what did the Commission fund last year. Ms. Cruikshank replied \$3,500.00.

The Commissioners informed Ms. Cruikshank they would take under advisement during the 2003-2004 Budget Session.

Tom Aiello, Assessor presented a draft of the Tax Increment Financing in West Virginia to the Commissioners.

Mr. Aiello informed the Commissioners that this will go through a public comment period. Mr. Aiello told the Commissioners he would relay any comments back to Charleston.

Earl Pauley, Park Superintendent, presented a contract agreement with Allegheny Power and Equitable production Company for natural gas service to the Fayette County Park to the Commissioners.

Mr. Pauley presented the requirements and options for the natural gas to the Fayette County Park to the Commissioners.

Mr. Pauley told the Commissioners a Limited Service Agreement signed by Allegheny Power, Equitable Gas and the Fayette County Commission will be required; Allegheny Power will provide the material and labor necessary for the construction of the regulator station; Mr. Pauley told the Commissioners they have two Options 1-Pipeline to be

owned by Allegheny Power the County would have to sign a Customer Install/Acquire Agreement; Option 2-Pipeline to be owned by the County, Allegheny Power will provide a part-time pipeline inspector and will fuse, test and tie in all mains, Allegheny Power will inspect every five (5) years, the County will provide the ditch, backfill, material, labor permits, and anything else required for the installation of the main line extension.

Mr. Pauley presented a list of items for the County to consider when determining ownership of the proposed pipeline to the Commissioners: Allegheny Power Facility: Response time for pipeline dig ins and request for service, State and Federal compliance issues for leak inspection, System expertise. County Facility: Single monthly meter charge, ability to extend service with bolt-on tapping tees and stab couplings, ability to contract services with Allegheny Power.

Commissioner Wender informed that independent of the contract, Commissioner Wender asked Ms. Holly to write a letter to Allegheny Power asking that they verify in writing their approval of the County's request to delay the commencement of construction until late fall, 2003, clarify who pays for line inspections if owned by the County, and clarify responsibility for line maintenance and who pays associated costs if owned by the County.

Commissioner requested a letter to Equitable Gas Company requesting they provide gas free of charge to the Fayette County Park facilities for as long as the gas wells located at the park are producing, and asked that they confirm the validity of the Limited

Service Agreement for gas service at the Fayette County Park.

The Commissioners decided to discuss Lease Contract this afternoon with Paul Blake, Prosecuting Attorney or Carl Harris, Assistant Prosecuting Attorney.

The Commissioners informed Mr. Pauley they received no bids on the log sawing bid.

Ms. Holly told the Commissioners that the person who contracts would have to have insurance.

Mr. Pauley asked the Commissioners about the county moving the logs to the saw mill.

Commissioner Lopez asked Mr. Pauley how much liability would cost.

Commissioner Wender suggested to the Commission to rebid and change the bid to read: Bids are to be stated so much per thousand feet. Delivery of logs and pick up of sawed lumber will be performed by the County. Anyone wishing to bid these logs can see the logs at the Fayette County Park.

Commissioner Lopez offered a motion to rebid log sawing bid and change the bid stating that delivery of logs and pick up of sawed lumber will be performed by the County. Commissioner Eskew seconded. All approved.

The Commissioner asked Mr. Pauley to do hauling.

Commissioner Wender asked Mr. Pauley the status of the Animal Shelter.

Mr. Pauley told the Commissioners that due to the weather they have not been able to do anything, plumbing and windows already on

sight.

Ms. Holly asked Steve Cruikshank, OES Director if any drawdowns have been submitted for the Animal Shelter.

Mr. Cruikshank informed that because of the Hazard Mitigation Program Buyouts submitting drawdowns for the Animal Shelter have been put on the back burner. Mr. Cruikshank told the Commissioners he would have to get back to working on the drawdowns for the Animal Shelter.

Mr. Pauley told the Commissioners that since Tammy Gill is no longer employed at the Fayette County Park he has only one Certified Pool Operator. Mr. Pauley told the Commissioners he would contact the Fayette County Health Department to see if they know anyone with a Certified Pool Operator Certification.

Mr. Pauley told the Commissioner he needs two (2) cash registers (one for the pool and one for the canteen).

The Commissioners told Mr. Pauley they would take up in the 2003-2004 budget session and asked Mr. Pauley to get some description of the cash register.

Steve Cruikshank, OES Director appeared before the Commissioners to present a proposal and contract for the Hazard Mitigation Planning Grant (HMPG).

Mr. Cruikshank told the Commissioners of the difficulties he's having in trying to get the mapping part done.

Mr. Holly asked Mr. Cruikshank if the Commission could download the maps off the website.

The Commissioners suggested to Mr. Cruikshank to contract with

Mark Ehrnschwender.

The Commissioners suggested that a special meeting for February 10 be scheduled to discuss further.

Commissioner Lopez suggested to Mr. Cruikshank to work on outstanding reimbursements for FEMA.

Commissioner Eskew made a motion to contract with Mark Ehrnschwender to work with Mr. Cruikshank on getting the computer to download the information for the mapping for the Hazard Mitigation Grant Program. Commissioner Lopez seconded. All approved.

Bart Jackson and Kenneth Fox with Page-Kincaid Public Service District appeared before the Commission to ask if they would be the sponsors for a Small Cities Block Grant for the Ingram Branch area.

Mr. Jackson told the Commissioners that a three and a half million-dollar grant is in place with the United States Department of Agriculture.

Commissioner Eskew offered a motion that the Fayette County Commission sponsor the Small Cities Block Grant for the Page-Kincaid Public Service District Ingram Branch area. Commissioner Lopez seconded. All approved.

Tim Richardson and James Perdue appeared before the Commission to discuss the security windows at the Fayette County Memorial Building.

Mr. Richardson explained to the Commissioners how the windows were measured incorrectly.

After a brief discussion, Commissioner Lopez made a motion to accept bid from Fayette Awning for the purchase of security windows (\$2,160.00) at the Fayette County Memorial Building and approved for



James Perdue, Maintenance Supervisor to use three (3) of the security windows at the Courthouse. Commissioner Eskew seconded. All approved.

The Commissioners asked Mr. Richardson and Mr. Perdue to contact Fayette Awning and make sure the windows will work before completion.

Commissioner Lopez suggested closing the Jess McMullen matter. Commissioner Wender agreed.

Commissioner Wender informed the Commissioners he had talked with Carl Harris, Assistant Prosecuting Attorney. Mr. Harris told Commissioner Wender that it would be inappropriate for the Commission to advance payment to the Town of Ansted as a loan on behalf of Mr. McMullen.

Commissioner Wender asked that a letter be written to the Town of Ansted denying their request for payment by the Fayette County Commission to the Town of Ansted for the agreement by and between the Town of Ansted and Jess McMullen.

Commissioner Lopez offered a motion to deny the request of the Town of Ansted regarding agreement by and between the Town of Ansted and Jess McMullen. Commissioner Eskew seconded. Unanimous.

Commissioner Wender asked the Commissioners about getting a lease with the Parks and Recreation Commission for the Fayette County Park and the Memorial Building.

Commissioner Wender asked that this be put on the agenda for February meeting to discuss.

Commissioner Lopez told the Commissioners he doesn't think it would work with Earl Pauley, Park Superintendent, being supervised by

the Parks and Recreation Commission.

Commissioner Lopez asked the Commission if the County has to pay the Parks and Recreation Commission Board members.

Ms. Holly told the Commissioners she needs to look at the Code.

Commissioner Wender asked Ms. Holly to make a copy of the Code for the Commissioners and schedule to discuss for February 21.

Commissioner Wender told the Commissioners they needed to develop a Fayette County Personnel Handbook. Commissioner Wender suggested writing a letter to each Elected Official to inform them that it is the desire of the County Commission to form a committee consisting of the elected county officials or a designated senior member of their staff to serve as a committee to draft a Fayette County Personnel Handbook and Guidelines.

Commissioner Wender asked that former Commissioner John Witt preside over the Committee and that Steptoe and Johnson be retained to review.

The Commissioners adjourned for lunch.

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

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

Matthew Bounds appeared before the Commission on behalf of Charles and Mary Bounds to dispute the increase in Mr. Bounds taxes.

Eddie Young, Chief Tax Assessor and Carl Harris, Assistant Prosecuting Attorney were present.

Mr. Bounds was sworn in by Commissioner Wender.

Mr. Young told the Commissioners that the Assessor had reduced the appraised value of Mr. Bounds property from \$30,000 to \$24,200. Mr. Young explained to Mr. Bounds that the reason why the tax on this property is high, the property is Class 3 and their tax rate is higher. Mr. Young explained to Mr. Bounds that if Mr. Bounds lived on the property it would be appraised as Class 2 and the taxes would be lower. Mr. Young also suggested to Mr. Matthew Bounds that Charles Bounds could request that the property be classed as managed timberland.

Mr. Bounds presented a map of the land to the Commissioners.

The Commissioners informed Mr. Bounds they would take under advisement and let Mr. Charles Bounds know something by February 27, 2003.

Ms. Holly presented Administrative notices from the Department of Tax and Revenue to be entered for use during the mineral hearings.

Commissioner Wender asked to entertain a motion to adjourn as Board of Equalization and Review.

Commissioner Eskew made a motion to adjourn the Board of Equalization and Review hearing at 1:30 p.m. Commissioner Lopez seconded. Unanimous.

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

Commissioner Lopez made a motion to go into Executive Session to discuss a personnel matter at the Fayette County Park with Paul Blake, Prosecuting Attorney and Earl Pauley, Park Superintendent.

Upon returning from the Executive Session at 2:45, Commissioner

Wender informed the Executive Session was held to discuss a personnel matter at the Fayette County Park.

Commissioner Lopez made a motion that Peggy Bennett assumes the same salary as previously paid to Tammy Gill effective February 1, 2003. Commissioner Eskew seconded. Unanimous.

Commissioner Wender questioned how an employee that works every day with no benefits for a long period of time can still be considered part-time.

Discussion was held, Commissioner Lopez asked Ms. Holly to call the Department of Labor to ask about how many hours a regular part-time employee can work.

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

The Commissioners received and reviewed a copy of the recently completed Courthouse Conditions Report compiled by the West Virginia University Institute of Technology from the West Virginia Courthouse Facilities Improvement Authority.

Ms. Holly told the Commissioners that Diane Meadows had called to ask who would replace former Commissioner John Witt on the West Virginia University Extension Committee. The Commissioners approved Kenneth Eskew to replace former Commissioner John Witt on the West Virginia University Extension Committee.

The Commissioners signed a letter for the Oak Hill Moving Ahead confirming that the Fayette County Commission is a partner and supports the Oak Hill Rail Trail Project sponsored by the Oak Hill Moving Ahead.

The Commissioners received and reviewed Monthly Revenue Report and Activity Report from the Fayette County Animal Shelter.

The Commissioners received and reviewed Weekly Fees collected from the Fayette County Animal Shelter for the Month of January, amount \$730.00.

The Commissioners approved to pay February allotment to C-PAC, amount \$13,152.58.

Commissioner Lopez offered a motion to approve outstanding bills. Commissioner Eskew seconded. Unanimous.

Commissioner Lopez offered a motion to pay \$563.50 to Literal E, LLC for the conversion of the Comprehensive Plan to CDs. Commissioner Eskew seconded. Unanimous.

The Commissioners approved and signed a letter to the West Virginia Development Office requesting the third drawdown request for the Fayette County Sheriff's Department, amount \$1,856.00.

The Commissioners asked Ms. Holly to write a letter of support for the Wesleyan Men Group of Summerlee for \$8,000.00 to Senators Shirley Love and Randy White and Delegates John Pino, David Perry, and Thomas Louisos. This is to be administered by the City of Oak Hill.

The Commissioners updated and signed signature forms for Fayette County Officials authorized to transact business with the West Virginia Board of Investments.

The Commissioners received and reviewed 911 Fees from Verizon (\$39,988.21), Metro-Teleconnect Co., (\$37.24), Charter Communications (\$905.98), Business Telecom, Inc. (\$7.84), Z-Tel Communications, Inc. (\$6.00) and Alarm Fees (\$200.00).

The Commissioners received and reviewed checks from the Town of Fayetteville (\$45.00), and the City of Oak Hill (\$1,080.00) reimbursement for the confinement of prisoners for the month of December 2002 and January 2003.

The Commissioners received and reviewed from Charter Communications franchise fees for the fourth quarter (\$8,542.84) and for the period January 2002 to December 2002 (\$1,394.73).

The Commissioners received and reviewed letters from Charter Communications informing that beginning with the March 2003 billing, the price for Basic service changes from \$14.50 to \$14.95, the Expanded Basic service changes from \$25.45 to \$27.40. Effective February 1, 2003 Ron Cook, former General Manager that the position has been reassigned to Michael Kilemen, Director of Governmental Relations in the Scott Depot office.

The Commissioners received and reviewed a letter from Charter Communications enclosing Charter Communications' ("Charter") annual rate justifications filing for 2003.

The Commissioners received and reviewed correspondence and claims from the Unemployment Compensation Division and the Worker's Compensation Division.

The Commissioners received and reviewed from the Workers' Compensation Division Quarterly Employer Loss Activity Statement for the period July 1, 1999 through December 31, 2002.

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

The Commissioners received and reviewed several checks from the

West Virginia Development Office (Flex E-Grant-\$588.00, New Haven Public Service District-Paint Creek/Plum Orchard Waterline Extension-\$3,522.63, Legislative Digest Grant Caring Hands, Inc.-\$1,187.24 and Legislative Digest Grant Fayette County Sheriff's Department-\$5,926.28).

The Commissioners received and reviewed reimbursement's checks from the Workers Compensation Division for Rebecca S. Pollastrini for sick leave time, amount \$121.86, reimbursement check from the Fayette County Board of Education for Board of Education Special Levy Election on 2002 General Election ballots, amount \$871.20 and reimbursement check to the Fire Levy Fund from the Nuttall Fire Department, Inc., and the Fayetteville Fire Department, amount \$10.00.

The Commissioners received and reviewed a check from the Supreme Court for \$4,319.47 to be placed in the Magistrate Court Surplus Account and used in accordance with the provisions of Rule 8 of the Administration rules for Magistrate Court.

The Commissioners received and reviewed a check from the Secretary of State (\$1,987.99) for filing fees for the election.

The Commissioners received and reviewed Statement of Expenditures as of January 2003 for the Fayette County Park and the Central Garage.

The Commissioners approved overtime for Debbie Aliff, Payroll Clerk, Debbie Berry, Bookkeeper, and Jacqueline Hickman, Secretary.

Virgil Berry, Emergency Services Director, Fayette County Chapter American Red Cross-submitted a proposal for a 4-wheel drive Durango vehicle, a 20 ft. box trailer (tandem) to be used for shelter supplies, cots, blankets, etc. He also and requested funding of

\$5,000.00 for supplies and operational expenses.

Mr. Berry informed the Commissioners he had talked with Sheriff Laird and asked him about purchasing military surplus. Sheriff Laird told Mr. Berry that he has not worked with that so far, but he would go on the internet and see what information he could get and would get back with Mr. Berry.

The Commissioners asked Ms. Holly to hold the Red Cross request for 2003-2004 budget sessions.

The Commissioners received and reviewed a letter from the Department of Administration regarding Public Purchasing procedures for declared emergency situations.

The Commissioners received and reviewed Permit to Operate a Food Service establishment from the Fayette County Health Department at the Fayette County Park. Original was given to Earl Pauley, Park Superintendent.

The Commissioners received and reviewed an order from the Division of Highways, ordering the addition, correction to the map and removal from inventory Fayette CR 25/12 (Prudence Heights Road) the following: Item 1-beginning at a point on CR 25/1, said point being 0.13 mile south of the junction of CR 25/1 and CR 25/26 thence extending northerly a distance of 0.28 miles to an ending point and Item 2 Fayette CR 25/12 (Prudence Heights Road) beginning at a point on CR 25/12, said point being 0.28 mile north of the junction of CR 25/1 and CR 25/12, thence extending northwesterly a distance of 9.04 miles to an ending point section of highway to the State Local Service System.



The Commissioners received and reviewed from the County Commissioners' Association the Legislative Rules for the Courthouse Facilities Improvement Authority.

The Commissioners received and reviewed the Combined Tax Statement for Calendar Year 2002 from the Fayette County National Bank. Original forwarded to Tom Woodrum, Chief Tax Deputy.

Commissioner Wender and Commissioner Eskew will be attending the Annual County Commissioners' Legislative Association meeting being held February 23 through February 24, 2003.

The Commissioners received and reviewed the Audit from the New River Convention and Visitor Bureau, Inc. for the period ended December 31, 2001 and 2000.

The Commissioners received and reviewed the resume for employment from William Gillespie, II.

The Commissioners received and reviewed a copy of a memo to Debbie Aliff, Payroll Clerk informing effective February 1, 2003, Paul Michael McGraw will be employed as a Deputy Sheriff with the Fayette County Sheriff's Department, rate of pay is \$1,953.42 per month.

The Commissioners approved to pay Michael J. Basile with Spilman, Thomas and Battle, PLL for professional services to do an Emergency Study in the acquisition of the Berwind Property, amount \$636.36.

The Commissioners received and reviewed resignation of G. Lee Massey as Administrator of the Fayette County Health Department effective December 31, 2002.

Commissioner Wender asked that a letter of appreciation for years of service be sent to Mr. Massey.

The Commissioners received and reviewed a letter from the New River Health Association informing the Commission that their 21<sup>st</sup> Century Community Learning Centers application has been approved for the amount of \$253,278.00 and thanked the Commission for their support and the part they played in helping them receive the grant.

The Commissioners received and reviewed a fax from the County Commissioners' Association asking the Commission to review and make any corrections that need to be made to the 2003 County Commissioners' Association of West Virginia Directory.

The Commissioners received and reviewed from the Assessor's Office the Assessor's Valuation Fund Percentage approved by the PVC 2003-2004.

The Commissioners received and reviewed Certificate of Liability Insurance from Tele-Media Corporation of Delaware.

The Commissioners received and reviewed a letter from Vandalia Resources, Inc. informing they are closing all Vandalia Resources, Inc. operations in West Virginia indefinitely.

The Commissioners received and reviewed from Ford Company a letter informing that an engine emission control system has recently been improved and Ford is offering a no charge extended warranty coverage program for one such part, program number 02MO1 (Vehicle 2FAFP71W81X198496 and Vehicle 2FAFP71W61X198495). Original forwarded to Earl Pauley, Park Superintendent.

The Commissioners received and reviewed Estimated Budget and Project cost for Upper Paint Creek Watershed Association. Action was deferred to Budget Session.

The Commissioners received and reviewed an invitation from the City of Oak Hill inviting the Commission to the Oak Hill Centennial Event February 25, 1903-2003 being held February 23, 2003.

The Commissioners received and reviewed from the United States Bankruptcy Court notice of hearing to consider approval of disclosure regarding K-Mart Corporation et al.

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 #02-CS-06. A copy of the letter forwarded to Sheriff Bill Laird.

The Commissioners received and reviewed from the Magistrate Court garnishment of salary and wages regarding the City of Montgomery v. Pete Lopez, DAB Lopez Enterprise.

The Commissioners received and reviewed a fax from Jim Lively Insurance informing the General Liability coverage for the flood property that FEMA is deeding to Fayette County Commission parcel by parcel, St. Paul underwriting has advised that coverage is provided under the Insured General Liability policy for this exposure and there will be no additional charge.

The Commissioners received and reviewed a fax from the Governor's Office announcing that members of the West Virginia Army National Guard's 1863<sup>rd</sup> Transportation Company have been activated to serve in Operation Noble Eagle.

The Commissioners received and reviewed a letter from the West Virginia Development Office asking that a Land and Water Conversation Fund Project Self-Inspection Report be completed for the Harlem

Heights Park and Beckwith 4-H Camp Pool.

The meeting was adjourned at 3:35 p.m. The next scheduled meeting is February 10, 2003.

A handwritten signature in blue ink is written over a solid horizontal line. The signature is cursive and appears to read "William W. W. W.". The line extends to the right of the signature.

FAYETTE COUNTY COMMISSION  
REGULAR SESSION AND BOARD  
OF EQUALIZATION AND REVIEW  
FEBRUARY 14, 2003  
COURTHOUSE

FAYETTEVILLE, WV 25840

Present: Matthew D. Wender, John H. Lopez, Kenneth L. Eskew

The Fayette County Commission met in a regular session on this 14<sup>th</sup> day of February 2003.

Commissioner Wender called the meeting to order at 9:10 a.m.

The Commissioners signed a letter of appreciation to G. Lee Massey, thanking him for his years of service to the citizens of Fayette County as Administrator of the Fayette County Health Department.

The Commissioners signed a letter to the West Virginia Development Office requesting ninth drawdown for the Christians Helping Others Food Pantry, amount \$500.00.

The Commissioners signed a letter to Debbie Aliff, Payroll Clerk informing that effective February 18, 2003, Daniel Lee Jackson will be employed as a custodian on a 6-month probationary full-time basis at the Fayette County Courthouse at an annual salary of \$13,200 plus benefits.

Commissioner Lopez offered a motion to approve payroll and outstanding bills. Commissioner Eskew seconded. Unanimous.

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

The Commissioners received and reviewed a letter from Molloy Mining Company informing by notice dated January 13, 2003 to close all

Appalachian Mining, Inc. Operations in West Virginia and permanent lay offs of all employees due to a potential sale has been extended to a 14-day period beginning February 28, 2003 due to business requirements.

The Commissioners received and reviewed franchise tax fees from Charter Communications covering the period October 1, 2002 to December 31, 2002, amount \$8,596.77.

The Commissioners received and reviewed a check from Essex Communications, Inc. (\$10.00) for 911 Fees for the month of December 2002.

The Commissioners received and reviewed an Application for Employment from Shirley J. Harper.

The Commissioners received and reviewed a letter from Branch Banking and Trust Company indicating the securities held as of January 31, 2002 as collateral to secure the deposits of the Fayette County Commission.

The Commissioners received and reviewed a drawdown check from the West Virginia Development Office for the Flex E-Grant-Tourism Destination Feasibility Study, amount \$9,000.00.

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

The Commissioners received and reviewed correspondence from Steptoe and Johnson regarding Gary Skaggs lawsuit.

The Commissioners received and reviewed a claim from the Unemployment Compensation Division.

The Commissioners received and reviewed from the Department of

Military Affairs and Public Safety the State of West Virginia Homeland Security Terrorist Threat Conditions Planning Guidance that's been developed to supplement existing antiterrorism planning documents. A copy forwarded to David Neal, E911 Coordinator and Steve Cruikshank, OES Director.

The Commissioners received and reviewed a letter from St. Paul Fire and Marine Insurance Company informing the Commission they currently have terrorism coverage effective November 26, 2002 under their existing coverage.

The Commissioners received and reviewed notice from the Workers' Compensation Division informing coverage for acts of terrorism is already included in the current policy effective November 26, 2002.

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

The Commissioners received and reviewed a notice from the Internal Revenue Service informing that a Notice of Levy on Wages has been issued for Deputy Sheriff Pete A. Lopez. The original was forwarded to Debbie Aliff, Payroll Clerk and a copy forwarded to Sheriff Bill Laird.

The Commissioners received and reviewed an e-mail from the New River Convention and Visitors Bureau regarding information for Immediate Release Terrorism Preparing for the Unexpected. A copy forwarded to Steve Cruikshank, OES Director and David Neal, E911 Coordinator.

Commissioner Wender received and reviewed an e-mail from Kerri Conte regarding the West Virginia Container Recycling and Litter

Control Act of 2003 (aka the Bottle Bill).

The Commissioners received and reviewed an e-mail from Commissioner Wender asking that James Perdue, Maintenance Supervisor or Allen Ballard, custodian caulk the windows at the Fayetteville Library.

Discussion was held regarding the Dental and Vision Benefit Plan that the West Virginia Associates of Counties carry.

Commissioner Lopez asked Ms. Holly what she thought about the plan. Ms. Holly replied she felt it was expensive.

The Commissioners asked Ms. Holly to make copies of the West Virginia Association of Counties Dental/Vision Plan for them to review.

Ms. Holly asked Carl Harris, Assistant Prosecuting Attorney if he had any comments on the letter received from Boso and Boso, Inc.

Discussion was held, and Mr. Harris recommended to the Commissioners not to prepare the change order for the oil/water separator and not to respond to the letter. Mr. Harris recommended to not do anything and see what Boso and Boso, Inc. will do.

Ms. Holly informed the Commissioners that Earl Pauley, Park Superintendent, is waiting on Carl Harris, Assistant Prosecuting Attorney to review the Allegheny Power Limited Service Agreement.

The Commissioners signed a letter to Allegheny Power informing them that based upon their review of the Limited Service Agreement for gas service the commission requests the following: Verify in writing their approval of the County's request to delay the commencement of construction until late fall 2003; to clarify who pays for line



inspection if owned by the County and clarify responsibility for line maintenance and who pays associated costs if owned by the County.

The Commissioners signed a letter to the Equitable Gas Company informing them of the benefits they receive at the expense of the County by maintaining access to gas wells situated on county property.

The Commissioners also Equitable Company to provide gas free of charge to the park for as long as the gas wells located at the park are producing.

The Commissioners received and reviewed a letter from Kelvin Holliday, County Clerk, asking the Commission to approve his recommendation that Casto and Harris be awarded the book order bid for the fiscal year.

Commissioner Wender suggested calling Mr. Holliday and tell him that this does not need to be approved since this has already been included in his budget.

The Commissioners received and reviewed a letter from Mr. Holliday verifying that he transferred \$6,525.00 from his salary line item to an equipment line item to cover the cost of a Savin 2535 digital imaging system (copier) recently installed in his office.

The Commissioners approved and signed Zoning minutes of January 31, 2003.

The Commissioners received and reviewed a copy of the 2001-02 Audit Report from White Oak Public Service District.

The Commissioners received and reviewed notice from the Department of Military Affairs and Public Safety Office of Emergency Services informing that the award amount for grant reimbursement for

Steve Cruikshank, OES Director salary has been decreased by 25% due to non-compliance of reporting requirements.

The Commissioners approved an invoice received from Lee's Carpet for stair treads to the men's rest room downstairs, amount \$2,125.00.

The Commissioners received and reviewed a letter from the New River Convention and Visitors Bureau requesting permission to use the courthouse lawn, parking lots and main entrance for the 8<sup>th</sup> Annual Captain Thurmond's Challenge being held June 14, 2003.

Commissioner Lopez offered a motion to approve with the stipulation that no motor vehicles allowed on grounds. Commissioner Eskew seconded. Unanimous. Letter signed.

The Commissioners received and opened three bids for a Generator at the 911 Center; Walker Engine Power Company, amount \$21,850.00, Electro-Tech Service, Inc., amount \$20,480.00, and H. G. Carte Electric, Inc., amount \$24,575.00.

Commissioner Lopez offered a motion that David Neal, E911 Coordinator review the three bids and make a recommendation to the Commission at the next County Commission meeting. Commissioner Eskew seconded. Unanimous.

Ms. Holly informed the Commissioners that Harry Fuller with Plateau Printing was in and she told him of the type of letterhead to be printed for the Commission.

The Commissioners signed a letter to the Elected Officials informing that in an effort to draft a Fayette County Personnel Handbook, the Commission desires to form a committee consisting of the elected county officials or a designated senior member of their staff.

The Commissioners asked that the elected officials advise them in writing prior to February 27, 2003 who will serve on the committee to represent their office.

The Commissioners received and reviewed a fax from Vivian Parsons, Executive Director, County Commissioners' Association informing that SB-543 Managed Timberland Bill (to limit the number of acres in each county to 1000 acres per entity per county) was introduced in the Senate today.

Ms. Parsons sent a questionnaire for all the Assessor's to complete regarding managed timberland by Tuesday before noon so that they can organize it and present it at the meeting scheduled with the Senate President on Wednesday morning. Copy forwarded to Mary K. Weatherford, Deputy Assessor.

Ms. Parsons informed, the County Commissioners' Association needs this information to be able to point out to individual Senators what the managed timberland program is costing their particular district.

The Commissioners approved the outstanding bill's check register.

Commissioner Eskew moved to adjourn the regular County Commission meeting at 10:04 a.m.

The Commissioners reconvened as a Board of Equalization and Review at 10:05 a.m.

Commissioner Wender called the Board of Equalization and Review to order at 10:05 a.m.

Present were Richard Casey, Auditor, Tim Waggoner, Attorney, Molly L. McDade, GIS Analyst and Terry J. Hollingworth with the State Tax Department, Bill Keeney, Eddie Young, Assessor's Office and Carl

Harris, Assistant Prosecuting Attorney. Everyone was sworn in.

Bill Keeney representing W. R. Johnson Coal Company, Eagle Land, Imperial Colliery, Midvale Colliery and Kanawha-Gauley Coal and Coke.

Mr. Keeney informed the Commissioners that he would like to withdraw T. A. Deitz Estate, Kanawha-Gauley Coal and Coke, W. R. Johnson Coal Company and Eagle Land Company.

Mr. Keeney told the Commissioners that he is here for Imperial Colliery Company and Midvale Colliery Company.

Mr. Keeney told the Commissioners that he had several tracts that need to be discussed.

The State Tax Department and Mr. Keeney told the Commissioners they would discuss and make recommendations afterwards.

Commissioner Wender apologized to Tom Aiello, Assessor and asked if he or anyone in his office had any comments regarding this process.

Tom Aiello appeared before the Commission on behalf of the Fayette County Assessor's Office.

Mr. Aiello told the Commissioners he would like to direct to the Commissioners the on-going criticism he has expressed in past meetings and on many different occasions and circumstances to Jerry Wade and Don Hebb and to all the persons affiliated with the Natural Resources appraising method current being utilized by the Property Tax and Review.

Mr. Aiello told the Commissioners he personally feels that there are some terrible consistencies.

Mr. Aiello told the Commissioners that he's approached everyone in Charleston to complain about the methodology that's being employed,

complained to PVC, have employed an individual contractor to come and look at the methodology that's currently being utilized by the Department of Tax and Revenue at the Counties expense, was told they agree in concept with the Assessor's complaint but there is nothing on the books in the way of correcting the problem at this time.

Mr. Aiello told the Commissioners that the problems he has with some of the methodology that's being applied to valuation of reserved coal and other minerals have to do with just what we're witnessing here this morning.

Mr. Aiello told the Commissioners that when he is given the values from the Department of Tax and Revenue and he is supposed to notify taxpayers that these are the values that they can expect to see and they can expect to pay taxes on and then those value changes before the Assessor's Office can get the 10% notices out to the taxpayers, Mr. Aiello told the Commissioners he has a problem with that, Mr. Aiello told the Commissioners it is a violation of the law, when the letters go out the values that go out on those letters are supposed to be the values that we deal with.

Mr. Aiello told the Commissioners that when the glitch in the system occurs it makes it impossible for him to give numbers to the Commissioners that they could use to derive values from that they could operate this County.

Mr. Aiello told the Commissioners for this reason there are issues they need to pay very close attention to; and not summarily let the values fall where they may because what appears today could be an increase in value and when the hearings are over with there very well

might be a terrible decrease.

Mr. Aiello asked the Commissioners to watch very closely and he would continue to protest with the Department of Tax and Revenue and to the Property Valuation Training and Committee Procedure and anyone else that will listen.

Mr. Aiello told the Commissioners they will assist in anyway they can and he knows the representative from the State will do everything in their power to try and get these values as close to correct as they can.

Mr. Aiello told the Commissioners he just wanted this to go on record.

The State Tax Department and Bill Keeney informed the Commissioners they were ready to make recommendations.

Mr. Keeney informed the Commissioners they discussed the four biggest parcels, one for Midvale Colliery Company and three for Imperial Colliery Company. Core drill and maps have been provided to the State Tax Department.

Mr. Keeney informed the Commissioners that he has a list of parcels that were valued at \$600 to \$800 this year that was valued at \$150 last year, Mr. Keeney asked that the assessed values of these parcels be assessed the same as last years'.

Mr. Keeney presented the list to the Commissioners as Exhibit A (See attached).

Ms. Molly McDade informed the Commissioners that it is the recommendation of the State Tax Department that Midvale Colliery Company Parcel 03-10-5 appraised value be changed from \$226,000 to

\$200,551 and Imperial Colliery Company Parcel 03-10-6 appraised value be changed from \$46,000 to \$12,270, Parcel 03-17-3 appraised value be changed from \$93,000 to \$38,635, Parcel 03-17-2 appraised value be changed from \$92,824 to \$80,892, and the assessed values on Exhibit A be changed to \$150.00.

Commissioner Lopez offered a motion to review and take under advisement the four parcels and Exhibit A and a decision would be made prior to the end of the month. Commissioner Eskew seconded. Unanimous.

Attorney James Blankenship representing Nuttall, LLC appeared before the Commission with applications for Review of Property Assessments. Mr. Blankenship was sworn in.

Mr. Blankenship informed the Commissioners that Parcel 01-62M-0017-1.875 acres, Parcel 603472-0-144 (coal) and Parcel 603470-2 was double assessed, he talked with Eddie Young and was told that this would be taken care of by February 27, 2003.

Mr. Blankenship and the State Tax Department told the Commissioners they would discuss and make recommendations.

Commissioner Wender asked for a motion to reconvene at 1:00 p.m.

Commissioner Lopez offered a motion to adjourned Board of Equalization and Review hearing at 12:10 p.m. and reconvene this afternoon at 1:00 p.m. Commissioner Eskew seconded. Unanimous.

The Commission reconvened the Board of Equalization and Review at 1:00 p.m.

After the discussion with the State Tax Department and upon their recommendation, Mr. Blankenship informed the Commissioners that

Parcels 01-6031698 and 01-8029313 values of coal were improperly assessed. Core drill and maps were provided to the State Tax Department.

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

David Brewer, Eastern Associated Coal Corporation appeared before the Commission with an application for Review of property Assessment. Mr. Brewer was sworn in.

Upon the recommendation of the State Tax Department they approved of changing Parcel 03-51-1 from \$813,012 appraised value to \$470,915.

Commissioner Lopez offered a motion to take the State Tax Department recommendation under advisement and a decision would be made prior to the end of the month. Commissioner Eskew seconded. Unanimous.

George Angus, Western Pocahontas Properties appeared before the Commission with an application for Review of Property Assessment. Mr. Angus was sworn in.

Terry Hollingworth from the State Tax Department informed the Commissioners that after reviewing these parcels they found that they were below 30" seam parcels which are unmineable.

Mr. Hollingworth presented the list to the Commissioners to review. Commissioner Wender asked Mr. Hollingworth to read the list of parcels that needed to be changed.

Mr. Hollingworth read the following changes to the Commissioners: Parcel 01-6020735 change from \$10,784 to \$1,541, Parcel 01-6020744



change from \$8,964 to \$1,086, Parcel 016020762 change from \$1,046 to \$211, Parcel 01-6020780-3001 change from \$347 to \$15, Parcel 01-6020799 change from \$882 to \$62, Parcel 03-43-59 change from \$380 to \$81, change from \$11,286 to \$2,448, Parcel 03-6303653 change from \$2,941 to \$470, Parcel 03-6303662 change from \$1,099 to \$177, Parcel 01-6020708 change from \$2,258 to \$580, Parcel 01-6020664 change from \$3,619 to \$727, Parcel 01-9-22-3001 change from \$10,330 to \$9,108, and Parcel 01-5-1 change from \$5,233 to \$4,147.

Commissioner Lopez offered a motion that the Commissioners will take under advisement the State Tax Department recommendation and a decision would be made prior to the end of the month. Commissioner Eskew seconded. Unanimous.

Kathryn Harrell, Pocahontas Land Corporation appeared before the Commission with an application for Review of Property Assessment. Ms. Harrell was sworn in.

Ms. Harrell told the Commissioners the coal appraisal on this parcel is in duplication with Map 49, Parcel 1, therefore the appraised value of \$936,304 should be removed.

Mr. Hollingworth was in agreement that this parcel was doubled assessed.

Commissioner Lopez offered a motion that the Commissioners will take under advisement the State Tax Department recommendation and a decision would be made prior to the end of the month. Commissioner Eskew seconded. Unanimous.

Ron Elliott, Berwind Land Company appeared before the Commission with an application for Review of property Assessment. Mr. Elliott was

sworn.

Mr. Elliott told the Commissioners that Parcels 01-60-1, 09-6117463, and 01-9001251 was mined out.

After a discussion with the State Tax Department Ms. McDade recommended that Parcel 01-60-1 be changed from \$242,452 to \$42,910, Parcel 09-6117463 be changed from \$43,663 to \$1,039, and Parcel 01-9001251 be changed from \$9,055 to \$3,864.

Commissioner Wender asked the Commissioners if the secretary could be excused at 4:30 p.m. The Commission approved. Minutes will be taken from the tape recorded proceedings.

Mr. Gango, representing Lightning, Inc., Nancy J. Lively Estate, A. R. Cook Trust, Robert A. & Phyllis P. West et al, George F. Cook, Gretel Marie Lively, and Virginia Lively appeared before the Commission with applications for Review of Property Assessments. Mr. Gango was sworn in.

Mr. Gango and the State Tax Department told the Commissioners they would discuss and make recommendations.

After a brief discussion with the State Tax Department and upon their recommendation, Mr. Gango informed the Commissioners that Parcel 02-34-4 change from \$22,331 to \$1,100, Parcel 02-34-5 change from \$12,102 to \$1,456, Parcel 02-6201086-3002 change from \$4,007 to \$285, Parcel 0234-1-3002 change from \$93,350 to \$9,866, Parcel 02-34-1-3001 change from \$31,113 to \$3,288, Parcel 02-35-3 change from \$7,191 to \$5,141, Parcel 02-27-71-3001 change from \$26,059 to \$11,478, Parcel 02-27-71-3002 change from \$5,832 to \$2,918, Parcel 02-6257775 change from \$1,285 to \$105, Parcel 02-6221778 change from \$6,413 to \$507,

Parcel 03-8155499 change from \$763 to \$40, Parcel 03-6291620 \$1,228 to \$180, Parcel 03-6291648 change to \$4,948 to \$1,119, Parcel 02-6197055 change from \$1,727 to \$1,484, Parcel 02-8000183 change from \$739 to \$496, Parcel 02-6160619 change from \$1,526 to \$1,125, Parcel 02-6160593 change from \$4,211 to \$239, Parcel 02-6190819 change from \$3,894 to \$216, Parcel 02-6190864 change from \$2,194 to \$1,221 Parcel 02-35-67 change from \$2,843 to \$2,607, Parcel 02-6197073 change from \$1,099 to \$856, Parcel 02-6160628 change from \$1,035 to \$200, parcels were unmineable, maps were provided to the State Tax Department.

Commissioner Lopez offered a motion that the Commissioners would review and take applications under advisement and a decision would be made prior to the end of the month. Commissioner Eskew seconded. Unanimous.

The meeting was adjourned at 6:30 p.m. The next scheduled meeting is February 21, 2003.



FAYETTE COUNTY COMMISSION  
SPECIAL SESSION AND BOARD  
EQUALIZATION AND REVIEW  
FEBRUARY 21, 2003  
COURTHOUSE  
FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a special session on this 21<sup>st</sup> day of February 2003.

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

Exonerations were approved and signed.

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

Commissioner Lopez made a motion to go into Executive Session with Steve Cruikshank, OES Director to discuss personnel matter.

Commissioner Eskew seconded. Unanimous.

Upon returning from the Executive Session, Commissioner Eskew made a motion to reconvene the County Commission meeting.

Commissioner Lopez seconded. Unanimous.

Commissioner Wender informed the Executive Session was held to discuss a personnel matter in the Office of Emergency Services. No decision was made.

Dick Martin, City Manager for the City of Oak Hill appeared before the Commission to request that the Commissioners sign an order to take William Clagget Price out of the city limits.

Since the Attorney for the City of Oak Hill wasn't available, Carl Harris, Assistant Prosecuting Attorney told the Commissioners that since this had gone to the Circuit court and has been approved,

Mr. Harris recommended to the Commissioners to adopt the Circuit Clerk's Order and approve the boundary adjustment to remove Mr. Price out of the city limits.

Commissioner Lopez offered a motion to accept the order from the Circuit Clerk and approve the described property to be outside the boundaries of the City of Oak Hill. Commissioner Eskew seconded. Unanimous.

Steve Cruikshank appeared before the Commission to give an update on the FEMA claims.

Mr. Cruikshank informed the Commissioners that the first phase of funding for the Hazard Mitigation 322 Plan has been approved.

Mr. Cruikshank presented a Letter of Credit Payment Request for the first phase of funding for the Hazard Mitigation 322 Plan for the Commissioners to sign.

The Commissioners signed the letter of Credit Payment Request for the first phase of funding for the Hazard Mitigation 322 Plan, amount \$4,500.00.

Mr. Cruikshank told the Commissioners that the extension for the Animal Shelter has been approved.

Commissioner Wender asked Mr. Cruikshank to draft a letter to FEMA asking that they send a letter acknowledging the extension for the Animal Shelter and asked that they send a copy to the County Commission.

Mr. Cruikshank asked the Commissioners to hire a consultant to work on the Hazard mitigation Grant Flood Disaster Recovery Plan for three months, at 40 hours a week, contract basis.

Commissioner Eskew offered a motion to allocate \$8,000.00 to hire a consultant for the Hazard Mitigation Grant Flood Disaster Recovery Plan on contractual or hourly basis at Mr. Cruikshank discretion. Commissioner Lopez seconded. Unanimous.

The Commissioners asked Mr. Cruikshank to let them know by next Thursday who was hired.

Commissioner Lopez asked the Commissioners to approve writing a letter to our Legislative requesting their assistance to review and revise the WV Code 7-1-3u to allow county commissions to have direct authority to issue permits to allow persons to enter streambeds to treat streams to prevent floods.

Commissioner Wender asked for a motion to recess the County Commission meeting.

Commissioner Lopez offered a motion to recess the County Commission meeting at 10:58 a.m. to convene as the Board of Equalization and Review. Commissioner Eskew seconded. Unanimous.

The Commissioners convened as Board of Equalization and Review at 10:58 a.m.

Commissioner Wender informed that no hearings were scheduled and no one appeared at 10:00 a.m.

Eddie Young, Chief Tax Assessor, presented a comparison of appraised values of protested to the Commissioners.

Commissioner Wender asked Carl Harris, Assistant Prosecuting Attorney, if the Commission did not take the State's recommendation what would happen.

Carl Harris, Assistant Prosecuting Attorney told the

Commissioners, if the Commissions do not accept the State's recommendation on an appeal the Commission would have no basis and the Commission would not win.

Mr. Young told the Commissioners that Pocahontas Land Company plans to investigate before next year values on reduced parcel.

Commissioner Wender told the Commissioners it's his belief that the State would like to see the Fayette County Commission based on last years value should be benchmark.

Commissioner Wender told the Commissioners the appraised mineral values that reduced this year he would like to see last year value. Commissioner Wender suggested reviewing next year and changed them next year.

Carl Harris told the Commissioners it's the Assessor's job to establish assess property value and value of property not the Commission. Mr. Harris told the Commissioners that the Commission is here only to hear objections during Board of Equalization and Review.

Mr. Young told the Commissioners that Tom Aiello, Assessor, recommendation is to go with what the State has given us, otherwise the Commission has no data to support.

Commissioner Eskew offered a motion to approve values recommended by the State on the mineral values. Commissioner Lopez seconded. Unanimous.

Ms. Holly informed the Commissioners that Eddie Young's recommendation on Charles and Mary Bounds was to leave as \$24,200 appraised value.

Commissioner Lopez made a motion to accept the Assessors

recommendation of \$24,200 fair appraised value on Charles and Mary Bounds property. Commissioner Eskew seconded. All approved.

The Commissioners signed a letter to Charles Bounds informing of the Commission's decision as a Board of Equalization and Review for 2003 that the valuation of the following property will not be changed.

The Commissioners signed a letter to Nuttall, LLC informing of their decision as a Board of Equalization and Review for 2003 that the valuations of the following properties 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 01-6031698, Revised Appraised Value \$161,709 and Map/Parcel 01-8029313, Revised Appraised Value \$227.

The Commissioners signed a letter to Western Pocahontas informing of their decision as a Board of Equalization and Review for 2003 that the valuation of the following properties 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 01-6020735, Revised Appraised Value \$1,541, Map/Parcel 01-6020744, Revised Appraised Value \$1,086, Map/Parcel 01-6020762, Revised Appraised Value \$211, Map/Parcel 01-6020780-3001, Revised Appraised Value \$15, Map/Parcel 01-6020799, Revised Appraised Value \$62, Map/Parcel 03-43-59, Revised Appraised Value \$81, Map/Parcel 03-43-60, Revised Appraised Value \$2,448, Map/Parcel 03-6303653, Revised Appraised Value \$470, Map/Parcel 03-6303662, Revised Appraised Value \$177, Map/Parcel 016020708, Revised Appraised Value \$580, Map/Parcel 01-6020664, Revised Appraised Value \$727, Map/Parcel 01-9-22-3001, Revised



Appraised Value \$9,108 and Map/Parcel 01-5-1 Revised Appraised Value \$4,147.

The Commissioners signed a letter to Pocahontas Land Corporation informing of their decision as a Board of Equalization and Review for 2003 that the valuation of the following properties 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 03-43-58, Revised Appraised Value \$0.

The Commissioners signed a letter to Eastern Associates Coal informing of their decision as a Board of Equalization and Review for 2003 that the valuation of the following properties 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 03-51-1, Revised Appraised Value \$470,915.

The Commissioners signed a letter to Lightning, Inc., Nancy J. Lively Estate, A. R. Cook Trust, Robert A. & Phyllis P. West etal, George F. Cook, Gretel Marie Lively, and Virginia Lively informing of their decision as a Board of Equalization and Review for 2003 that the valuation of the following properties in question will be changed in accordance with the recommendation of the State of West Virginia of Tax and Revenue will be as follows: (See attached).

The Commissioners signed a letter to Berwind Land Company informing of their decision as a Board of Equalization and Review for 2003 that the valuation of the following properties 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 01-60-1,

Revised Appraised Value \$42,910, Map/Parcel 09-6117463, Revised Appraised Value \$1,039, Map/Parcel 01-9001251, Revised Appraised Value \$3,864.

The Commissioners signed a letter to Midvale Colliery Company informing of their decision as a Board of Equalization and Review for 2003 that the valuation of the following properties 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 03-10-5, Revised Appraised Value \$200,551.

The Commissioners signed a letter to Imperial Colliery Company informing of their decision as a Board of Equalization and Review for 2003 that the valuation of the following properties in question will be changed in accordance with the recommendation of the State of West Virginia of Tax and Revenue will be as follows: (See attached).

Commissioner Lopez offered a motion to adjourn the Board of Equalization and Review and reconvene for Board of Equalization and Review at 10:00 a.m. on February 27, 2003. Commissioner Eskew seconded. Unanimous.

Commissioner Lopez made a motion to go back in the regular County Commission meeting at 11:40 a.m. and adjourn for lunch. Commissioner Eskew seconded.

Commissioner Wender called the County Commission meeting to order at 12:45 p.m.

Attorney James Blankenship presented a deed (John L. and Gaynell Tolley) to be signed for the FEMA Hazard Mitigation Grant to the Commissioners.

Commissioner Wender informed the Commissioners that Congressman Nick Rahall had issued a Press Release announcing that Fayette County is to receive \$405,000 in Federal funds for the preparation of a countywide wastewater treatment plan.

The Commissioners reviewed the three bids they sent to David Neal, E911 Coordinator for recommendation on a generator for the 911 Center. Ms. Holly told the Commissioners the lower bid is Electro-Tech \$20,480, but Walker Engine Power Company informed that if the Commission approved their bid they will not charge for the temporary use of the rental of the generator. Ms. Holly told the Commissioners that the cost of the rental generator is \$1,400 if you deduct that from their bid the cost would be the same as Electro-Tech.

Commissioner Wender asked about the warranty with the bids. Ms. Holly told the Commissioners that Walker Engine Power Company has the better warranty.

Commissioner Eskew made a motion to approve and accept Walker Engine Power Company bid of \$21,850. Commissioner Lopez seconded. Unanimous.

Commissioner Wender asked Ms. Holly to ask Walker Engine Power Company if they would waive the charge for testing the generator.

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

The Commissioners received and reviewed a letter from Randall Boyd with the Upper Kanawha Valley Economic Development Corporation requesting additional funding in the amount of \$24,606 for the completion of the Upper Kanawha Valley Technology Office Building in

Montgomery, amount requesting from the Fayette County Commission is \$4,606. Mr. Boyd informed the Commissioners that Kent Carper and Dave Hardy members of the Kanawha County Commission have said they would try to ensure the \$20,000 to assist in the completion of the project.

Commissioner Lopez offered a motion to approve request of Upper Valley Kanawha Economic Development Corporation contingent that Kanawha County Commission comes up with the \$20,000. Commissioner Eskew seconded. Unanimous.

The Commissioners discussed a Parks and Recreation Commission.

Commissioner Wender told the Commissioners that Earl Pauley, Park Superintendent would run the Fayette County Park and Animal Shelter. Commissioner Wender suggested instead of a Parks and Recreation Commission make it Parks and Recreation Committee.

Commissioner Wender told the Commission that the Boomer Ballfield, Deepwater park would be under the Parks and Recreation Committee and Mr. Pauley will work with the Committee but not as an employee of the Parks and Recreation Committee.

Commissioner Wender asked that Charles Jones and Carl Harris be appointed members of the Fayette County Soldiers and Sailors Memorial Board to fill one seat from each Magisterial District.

Commissioner Wender asked that the appointments of the Fayette County Soldiers and Sailors Memorial Board and Parks and Recreation Committee be put on the agenda to discuss for February 27, 2003.

Commissioner Wender offered a motion to approve minutes of the County Commission meeting. Commissioner Eskew seconded. All approved.

Commissioner Wender asked that a letter be drafted to Danese Fire Department informing that the Commission would sign a ten-year lease with the Danese Fire Department for the use of the Danese Magistrate Deputy Detachment.

The Commissioners received and reviewed a letter from Sheriff William Laird informing he met with Patti Payne and certain members of the Board of Directors of C-PAC.

Sheriff Laird told the Commissioners that preliminary plans are being made to employ Stacy Workman to fill the dog Warden position, Ms. Workman employment would be effective March 1, 2003, annual salary \$16,200.00 plus benefits.

Sheriff Laird told the Commissioners he feels it's critically important for the animal control program to have and maintain a very positive working relationship with C-PAC and the animal shelter, for this reason he has deferred to the judgment of Patti Payne and C-PAC in their recommendation concerning the appointment and employment of Stacy Workman in the Dog Warden position.

The Commissioners signed letters to Senators Randy White, Shirley Love and Delegate David Perry, John Pino, Tom Louisos expressing their support of house Bill 2719 which would provide for the use of convict labor to maintain private and not for profit cemeteries.

Commissioner Lopez asked that a letter be written to Senators Shirley Love, Randy White, Delegates John Pino, David Perry and Tom Louisos requesting revision of West Virginia Code 7-1-3u for local authority by county commissions to issue permits to enter streams for stream treatment to prevent floods.

Ms. Holly told the Commissioners she received response from Paul Blake, Prosecuting Attorney, Kelvin Holliday, County Clerk, William Laird, Sheriff informing they will serve on the committee to draft a Fayette County Personnel Handbook and Thelma Kincaid, Circuit Clerk informing that her Chief Deputy Cathy Jarrett will be the designated person from her office.

Commissioner Wender told the Commissioners he would call John Witt and ask him to set up a meeting in April and asked Ms. Holly to remind Tom Aiello, Assessor that they needed his designee.

Commissioner Wender told the Commissioners that Michael Dougherty is to report back to the Commission regarding the Pay Scale Study.

The Commissioners received and reviewed a check from Verizon for 911 fees for the month of January, amount \$39,577.47.

The Commissioners received and reviewed Legislative Lineup and correspondence from the County Commissioners Association of West Virginia.

The Commissioners received and reviewed Certificate of Coverage from the Workers' Compensation Division effective from January 1, 2003 to May 31, 2003.

The Commissioners received and reviewed Weekly Fees collected from the Fayette County Animal Control Center for the week of February 7, 2003 to February 13, 2003, amount \$90.00.

The Commissioners received and reviewed from David Neal, E911 Coordinator 911 calls for the month of January 2003.

The Commissioners received and reviewed from the Sheriff of Raleigh County reimbursement for TRIDENT overtime for Deputy Garland

Burke for the month of November, amount \$1,215.00.

The Commissioners received and reviewed a fax from the County Commissioners' Association expressing their sympathy to Joe Coburn, Commissioner of Mercer County in the loss of his wife Almeda who passed away on February 18, 2003. The Commissioners signed a sympathy card.

Commissioner Lopez made a motion subject to the approval of the State Auditor as ex officio chief inspector of public offices hereby direct that the budget revisions for the General County and Coal Severance Funds be revised as shown on budget revision number 2. Commissioner Eskew seconded. Unanimous.

The Commissioners reviewed the draft from Plateau Printing for the Fayette County Commission letterhead. The Commission discussed putting on buff paper with blue print. No decision made.

The Commissioners signed a letter to Alison Chambers, Director, Family Law Masters, requesting reimbursement for rent in the amount of \$2,025 for the month of March 2003.

Ms. Holly told the Commissioners she received a letter from the State Auditor certifying the apportioned values of public utility property.

Ms. Holly told the Commissioners the apportioned value for Fayette County Fiscal year 2003-2004 is \$136,394,921 an increase from fiscal year 2003-2003 of \$559,428.

Discussion was held regarding the work Shane Lee Campbell done on the Fayette County Sheriff Department vehicles. Commissioner Wender asked if this should have been advertised. Commissioner Wender

suggested putting out bids the next time.

Ms. Holly informed the Commissioners that the majority of the new installation of the Computer System is completed.

Ms. Holly told the Commissioners she tried to get the Supreme Court to pay for the cost to extend the fiber optic cable to the Prosecuting Attorney's Office.

Ms. Holly told the Commissioners it would cost \$1500 to run fiber optic cable to the Prosecuting Attorney Office, \$600 to \$1000 additional cost to put a switch to give the Prosecuting Attorney Office access to the State Tax Department and the Circuit Clerk's Office computers.

Commissioner Lopez offered a motion to extend fiber optic cable to the Prosecuting Attorney's Office to have access to the State Tax Department and Circuit Clerk's Office computers. Commissioner Eskew seconded. Unanimous.

Ms. Holly asked the Commissioners if they wanted to approve the \$1,511 invoice for equipment maintenance from Data Design.

Commissioner Lopez offered a motion to pay Data Design invoice for equipment maintenance, amount \$1,511. Commissioner Eskew seconded. Unanimous.

The Commissioners asked that Sheriff Laird come in on February 27, 2003 at 11:15 a.m. to discuss Deputies back pay.

Carl Harris, Assistant Prosecuting Attorney told the Commissioners that any maintenance agreements received Ms. Holly should have copies of.

The Commissioners signed a letter to Senator Shirley Love



requesting his assistance in obtaining a copy of the Fayette County Airport study.

The Commissioners received and reviewed a letter from the Secretary of State to the County Clerk giving an outline on how the incorrect addresses for voters can be corrected.

Ms. Holly told the Commissioners that Robert D. Estep fell in the parking lot on February 18, 2003.

The Commissioners received from the Family Law Master a signed addendum dated the 6<sup>th</sup> day of January 2003 to the rental and lease agreement dated the 14<sup>th</sup> day of May 1993, and an addendum dated the 12<sup>th</sup> day of January 1996, the 29<sup>th</sup> day of July 1998 and the 1<sup>st</sup> of August 2000 with C & J Development Corporation, to provide for the increase in rent for the rental of office space for the purposes of housing the office of the Family Law Master.

The Commissioners received and reviewed from SunTrust Bank Pledge Statement as of January 31, 2003 representing securities pledged on behalf of the Fayette County Commission. 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 a copy of a letter to Debbie Aliff, Payroll Clerk from Paul Blake, Prosecuting Attorney, informing that effective February 14, 2003 he has added Marlana Fox to his staff in a secretarial position at an annual salary of \$14,000.00.

The Commissioners received and reviewed a letter from the US Bankruptcy Court regarding Dimac Corporation. Original to Tom

Woodrum, Chief Tax Deputy and a copy to Paul Blake, Prosecuting Attorney.

The Commissioners received and reviewed a letter from the National Institute for Chemical Studies regarding the Fayette County Brownfield Sites (a brownfield site is an abandoned, idle, or underused industrial or commercial property where redevelopment is complicated by environmental contamination or the perception of contamination).

The Commissioners received and reviewed a fax from David Neal, E911 Coordinator recommending that the Commission support Senate Bill 489-authorizing the parkways authority to provide wireless communication coverage.

The Commissioners received and reviewed an e-mail from Commissioner Wender requesting that David Neal, E911 Coordinator contact Walt Noyes regarding naming a road off of Pea Ridge Road.

The Commissioners received and reviewed the Community Development News #68 from Jim Anderson, USDA Rural Development. Copy forwarded to Dave Pollard, County Resource Coordinator.

The meeting was adjourned at 2:50 p.m. The next scheduled meeting is February 27, 2003.



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FAYETTE COUNTY COMMISSION  
REGULAR SESSION AND BOARD  
OF EQUALIZATION AND REVIEW  
FEBRUARY 27, 2003  
COURTHOUSE  
FAYETTEVILLE, WV 25840

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

The Fayette county Commission met in a regular session on this 27<sup>th</sup> day of February 2003.

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

Exonerations were approved and signed.

The Commissioners signed a letter as the Board of Equalization and Review for 2003 to Berwind Land Company advising them of a map/parcel error listed on their letter dated February 21, 2003.

Commissioner Eskew offered a motion to approve and sign a request to combine or divide and segregate land as submitted by the Assessor's Office. Commissioner Wender seconded. All approved.

Carl Harris, Assistant Prosecuting Attorney, told the Commissioners he had talked with Greg Boso of Boso and Boso on Tuesday and was told that if the Commission would agree to pay him \$2,000 he would replace the window at no cost.

Commissioner Eskew offered a motion to accept the offer of Boso and Boso to pay the \$2,000 for contracted services with the understanding that he would replace the window at no cost. Commissioner Lopez seconded. Unanimous. The Commissioners asked Mr. Harris to draft a letter informing Mr. Boso of the specifications the Commission is requesting for the replacement of the window.

Carl Harris told the Commissioners he reviewed the Mandatory Garbage Ordinance, needs to make some changes. Mr. Harris told the Commissioners he would talk with Larry Parsons regarding this matter.

The Commissioners received and reviewed a letter from Jack Thompson, Director of Personnel and Safety with the Fayette County Board of Education informing he reviewed the Memo of February 19, 2003, to Danny Wright, President of the Fayette County Board of Education.

Mr. Thompson informed the Commissioners he had shared lease information and terms with Gary Hough, Principal at Fayetteville Middle School, Manuel Domingues, Superintendent and Nancy Keffer.

Mr. Thompson informed the Commissioners they have reviewed their financial resources available for the Memorial Building and cannot agree to the \$57,000 annual rent. Mr. Thompson told the Commissioners they can go no higher than \$55,000 annually. All other terms outlined in the proposal are acceptable.

The Commissioners asked Carl Harris, Assistant Prosecuting Attorney to review and get back with the Commission.

Commissioner Lopez asked Mr. Harris if the County Commission should send letters to the property owners in which the Commission purchased through the FEMA Buy-Out Project confirming that under the FEMA regulations they would have to acquire other living accommodations.

Mr. Harris asked the Commission to find out the dates the properties were sold to the Commission and he will write the letter.

Commissioner Wender asked Carl Harris if there were in anyway the Commission could resolve their part claim with Mountain Laurel Resources. Mr. Harris told the Commissioners he would check into.

Karen Bounds appeared before the Commission on behalf of Peggy Coleman to ask that some kind of a speaker system be installed in the Recreation Hall at the Fayette County Park.

Commissioner Lopez told the Commissioners that he wouldn't agree to putting speakers in all the shelters.

Commissioner Wender informed that if Ms. Coleman wanted to bring a speaker in during their reunion he had no problem with that.

After a brief discussion, Commissioner Wender informed that pending Earl Pauley, Park Superintendent approval. The Commission gives their permission for Peggy Coleman to bring her own amplifier system for use inside the Recreation Hall only for brief announcements for one-day only.

The Commissioners asked Ms. Holly to have Mr. Pauley call Ms. Coleman as a follow-up.

Commissioner Wender informed the Commissioners he had asked Ray Londeree if would be interested in being appointed a member of the Fayette County Soldiers and Sailors Memorial Board and he said he would be willing to serve.

Commissioner Eskew told the Commissioners he had talked with John Witt and he is willing to serve.

Commissioner Wender asked that the appointment of the Fayette County Soldiers and Sailors Memorial Board and the appointment of Parks and Recreation Committee be put on the agenda for March 10, 2003.

Commissioner Wender suggested asking James Perdue, Allan Ballard, and Daniel Jackson, Maintenance Crew to do the scraping and painting around the Courthouse windows. Commissioner Wender asked Ms. Holly to have Mr. Perdue give the Commission an estimate on what it would cost.

The Commissioners asked Dave Pollard, County Resource Coordinator, to write a letter from the County Commission to Congressman Nick J. Rahall expressing their gratitude and appreciation

for his efforts in obtaining a federal budget appropriation to move the wastewater treatment plans forward.

The Commissioners asked that a letter be written to James Perdue, Maintenance Supervisor, and Allan Ballard, janitor expressing their appreciation for the outstanding work they did remodeling the old storage area in the basement of the Courthouse.

Ms. Holly informed the Commissioners she received one bid on the log sawing at the Fayette County Park.

The Commissioners asked Ms. Holly to have Earl Pauley, Park Superintendent review and advise the Commission of his recommendation of whether to saw the logs on-site or off-site and ask Mr. Pauley if this is a good price (\$.26 a board foot).

Ms. Holly informed the Commissioners that if we do it on-site, the contractor will have to provide copies of a valid business/contractors license, proof of workers' compensation and comprehension general liability insurance (naming Fayette County Commission as secondary insured).

Commissioner Lopez offered a motion for D. J. Lumber to contract sawing logs at the Fayette County Park contingent on the recommendation of Earl Pauley, Park Superintendent. Commissioner Eskew seconded. Unanimous.

The Commissioners received and reviewed from Attorney Phil Tissue, a Memorandum of Understanding between the New Haven Public Service District and the Fayette County Commission received an Appalachian Regional Commission Grant to extend its System to serve additional customers in the Saturday Road/Horseshoe Creek area. This grant is to be administered by Region 4 Planning and Development Council.

Commissioners Lopez offered a motion to sign the Memorandum of Understanding Agreement between the New Haven Public Service District and the Fayette County Commission. Commissioner Eskew seconded. Unanimous. Agreement signed. Original returned to Attorney Phil Tissue.

Commissioner Wender presented to the Commissioners minutes to be approved.

Commissioner Eskew made a motion that the minutes be approved. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to approve outstanding bills and payroll. Commissioner Eskew seconded. All approved.

The Commissioners received and reviewed a letter from Judge John Hatcher, Jr. requesting the Commission's permission to purchase a 19-inch, electronic condenser with a 3-year warranty, cost \$325.00 for microphone, the adapter to mount the microphone cost is \$25.00 for the Courtroom.

Ms. Holly informed the Commissioners she talked with John Witt and he informed her he could get it cheaper, all he needs was the model number. Ms. Holly told the Commissioners she did tell Judge Hatcher's secretary to pass this information to Judge Hatcher. Ms. Holly told the Commissioners that the Judge needs to get with Mr. Witt to discuss.

Commissioner Wender offered a motion that John Witt replaces the microphone in the courtroom amount not to exceed \$500.00. Commissioner Eskew seconded. Unanimous.

Sheriff Bill Laird appeared before the Commission to discuss the Deputies back pay.

Sheriff Laird told the Commissioners the cost would be \$49,000,

and he would pay \$19,000 from the Concealed Weapon fund and \$30,000 from the Excess Levy Fund.

Sheriff Laird informed the Commissioners no matters have been filed before the Civil Service Commission and he proposed to the Commissioners that in the best interest of the taxpayers to release to the individual deputies the back pay owed.

Commissioner Lopez offered a motion to pay the back pay to the deputies, amount \$49,000; \$30,000 to be paid from the Excess Levy Fund, and \$19,000 to be paid from the Concealed Weapon Fund, and the Prosecuting Attorney to draft a release for each individual deputy to sign, this is to be paid the second half of March. Commissioner Eskew seconded. Unanimous.

Sheriff Laird told the Commissioners he is checking into the expenditures regarding the Regional Jail cost for Budget, will have something for March 3.

Commissioner Wender asked Ms. Holly to get with the Sheriff as soon as possible to discuss.

Commissioner Lopez offered a motion to adjourn at 12:05 p.m. for lunch. Commissioner Eskew seconded.

Commissioner Wender called the Board of Equalization and Review to order at 1:00 p.m.

Commissioner Wender informed that there were no hearings scheduled and asked Ms. Holly and Eddie Young if they have any questions or comments.

Ms. Holly told the Commissioners that notices have been signed and sent to all the property owners protesting their tax rates.

Mr. Young told the Commissioners he had questions or comments.

The Commissioners signed an 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 the record shows the complete valuation and assessment of the land of Fayette County for the year 2003.

Mr. Holly informed the Commissioners she received an invoice from Software System for the purchase of the Computer System for the Courthouse, amount \$151,085.11.

Ms. Holly told the Commissioners she received from Tom Aiello, Assessor, \$75,000 from the PVC Fund to help offset the cost of the computer system, the balance is to be financed. Ms. Holly told the Commissioners that there would be an additional \$8,000 monthly fee.

The Commissioners approved an additional on-going \$8,000 monthly fee.

The Commissioners received and reviewed e-mails from Commissioner Wender to Gene Kistler regarding the Wolf Creek Environmental Trust Annual Stakeholders Meeting, an e-mail to Doug Hurst regarding plants around the animal shelter, and an e-mail to Ms. Holly regarding Record Imaging, and an e-mail to Ms. Holly informing her of the new toll-free number to the Upper Kanawha Valley Economic Corporation.

The Commissioners received and reviewed from the Fayette County Animal Control Center Weekly Fees collected February 14, 2003 to February 20, 2003, amount \$95.00.

The Commissioners received and reviewed from the County Commissioners' Association of WV updates and Legislative Line-up Final Bills introduced.

The Commissioners received and reviewed a check from the West Virginia Development Office for Legislative Digest Grant 02-474, Fayette County Sheriff's Department, amount \$1,856.00.

The Commissioners received and reviewed from Charter Communications franchise tax remittance covering the period from January 1, 2002 to December 31, 2002, amount \$1,551.99.

The Commissioners received and reviewed from Charter Communications franchise tax remittance for the Town of Fayetteville. Ms. Holly told the Commissioners she forward this to the Town of Fayetteville February 25, 2003.

The Commissioners received and reviewed two notices to Debbie Aliff, Payroll Clerk from James Perdue, Maintenance Supervisor asking that one day wage be deducted from Robert Williams check, unable to work February 24, 2003 due to car trouble and one day wage is deducted from Robert Williams check for February 26, 2003, due to back injury.

The Commissioners received and reviewed a notice from James Perdue, Maintenance Supervisor, informing that he received a call from Robert Williams informing that he is under doctors care, will not be able to return to work until March 6, 2003.

The Commissioners received and reviewed a letter from Senator Shirley Love responding to their inquiry pertaining to Fayette County's opportunities for a future airport facility.

Senator Love informed the Commissioners that he enclosed correspondence from Susan V. Chernenko, Director of West Virginia Aeronautics Commission.

Senator Love told the Commissioners that due to the 911 tragedy the statewide airport system plan was delayed and will not be completed until approximately May 2003.

Senator Love told the Commissioners he can arrange for Ms. Chernenko and other aeronautics officials to give an overview after the completion of the statewide commission plan.

Commissioner Wender and Commissioner Eskew will be attending the opening ceremony of the Ben Argento Basketball League Fun Day being held March 1, 2003.

The Commissioners received and reviewed from Attorney James Blankenship two updates of buyouts on the FEMA Project.

Ms. Holly presented overtime for James Perdue, Maintenance Supervisor to the Commissioners.

Commissioner Lopez offered a motion to approve overtime for James Perdue. Commissioner Eskew seconded. Unanimous.

Commissioner Lopez asked Ms. Holly to talk with James Perdue regarding Robert Williams and get back with the Commission on Monday, March 3.

The Commissioners received and reviewed a fax from Otis Elevator with a proposal to install a Key-Operated Stop Switch to replace the existing push/pull or toggle style switch at the Courthouse Annex, the cost \$395.00, labor and materials included.

Commissioner Eskew offered a motion to approve modification to install Key-Operated Stop Switch at the courthouse Annex, cost \$395.00. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from Tom Aiello, Assessor, informing he will serve on the committee formed by the County Commission to draft a Personnel Handbook for the employees.

Commissioner Lopez informed the Commissioners that Upper Kanawha Valley Economic Corporation has not received anything from the Kanawha County Commission regarding their request for additional funding for the completion of the Upper Kanawha Valley Technology Office.

The Commissioners received and reviewed a letter from the West Virginia State Agency for Surplus informing they will be receiving

approximately 270 state-owned vehicles by the end of March as part of the Governor's Vehicle Reduction per Executive Order 1-03. Copy forwarded to Sheriff Bill Laird and Earl Pauley, Park Superintendent.

The Commissioners reviewed a letter dated February 25, 2003 sent to Senators Shirley Love, Jeffrey Kessler, Chair, Randy White and Delegates John Pino, David Perry, and Thomas Louisos asking their strong support for the County Commissioners' Association legislative agenda and respectfully requesting their help in passing Senate Bill 544 which deals with annexation equalization and Senate Bill 598/House Bill 3127 which addresses' equity in regional jail costs.

The Commissioners reviewed letters dated February 24, 2003 to Vivian parsons, Executive Director, County Commissioners' Association attaching a copy of a letter to our local legislators requesting revision of WV Code 7-1-3u for local authority by county commissioners to issue permits to enter streams for stream treatment to prevent floods.

The meeting was adjourned at 1:40 p.m. The next scheduled meeting is March 3, 2003.



FAYETTE COUNTY COMMISSION  
SPECIAL SESSION  
MARCH 3, 2003  
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a special session on this 3<sup>rd</sup> day of March 2003.

Earl Pauley, Park Superintendent, appeared before the Commission to discuss his budget for Fiscal Year 2003-2004. Present was Sheriff William Laird.

Mr. Pauley told the Commissioners he will cut the maintenance budget, eliminate the vehicles that cost too much to maintain.

Commissioner Lopez asked Sheriff Laird how many prisoners do Gayle Koone and William Webb transport.

Sheriff Laird replied normally they transport three to four prisoners.

Mr. Pauley told the Commissioners the Garage Budge salary wages and extra help wages, maintenance repair, auto supplies basically stay the same.

Mr. Pauley told the Commissioners that under Capital Outlay Dan Pauley needs a 1200 lb. closed front flat deck four port lift, cost \$3,829.00.

Mr. Pauley told the Commissioners that the Park salary wages, employees overtime and part-time wages have increased.

Mr. Pauley told the commissioners he is requesting three maintenance workers for the summer at \$5.5 an hour, 2 Certified Pool Operators (CPO) standard pay at \$6.21 to \$8.25 an hour to work 12 weeks.

Commissioner Wender asked Mr. Pauley to run an ad in the paper for lifeguards and let them know that CPO training courses will be available.

Mr. Pauley told the Commissioners he is requesting under Capital Outlay for a Park mower, (\$1,950), pump for pool, tractor, and rental of a pump (4 times @ \$610.00).

Mr. Pauley asked for two cash registers, and one with a scanner informed the Commissioners he had two bids.

The Commissioners thanked Mr. Pauley for his cooperation and asked for his continued support.

Diane Meadows, Family and Consumer Service Agent with the West Virginia University Extension Office appeared before the Commission to discuss the budge for the Fiscal Year 2003-2004.

Ms. Meadows introduced David Snively and Brian Westfall of the WVU Extension Service in Morgantown.

Ms. Meadows told the Commissioners there is no change in the clerical wages, Fringe Benefits increased, Agriculture Salary \$12,000, travel no change.

Commissioner Wender asked Ms. Meadow if the County would get a credit on counties contribution since there were no agents during last year fiscal year.

Mr. Snively replied to Commissioner Wender they would credit the Commission for this.

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

Kelvin Holliday, County Clerk appeared before the Commission to discuss his budget for Fiscal Year 2003-2004.

Mr. Holliday told the Commissioners that there are no changes in the office salaries, included in his budget the PERS increase, a full-time employee, requests to purchase a slide projector for Election use and a micro-wave oven.

Mr. Holliday presented a proposal from Frank DeMarco, Store Engine regarding a record back up in the County Clerk's Office to the Commissioners.

The Commissioners thanked Mr. Holliday and asked for his continued support.

Dave Pollard, County Resource Coordinator appeared before the Commission to and presented his budget for the Fiscal Year 2003-2004.

The Commissioners signed a letter to Congressman Nick J. Rahall expressing their gratitude and appreciation for his efforts in obtaining a federal budget appropriation to move their wastewater treatment plans forward.

Thelma Kincaid, Circuit Clerk, appeared before the Commission to discuss her budget for Fiscal Year 2003-2004.

Ms. Kincaid told the Commissioners she included in her budget, a \$100 salary increases for her employees, included the PERS increase in her budget.

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

The Commissioners received and reviewed a letter from the Beckley Newspapers requesting the use of the Fayette County Memorial Building on November 18, 2003 for the U. S. Army Field Band. The Commissioners approved.

The Commissioners asked Ms. Holly to call John Witt and asked

Commissioner Eskew to call the Beckley Newspapers to see about moving the concert to November 11, 2003 to coordinate the Veteran's Day Program in with the concert.

The County Commission meeting was adjourned at 11:55 a.m.

The County Commission meeting reconvened at 1:15 p.m.

Ms. Holly presented the balance of the budget as of June 1998 to 2002, the actual expenditures as of February 28, 2003 and the Trial Balance as of December 31, 2002 to the Commissioners.

The Commissioners signed Resolution in support of a Container Law for West Virginia where consumers would pay a deposit on containers which are refunded when they return them.

The Commissioners received and reviewed a letter from the Fayette County Health Department recommending that Robert Gilliam, a Republican of Smithers fill the vacancy created by the deceased Robert J. Stephens. The Commissioners said they would review.

The Commissioners received and reviewed a letter from the State Auditors Office confirming they will audit the general purpose financial statements of the Fayette County Commission as of and for the year ended June 30, 2002. The commissioners signed the response.

The Commissioners received and reviewed from the Internal Revenue Service a Notice of Levy on Wages, Salary, and Other Income on Pete A. Lopez, amount \$16,710.25.

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

Commissioner Wender received a travel expense check from the Central Appalachia Empowerment Zone (CAEZ) for \$48.00. Commissioner Wender asked that this check be marked void and returned.



The Commissioners signed invoices for the confinement of inmates at the Southern Regional Jail for the Town of Fayetteville (\$45.00) and the City of Oak Hill (\$675.00) for the month of January.

The Commissioners received and reviewed a reimbursement check for the Law Enforcement Funds to deposit in the General County Fund, amount \$175.73.

Sheriff William Laird appeared before the Commissioners to discuss his budget for Fiscal Year 2003-2004.

Sheriff Laird presented a thorough presentation of his budget for Fiscal Year 2003-2004 to the Commissioners.

Sheriff Laird informed the Commissioners he has included the PERS increase, requesting the mandatory longevity increase for Law Enforcement, five vehicles will work with Earl Pauley, Park Superintendent to address the motor fleet needs under the Surplus Contract bid fleet less than \$20,000.00, request to continue Hepatis B vaccination, requests roof replacement at Road Office, additional funding for the Animal Shelter.

Sheriff Laird talked to the Commissioners about the Regional Jail Expenses, Sheriff Laird told the Commissioners since 1994 the per diem rate has had four increases over the past nine years.

Sheriff Laird told the Commissioners in Fiscal Year 2002 the actual expense for the housing of Fayette County inmates at the Southern Regional Jail totaled \$725,257.25 or a 33% increase in expenses over the prior Fiscal Year, in Fiscal Year 2003, current projection will likely total \$784, 080.00 by the end of the year.

Sheriff Laird told the Commissioners they should consider an alternative program.

Sheriff Laird discussed with the Commissioners the Home Confinement program.

Sheriff Laird told the Commissioners that in seeking to determine what responsible options may be available for the stabilization and reduction of the growing expenditures, he presented to the Commissioners a report. Sheriff Laird told the Commissioners that one option that may be available for our county would be the possible establishment of a Community Corrections Program.

Sheriff Laird told the Commissioners they need to move forward with this program.

The Commissioners asked Sheriff Laird to draft a letter to the Judges, Magistrates and the Prosecuting Attorney and inform them of the increase cost for the confinement of inmates at the Southern Regional Jail and ask that they review the report for purposes of providing the Commission with their thoughts and ideas concerning the possible establishment of a community correction program in Fayette County and in the next few days, the Commission would like to schedule a meeting to fully review and discuss the potential of establishing such a program.

The Commissioners thanked Sheriff Laird for his cooperation and asked for his continued support.

Tom Aiello, Assessor, appeared before the Commission to discuss his budget for the Fiscal Year 2003-2004.

Mr. Aiello informed the Commissioners he is requesting a \$75 to a \$100 pay increase for his employees, asked the Commission to look at absorbing the 13% PEIA increase, included the PERS increase in his budget.

Mr. Aiello asked the Commissioners if they would take a serious look at the Dental/Vision Plan that the West Virginia Association of Counties have in place, cost \$20 per individual and \$59 per family. Mr. Aiello told the Commissioners this is a good plan.

The Commissioners thanked Mr. Aiello for his cooperation and asked for his continued support.

Paul M. Blake, Jr., Prosecuting Attorney, appeared before the Commission to discuss his budget for Fiscal Year 2003-2004.

Mr. Blake informed the Commissioners that since the calendar year 2002 Magistrate Court work has increased tremendously in his office.

Mr. Blake told the Commissioners that the money he has for an investigator he would like to use to hire an assistant.

Mr. Blake told the Commissioners he's asking \$75.00 a month raise for his secretaries, decreased expenditures in training and education, extra help etc., included the PERS increase in his budget.

The Commissioners thanked Mr. Blake for his cooperation and support.

The Commissioners approved to have a Budget hearing on March 7, 2003 at 9:00 a.m.

James Perdue, Maintenance Supervisor, introduced Daniel Jackson, the new janitor for the Courthouse to the Commissioners.

Commissioner Eskew offered a motion to adjourn at 3:50 p.m. Commissioner Lopez seconded. Unanimous.

The next scheduled meeting is March 2, 2003.



FAYETTE COUNTY COMMISSION  
SPECIAL SESSION  
MARCH 7, 2003  
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a special session on this 7<sup>th</sup> day of March 2003.

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

Commissioner Lopez offered a motion to approve outstanding bills. Commission Eskew seconded. All approved.

Ms. Holly told the Commissioners she received a response from Judge John Hatcher concerning the microphone he would like to purchase for the Court Room. Ms. Holly told the Commissioners she would pass this information to John Witt.

The Commissioner received and reviewed a response from Judge John Hatcher regarding convening a meeting to discuss Sheriff Bill Laird's "concept document" concerning community corrections.

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

The Commissioners received and reviewed a letter from Senator C. Randy White acknowledging receipt of the County Commission 2003 Budget Digest Request forms and would be delighted to submit these request on behalf of the Commission.

The Commissioners received and reviewed from the Fayette County Animal Control Center/C-PAC Weekly Fees collected for February 21, 2003 to February 28, 2003, amount \$185.00, and March 1, 2003 to March 6, 2003, amount \$510.00, Activity Report for the month of February, and Monthly Revenue Report for the month of February.

Ms. Holly told the Commissioners that Virgil Berry with the American Red Cross Fayette Chapter stopped in to get the Facility Agreement signed for the use of the Fayette County Memorial Building to be used temporarily by the American Red Cross as an emergency disaster facility.

Ms. Holly informed the Commissioners she had asked Mr. Berry to get Steve Cruikshank, OES Director to sign but he was unavailable, Ms. Holly signed the Agreement. The Commissioners approved.

Randy Housh appeared before the Commission to request \$800 for personnel expenses owed to LifeBridge.

Mr. Housh told the Commissioners they had cut back on the staff and had to bring one person back to work.

Mr. Housh explained to the Commissioners that they were told that the money could be used for staffing, but when the Flood Recovery Team requested the last drawdown they were told that the funding could only be used for housing and debris removal. The West Virginia Give money could not be used for personnel expense.

Mr. Housh told the Commissioners that the Fayette County Flood Recovery Team still has some limited funds but it can only be used for housing and debris removal.

Commissioner Lopez offered a motion to approve \$800 to the Fayette County Flood Recovery Team for personnel expenses owed to LifeBridge. Commissioner Eskew seconded. Unanimous.

Commissioner Wender asked where would this money go? Mr. Housh replied it would go to the Fayette County Recovery Team they would forward to LifeBridge.

Ms. Holly informed the Commissioners she received a fax from

David Neal, E911 Coordinator informing that Walker Engine Power will offer a total of \$550.00 for the used 40KW generator located at the Fayetteville OES office, this costs include all labor, freight and material used in removing existing equipment. The Commission approved.

The Commissioners received and reviewed correspondence from Steptoe and Johnson regarding Gary Skaggs lawsuit.

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

The Commissioners received and reviewed an invoice from the Division of Water and Waste Management for the Groundwater Protection Fee and the WVUIC Annual Permit Fee for the Fayette County Park, amount \$181.50. Original forwarded to Earl Pauley, Park Superintendent.

The Commissioner received and reviewed a fax from Frank DeMarco with Storage Engine forwarding a copy of the West Virginia Archives and History Records Management and Presentation Board State Code.

The Commissioners received and reviewed Application for Employment from Thomas J. Radford, Jr.

The Commissioners received and reviewed a copy of a letter from Patti Payne, Director, Fayette County Animal Control Center to Sheriff William Laird informing that Stacy Workman will not assume the Dog Warden position on March 1, 2003, she will give her written resignation as Kennel Worker to the Fayette County Animal Control Center on March 21, 2003, and will assume the position as Fayette County Dog Warden on April 1, 2003.

The Commissioners received and reviewed Shelter Rental and Cabin

Rental Agreements from the Fayette County Park.

The Commissioners received and reviewed a check from Z-Tel Communication, Inc. (\$4.00) for 911 Fees for the month of January.

The Commissioners received and reviewed a check from the West Virginia Development Office for Legislative Digest Grant #02-470 Christians Helping Others Food Pantry, amount \$500.00.

The Commissioners received and reviewed an invoice from Randy Housh, Housing Consultant to the West Virginia Housing Development Fund for consulting fees and travel for the month of February, amount \$3,465.00.

Ms. Holly told the Commissioners that Julia Bolen, Auditor would be here this morning, her office will be downstairs in the computer room.

The Commissioners received the Greenbrier Pipeline Project Final Environmental Impact Statement.

The County Commission meeting was adjourned at 9:55 a.m.

The Commission reconvened as a Budget Work Session to work on the Budget for Fiscal Year 2003-2004.



FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
MARCH 10, 2003  
COURTHOUSE  
FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 10<sup>th</sup> day of March 2003.

Commissioner Wender called the meeting to order at 9:10 a.m.

Exonerations were approved and signed.

Commissioner Wender made a motion that minutes be approved.

Commissioner Eskew seconded. Unanimous.

Commissioner Eskew made a motion that outstanding bills and payroll are approved. Payrolls are to be released Friday.

Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to appoint Thomas Morgan to fill the unexpired term of the deceased Robert Stephens on the Fayette County Board of Health. Commissioner Eskew seconded. Unanimous.

David Neal, E911 Coordinator, appeared before the Commission to discuss his Budget for Fiscal Year 2003-2004.

Mr. Neal informed the Commissioners that due to the turnover in the part-time/full-time area and the projected net collections of \$637,000.00 including the Alarm System calls, Mr. Neal is asking for a wage increase.

Mr. Neal asked to increase the probationary part-time to \$7.00 and asking for across the board pay raises for full-time employees.

Commissioner Lopez told Mr. Neal the Commission would take under advisement.



Commissioner Wender asked Mr. Neal to make a list of the employees current pay and proposed pay increases.

Mr. Neal told the Commissioners the projects that needed to be completed: Emergency replacement of the generator at the 911 Center, remodeling the dispatched room to facilitate installation of the dispatch consoles that were donated by the American Electric Power Company.

Commissioner Lopez made a motion to approve a cap of \$4,000 to remodel the dispatch room to facilitate installation of the dispatch consoles for the 911 Center. Commissioner Eskew seconded. Unanimous.

Mr. Neal informed the Commissioners it would cost \$150,000 to upgrade dispatch portions of the 911 equipment. Mr. Neal told the Commissioners there are grants out there that are available to assist with this.

Mr. Neal told the Commissioners that on the 24<sup>th</sup> of March a representative would be here to demonstrate the computer aid equipment at the 911 Center.

Ms. Holly asked Mr. Neal to have an update on mapping/addressing.

Jerry Smith, Meadow Bridge, John Stafford with Stafford Consultant and Audra Blackwell with the Public Service Commission appeared before the Commission to inform them they had met with the Danese Public Service District and the Town of Meadow Bridge regarding supplying water to the Beelick Knob area.

Ms. Blackwell told the Commissioners that the Danese Public Service District has agreed to sell water to the Town of Meadow Bridge so that they can provide water to the people of the Beelick Knob area.

Ms. Blackwell told the Commissioners that the Danese Public Service District would agree to sell water through a master meter connecting to the water main on Alaska Mountain at the point where the water main ends.

The Commissioners asked David Pollard to draft a letter to Sandra Squire, Executive Secretary with the Public Service Commission to inform her of the Danese Public Service District and the Town of Meadow Bridge decision.

The Commission received/reviewed and approved allotment of \$10,526.73 to C-PAC for the month of March.

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

The Commissioners signed a letter to the West Virginia Development Office requesting tenth-drawdown for the Christians Helping Others Food Pantry, amount \$500.00.

Ms. Holly told the Commissioners she received notice from the West Virginia Development Office informing that the legislative digest grant contracts for the Harlem Heights Fire Hydrants (00CPGP0127), Sewer Treatments (00CPGP0170), Sheriff Department (00CPGP0183), and Marquis Statue (00CPGP0308) will expire on June 30, 2003.

Ms. Holly told the Commissioners she has prepared letters to each sponsor informing them of the expiration and asked that they provide the Commission with a status report of the project and/or documentation of paid invoices for reimbursement from the grant. Ms. Holly told the Commissioners expenses incurred after June 30, 2003 will not be considered for reimbursement.

The Commissioners signed letters to Dianna Smallwood (Harlem Heights Fire Hydrants, \$5,000), David Pollard (Sewer Treatment, \$5,500), Sheriff William Laird (Sheriff Department, \$10,000) and Danny Wright (Marquis Statue, \$10,000).

Larry Parsons, Dave Wood, Bill Toney, Don Plumley, members of the Fayette County Solid Waste Authority and Carl Harris, Assistant Prosecuting Attorney was present to discuss the Fayette County Solid Waste Authority plans for enforcing Mandatory Garbage Disposal.

Commissioner Wender asked Mr. Parsons to give an update.

Mr. Parsons told the Commissioners he was here for guidance.

Carl Harris, Assistant Prosecuting Attorney told the Commissioners he has gone through the draft of the Mandatory Garbage Enforcement Plan and has made some changes. Mr. Harris told the Fayette County Solid Waste Authority members and the Commission that he has reviewed the Code and in the Regulations there is no mention that the County Commission has to regulate the Mandatory Garbage Guidelines it's all up to the Solid Waste Authority.

After a brief discussion, Mr. Parsons informed the Commission that the Fayette County Solid Waste Authority will go with the draft for the Mandatory Garbage Proposal.

Angie Sleeth, with Region 4 Planning and Development Council presented a request for payment for the Small Cities Block Grant New Haven Public Service District Water Extension Project Contract #13, amount \$5,318.67 to the Commissioners.

Commissioner Lopez offered a motion to approve and authorize the payment of services. Commissioner Eskew seconded. Unanimous.

Resolution signed.

Robert Culp appeared before the Commissioners to complain about junk cars, septic tanks and dogs in the Pax Branch Road area. Commissioner Wender asked Ms. Holly to contact Phil Perone, Sanitarian with the Fayette County Health Department regarding the sewer problem.

The Commissioners signed a letter to James Perdue, Maintenance Supervisor and Allan Ballard, janitor expressing their appreciation for the outstanding work that they did remodeling the old storage area in the basement of the Courthouse.

The Commissioners signed a letter to the West Virginia Development Office requesting fifth drawdown for the Fayette County Soccer Association, amount \$1,257.29.

The Commissioners received and reviewed an anonymous copy of a Notice to All Property Owners asking the Commission to review.

The Commissioners received and reviewed a letter from C-PAC, Inc. Board of Directors requesting approval for the new Fayette County Dog Warden Stacy Workman to attend the National Animal Control Association Academy training being held April 7-11, 2003, tuition fee \$475.00 and accommodation are \$74.00 per night.

Commissioner Wender asked that this be taken out of the C-PAC allocations they receive from the Commission.

Commissioner Lopez offered a motion to approve and authorize C-PAC to take out of their allotment provided it's within their budget for Stacy Workman to attend the National Animal Control Association Academy Training. Commissioner Eskew seconded. Unanimous.

Ms. Holly informed the Commissioners she talked with Earl Pauley,

Park Superintendent regarding recommendations of whether to saw the logs on-site or off-site and regarding the contractor providing a valid business/contractor license and proof of workers compensation but she has not heard from Mr. Pauley.

The Commissioners received and reviewed a letter from the St. Paul's Property and Liability informing the claim received on April 22, 2002 (Kenneth Young and Stephanie Young) involving Officer Mark Webb has been concluded.

The Commissioners received and reviewed a letter from the West Virginia Development Office informing they are unable to accommodate the request from the 2002 allocations for the application regarding Page-Kincaid Public Service District Ingram Branch Sewer Extension-SALS Dormitory Annex/Courthouse Elevator.

The Commissioners received and reviewed a fax from Commissioner Wender to Ronald Elliot requesting information on how he could contact Chuck Kurzna to prepare a property description for the property at Minden bottom that would be used for a park.

Commissioner Wender told the Commission that Berwind Land Company wants a survey of the donated property and Carl Harris, Assistant Prosecuting Attorney will prepare the deed. Commissioner Wender to meet with Berwind Land Company and get cost.

The Commissioners received and reviewed an invoice from St. Paul for \$442.37 for the attorney they assigned in the Debbie Aliff/Kelvin Holliday lawsuit. A copy forwarded to Kelvin Holliday, County Clerk.

The Commissioners received and reviewed a letter from the Committee to Commemorate the Annual Children's Memorial Flag Day

requesting permission to fly the flag on April 25, 2003. The Commission approved. Contact person for Fayette County is Sherry Clayton.

Ms. Holly asked the Commission if they wanted to discuss the Memorial Building Committee or the Park and Recreation Committee. Commissioner Wender suggested holding until Commission Lopez can get a person from the Valley District to be appointed.

Discussion was held regarding hiring Allan Ballard as Memorial Building Manager to handle all scheduling and taking care of the Memorial Building. Commissioner Wender told the Commission he would talk with Gary Hough and coordinator with Mr. Ballard. The Commissioners discussed a salary of \$1,500 a month.

The Commissioners received and reviewed a notice from Branch Banking and Trust Company (BB&T) informing that as of February 28, 2003-CATO-MERIDIAN NYSC was held by Branch Banking and Trust as collateral to secure the deposits of Fayette County Commission.

The Commissioners received and reviewed from the County Commissioners' Association of West Virginia the results of the 2003 Legislative Session.

The Commissioners signed a letter to Shannon Estep, President, Fayette County Firemen's Association requesting that he meet with the members of the Fayette County Fire Chiefs Association and ask them to intervene in the matter to resolve the complaints alleged by Ken Roop regarding the Gauley River Volunteer Fire Department.

Commissioner Wender signed a letter to Jerry Keffer, President Arbuckle Public Service District informing that the Commission is

committed to doing all possible to see that solutions are reached which enable Arbuckle Public Service District to move forward with the expenditures of Governor's Contingency Fund.

Commissioner Wender informed the Commission has scheduled an April 8 sit-down for the parties (time as yet undetermined) and would appreciate your input on anyone you think should be involved and requesting that your engineering firm send all reports and plans it has gathered on the short-term and long-term project to Pio Lombardo and Associates.

The Commissioners signed a letter to Senator Love thanking him and Delegates David Perry and John Pino for their work in securing Governor's Contingency Fund dollars to assist the Arbuckle Public Service District and informing they has scheduled a sit-down with Arbuckle Public Service District and a consortium of engineers to make certain that the decision reached to solve the immediate problem is one that will also benefit the Arbuckle Public Service District and its customers in the long-term.

The Commissioners recessed for lunch at 12:20 p.m.

Upon returning from lunch Commissioner Lopez offered a motion that the County Commission meeting be adjourned. Commissioner Eskew seconded. Unanimous.

The Commissioners reconvened at 1:40 p.m. as a Budget Work Session to work on Budget for Fiscal Year 2003-2004. The secretary was excused.



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FAYETTE COUNTY COMMISSION  
SPECIAL SESSION  
MARCH 14, 2003  
COURTHOUSE  
FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a special session on this 14<sup>th</sup> day of March 2003.

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

Commissioner Eskew offered a motion to approve outstanding bills. Commissioner Lopez seconded. All approved.

The Commissioners signed a letter to Sandra Squire, Executive Secretary with the West Virginia Public Service Commission informing they support the agreement made between the Danese and Meadow Bridge Public Service Districts in regard to providing water service to the Beelick Knob area of Fayette County and concur with the agreement to provide a master meter connection between Danese and Meadow Bridge in order to secure a second water source.

The Commissioners discussed the type of letterhead to be used for the County Commission office.

Earl Pauley, Park Superintendent, appeared before the Commission to discuss his Budget for Fiscal Year 2003-2004.

Mr. Pauley told the Commissioners of the cut backs made to his Budget, Certified Pool Operations (CPO's) changed from 12 weeks to 10 weeks, lifeguards from 10 at \$5.15 to 8 at \$6.15, Athleyne Grimmatt part-time at \$6.15, \$10,712.00 to full-time for \$10,792.00 only during the season, raising the four part-time employees from \$5.15 an hour to \$6.15 an hour, two cash registers, one with a scanner at \$2,085.00.

Commissioner Wender suggested changing the four part-time



positions to four full-time positions plus benefits, and hiring one CPO instead of two.

The Commissioners told Mr. Pauley they would work on.

Steve Cruikshank, OES Director, appeared before the Commission.

Discussion was held regarding the complaints against the Gauley River Volunteer Fire Department alleged by Ken Roop.

Commissioner Wender asked Mr. Cruikshank if this was a matter that should be addressed in the by-laws.

Mr. Cruikshank told the Commissioners if a complaint is made to a Fire Department that has existing by-laws the Fayette county Commission is not qualified to do anything, it's up to that Fire Department.

Mr. Cruikshank asked the Commissioners if they would consider giving Lynn Holstine a raise for this Fiscal Year Budget 2003-2004.

The Commissioners told Mr. Cruikshank they were not giving raises this year.

Commissioner Wender asked Tim Richardson, Zoning Officer, if there were anything in the unified development code concerning "special event/mass gatherings."

Mr. Richardson told the Commissioners that there was nothing in the unified development code addressing this matter, but told the Commissioners that back in July 2001 they had requested that Sheriff William Laird draft a document to address these needs, and out of this request an amendment to the zoning ordinance which was titled "Zoning Ordinance Amendment, Special Event/Mass Gatherings, Article XIV, Section 1424."

Mr. Richardson told the Commissioners they could make a request

to the Planning and Zoning Commission to amend the unified development code to include this document "Special Events/Mass Gatherings" in its entirety, thus covering any concerns for Fayette County in respect to functions of this time.

The Commissioners asked Mr. Richardson to draft the letter to the Planning and Zoning Commission requesting they address an amendment concerning "special event/mass gatherings" existing at this time in RA zones is the need to apply for a special use permit, approved by the Board of Zoning appeals and they feel that it would be appropriate that our present unified development code is amended to include this document "special event/mass gatherings" in its entirety, this covering any concerns for Fayette County in respect to functions of this time.

The Commissioners signed a letter to the West Virginia Housing Development Fund requesting assistance for a \$75,000 grant from the West Virginia Housing Development Fund regarding the implementation of building codes.

The Commission meeting was adjourned at 10:36 a.m.

Commissioner Wender asked that the secretary be excused.

The Commissioners reconvened as a Budget Work Session to work on the Budget for Fiscal Year 2003-2004.



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FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
MARCH 24, 2003  
COURTHOUSE

FAYETTEVILLE, WV 25840  
MEMBERS Present: Matthew D. Wender, John H. Lopez, Kenneth L. Eskew

The Fayette County Commission met in a regular session on this 24<sup>th</sup> day of March 2003.

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

Commissioner Wender informed they were here today to adopt the Budget for Fiscal Year 2003-2004.

Commissioner Wender gave a summary of last year's Budget compared to this year's budget. Commissioner Wender informed that there is an increase in revenue this year.

Present for the adoption of the Fiscal Year 2003-2004 Budget were Sheriff William Laird, Paul Blake, Prosecuting Attorney, Thelma Kincaid, Circuit Clerk, Thomas Aiello, Assessor and Kelvin Holliday, County Clerk.

Ms. Holly reviewed and explained to each individual elected official their budget of what was approved for this Fiscal Year 2003-2004 Budget.

Tom Aiello, Assessor appeared before the Commission to get the final results of his Fiscal Year 2003-2004 Budget request.

Ms. Holly told Mr. Aiello that the Commissioners is picking up the PEIA increase and the increase of PERS employers' contribution, and employees' salaries the same, total Assessor's budget \$355,000. 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 2003-2004 Budget request.

Ms. Holly told Ms. Kincaid that the Commissioners is picking up the PEIA increase and the increase of PERS employers' contribution, employees' salaries the same, Ms. Holly told Ms. Kincaid that her PEIA decreased from \$37,000 to \$27,000 from last year; total Circuit Clerk's budget \$263,000. The Commissioners asked Ms. Kincaid if she had any problem with this budget. Ms. Kincaid replied no.

Kelvin Holliday, County Clerk appeared before the Commission to get the final results of his Fiscal Year 2003-2004 Budget request.

Commissioner Wender told Mr. Holliday that the Commission did not address funding for the record's management proposal and suggested to Mr. Holliday to get information on what the State will propose.

Commissioner Wender told Mr. Holliday the Commission is picking up the PEIA increase and the increase of PERS employers' contribution, increased his book line to \$13,250.

Commissioner Wender told Mr. Holliday that his employee's salaries were reduced as a result of him transferring the payroll clerk to the County Commission budget, total County Clerk's budget is \$267,226. The Commissioners asked Mr. Holliday if he had any problem with this budget. Mr. Holliday informed the Commission he was disappointed that the Commission did not consider funding the record back up proposal.

Paul Blake, Prosecuting Attorney appeared before the Commission to get the final results of his Fiscal Year 2003-2004 Budget request.

Ms. Holly told Mr. Blake that the Commission is picking up the

PEIA increase and the increase of PERS employers' contribution, eliminated the investigator position and added a position for an assistant. The Commissioners told Mr. Blake that his total budget is \$487,711.

William Laird, Sheriff appeared before the Commission to get the final results of his Fiscal Year 2003-2004 Budget request.

Ms. Holly told Sheriff Laird that the Commission is picking up the PEIA increase and the increase of PERS employers' contribution, increases in longevity pay, plugged in three new cruisers.

Ms. Holly told Sheriff Laird that the Tax Office total is \$295,532, Law Enforcement is \$355,793, Transportation Officers, \$83,044, Regional Jail \$763,320, Dog Warden's same, Coal Severance \$64,188, Lawn Enforcement Levy \$619,905.

Paul Blake, Prosecuting Attorney expressed his appreciation to the Commissioners and informed the Commissioners the Prosecuting Attorney Office would continue to work with the Commission.

Commissioner Lopez made a motion to adopt the Fiscal Year 2003-2004 Budget. Commissioner Eskew seconded. Unanimous.

The Commissioners signed a letter to the West Virginia 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 is the central purchasing office.

Ms. Holly told the Commissioners that for the next Fiscal Year Fayette County classification would change from Class 4 to Class 3.

The Commissioners approved to meet the third Tuesday in April to

lay the Levy.

Commissioner Eskew offered a motion to approve outstanding bills and payrolls. The payroll is to be released on March 28.

Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve the revised minutes of February 5, 10, and 14, 2003. Commissioner Eskew seconded. Unanimous.

Commissioner Wender informed the Commissioners due to the death of Sam Dorado, a member of the Planning and Zoning Commission a vacancy exists on the Planning and Zoning Commission. Commissioner Wender told the Commissioners he would like to appoint George Smith to fill the vacancy.

Commissioner Lopez offered a motion to appoint George Smith to the Planing and Zoning Commission. Commissioner Eskew seconded. Unanimous.

Commissioner Lopez offered a motion to appoint John Witt, Ray Londeree, Charlie Jones, Carl Harris and Brad Carelli to the Fayette County Soldiers and Sailors Memorial Board for a four-year term.

Commissioner Wender told the Commissioners he met with Chuck Kurzyrna, PE, PS, New River Engineering, Inc. to discuss the Minden Community Park project.

Commissioner Wender told the Commissioners he has nothing in writing, but Berwind Land Company said they will give the property to the County for the Minden Community Park project.

Commissioner Wender told the Commissioners he would like to request that the Commission approve a quote from New River

Engineering, Inc. to survey the Minden property. The cost for the survey is \$3,375 to include the topographical survey and mapping the cost would be increased by \$855, total amount \$4,230.

Commissioner Lopez told the Commission he thinks that cost is too high. Commissioner Lopez told the Commissioners he has no problem with getting the property surveyed and suggested asking Leon Spencer.

Commissioner Eskew offered a motion to allow New River Engineering, Inc. to proceed with topographical survey and mapping work for the Minden Community Park project, cost \$4,230. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez told the Commissioners that something needs to be done regarding the houses that the County purchased in the buy-out. People are still living in the houses. Commissioner Lopez told the Commissioners that one of the houses that was bought in the buy-out teenagers is living in.

Commissioner Wender suggested asking Steve Cruikshank, OES Director to give a status on the twenty-eight properties and ask Mr. Cruikshank what steps are being taken to moving the people out of these houses.

Tim Richardson, Zoning Officer appeared before the Commission to present a zoning hearing. Commissioner Wender informed that this hearing is being recorded.

Mr. Richardson presented Case #Z-494-03-1: Request of Charles F. and Brenda G. DeBord, owners, for a change in land classification from B-2 (Business Local District) to B-3 (Business, Tourism District) on Surf. Dogwood Ridge 45.89 ac, Route 60, New Have District.

Mr. Richardson told the Commissioners that the Planning Commission approved the request by a vote of 11-0.

The DeBord's were present, stating they currently operate a bed and breakfast and would request this rezoning to accommodate construction of quality, upscale cabins containing cedar and stone finish. Mr. DeBord informed the Commissioners the cabins would be built for rental units and could be sold as a single family dwelling if necessary. Mr. DeBord told the Commissioners his plans are to construct up to 12 of these units, and cost per unit construction will be approximately \$100,000.

The Commissioners asked if there were any opposition on this request. Mr. Richardson replied no.

Commissioner Lopez offered a motion to accept recommendation of the Planning Commission to approve request to change land classification from B-2 (Business Local District) to B-3 (Business, Tourism District). Commissioner Eskew seconded. Unanimous.

No other business, the zoning portion of the County Commission meeting was adjourned.

Jenny Woodson, Program Coordinator and Robert Logus, Director with the Project Community Access appeared before the Commission to introduce this Agency that's new to the Fayette County area.

Ms. Woodson told the Commissioners the Community Access, Inc. is a non-profit Agency based in Charleston, devoted primarily to job placement and training for individuals with disabilities.

Ms. Woodson told the Commissioners that the purpose of Project Community Access is to assist Temporary Assistance to Needy Families



(TANF) recipients who have mental, physical or emotional challenges or those who present with multiple barriers to finding and maintaining employment.

Ms. Woodson told the Commissioners they are serving 22 cases in the Fayette and Raleigh Counties areas.

Mr. Woodson introduced Robert Logus, Director of Project Community Access for Fayette County.

Commissioner Wender told Ms. Woodson that this program is similar to the Multi-Cap program. Commissioner Wender suggested to Ms. Woodson to talk with Multi-Cap.

Discussion was held regarding Robert Williams, janitor for the County Commission.

Ms. Holly presented a claim from the Workers' Compensation Division that Mr. Williams had filed to the Commissioners.

The Commissioners asked Ms. Holly to have James Perdue, Maintenance Supervisor to put in writing the days he missed, how long he stayed and days he didn't call in.

The Commissioners told Ms. Holly to protest the Worker's Compensation claim.

The Commissioners told Ms. Holly that since Robert Williams is on a 6-month probationary period have James Perdue to make recommendation regarding whether or not to keep as an employee.

The Commissioners asked Ms. Holly to talk with Carl Harris, Assistant Prosecuting Attorney or Paul Blake, Prosecuting Attorney regarding this matter.

The Commissioners asked James Perdue how much it would cost for

him and Allan Ballard to scrap and paint windows around the Courthouse.

Mr. Perdue told the Commissioners they would work 10 to 12 hours a day plus Saturday at \$25.00 an hour, the equipment would cost \$4,399 plus another \$10,000 total approximate cost would be \$17,999.

Ms. Holly informed the Commissioners when they advertised for bids two years ago they received a bid of \$13,875.00.

The Commissioners asked Ms. Holly to contact 1<sup>st</sup> bidders and asked Commissioner Eskew to check with Steve Pilato to see if he would send a bid.

The Commissioners approved purchase of two cast aluminum fixtures for the courthouse sidewalk lights, cost \$178.76.

The Commissioners adjourned for lunch at 12:00 noon.

The Commissioners reconvened County Commission meeting at 1:05 p.m.

Commissioner Lopez asked Ms. Holly to check into changing boundaries of Chimney Corner from the New Haven District back to Valley District and put Beckwith back in the New Haven District.

Ms. Holly told Commissioner Lopez she will be taking the budget down to Charleston and she will talk with someone in the Redistricting Office regarding this matter.

The Commissioners received and reviewed the Annual Cost Allocation for the Fayette County Memorial Building. Commissioner Wender asked that a copy be forwarded to Carl Harris, Eddie Young, and Tim Richardson.

The Commissioners signed order and appointment letters appointing

John L. Witt, Ray Londeree, Charlie Jones, Carl Harris and Brad Carelli to the Fayette County Soldiers and Sailors Memorial Board.

The Commissioners signed order and appointment letter appointing George Smith a member of the Planning and Zoning Commission.

The Commissioners received and reviewed a fax from the Southern Appalachian Labor School asking that the Commission send a letter of support for the plans to seek a Housing Preservation Grant from USDA Rural Development.

The Commissioners signed a letter to the Southern Appalachian Labor School expressing their support of the plans to seek a Housing Preservation Grant for USDA Rural Development.

The Commissioners signed a letter to the Fayette County Planning and Zoning Commission asking that the present unified development code is amended to include the document "Special Events/Mass Gatherings" in its entirety.

The Commissioners signed invoices for the confinement of inmates at the Southern Region Jail for the City of Mount Hope (\$180.00), Town of Fayetteville (\$90.00), and the City of Oak Hill (\$225.00).

Ms. Holly told the Commissioners that the West Virginia Association of Counties Spring Board is being held June 1 through June 3.

Ms. Holly told the Commissioners she received a check for \$4,500.00 from the Hazard Mitigation Grant Program.

Ms. Holly told the Commissioners that the checks for the Deputy Sheriff's back wages are included in today's invoices.

The Commissioners approved overtime for James Perdue, Maintenance

Supervisor.

Ms. Holly told the Commissioners that Virgil Berry, American Red Cross Chairman had called, wanted to know what information was received from Jim Lively Insurance regarding county owning the American Red Cross vehicle.

Commissioner Wender suggested that the Commissioners write a letter to Jim Lively Insurance to inquire on what it would cost the County to add one more vehicle to their policy if the American Red Cross be responsible for the maintenance.

Commissioner Lopez suggested setting down and talking with Virgil Berry regarding this matter.

Commissioner Wender informed if the Commission gets word back from Jim Lively Insurance saying the County can own and insure the vehicle for the American Red Cross, the American Red Cross would be responsible for paying the deductible.

The Commissioners received a letter from Sheriff William Laird forwarding a letter he received from Ronnie Booker, Coordinator for TRIDENT Drug Task Force offering to contribute \$11,000 toward the purchase of a new vehicle for Fayette County Deputy Denny Bennett, who is currently assigned to this Task Force. The Commissioners approved.

Commissioner Wender informed the Commissioners this would be ½ cost of one of the three new vehicles they approved for Fiscal Year 2004. Sheriff Laird approved.

The Commissioners received a letter from Sheriff Laird informing he has been contacted by TRIDENT Drug Task Force advising him of their interest and desire to sell the 1987 Jeep at a public auction.

Sheriff Laird told the Commissioners that this vehicle was titled in the name of the Fayette County Sheriff's Department to be used in the TRIDENT Drug Task Force.

Sheriff Laird told the Commissioners to proceed with this sale, he would ask that the original title to this vehicle be forwarded to his office so that it may be made available for endorsement to the purchaser. The Commissioners approved.

The Commissioners signed camp letters from the Fayette County Park to Graydon Baptist, Fayette County 4-H Camp, Tom Cashen, Camp Kismet, Black Diamond Girl Scouts, and Boy Scouts.

The Commissioners received and reviewed a letter from the West Virginia Housing Development Fund informing that Governor Wise announced the new Employer Assisted Mortgage program sponsored by the West Virginia Housing Development Fund in August 2002. The program is designed to allow employers in the public and private sector to participate in providing affordable housing opportunities for their employees.

The Commissioners asked Ms. Holly to put the Letter of Understanding with the Housing Development Fund on Fayette County Commission letterhead and stamp their names.

The Commissioners received and reviewed a report from Randy Housh, Housing Consultant giving an update regarding the current allocation and disbursement of Community Services Block Grant (CSBG) funds in Fayette County, by Multi-Cap, Inc. and to report the content and outcome of a recent meeting he attended with Lloyd Casto, Interim Executive Director of Multi-Cap and Bob Carleton, Interim Financier

Director of Multi-Cap, Inc.

The Commissioners received and reviewed an e-mail from Commissioner Wender regarding the County Commission hosting a Live After 5 gathering at the Courthouse for the New River Convention and Visitors Bureau. Commissioner Eskew informed the Commissioners that the host picks up the tab.

Commissioner Wender informed no way the County would be responsible for the catering.

Commissioner Wender told the Commissioners he will e-mail Sharon Cruikshank and inform her that they are welcome to use the Courthouse for there Live After 5 gathering but the Fayette County Commission cannot pay for the refreshments.

The Commissioners received and reviewed a letter from Teresa Angius with several complaints regarding the Southern Appalachian Labor School.

The Commissioners suggested forwarding the letter to John David and asks him to review and submit a written response to the Commissioners.

Ms. Holly told the Commissioners she received an invoice from Jim Lively Insurance for Patti Payne, Fayette County Animal Control Manager. Ms. Holly told the Commissioners she forwarded the original to Patti Payne.

The Commissioners received and reviewed a letter from David Neal, E911 Coordinator, informing that William Dempsey, Cheryl Donnally, and Phillip Stover has successfully completed the mandatory probationary employment period. Mr. Neal is requesting that their hourly pay scale

be adjusted to \$8.42 effective immediately. The Commissioners approved. A copy forwarded to Debbie Aliff, Payroll Clerk.

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

The Commissioners received and reviewed from the West Virginia Development Office a copy of the proposed 2003 HUD Consolidated Action Plan and Schedule of Public Hearings which includes the Small Cities Block Grant, HOME, and Emergency Shelter Grant programs. A copy forwarded to Dave Pollard, County Resource Coordinator.

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

The Commissioners received and reviewed Weekly Fees Collected from the Fayette County Animal Control Center/C-PAC for the week of March 7, 2003 through March 13, 2003, amount \$305.00 and March 14, 2003 through March 20, 2003, amount \$390.00.

The Commissioners received and reviewed checks from the Supreme Court, Family Law Master reimbursement for rent for the months of January and February, amount \$4,050.00, 911 fees from Verizon for the month of February, amount \$39,727.57, 911 fees from Metro Teleconnect Companies for the month of February, amount \$43.12 and received Commission from Verizon for the month of February, amount \$4.92.

The Commissioners received and reviewed Audit Report of Mount Hope Volunteer Fire Department for the Fiscal Year ended June 30, 2002.

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

The Commissioners received and reviewed from the State Emergency Response Commission an application for Fiscal Year 2004 Hazard Materials Emergency Planning Grants. A copy forwarded to Steve Cruikshank, OES Director.

The Commissioners received and reviewed from the Office of Emergency Services a Notice of Intent Form for the Hazard Mitigation Grant Program (HMGP). Original forwarded to Steve Cruikshank, OES Director.

The Commissioners received and reviewed a letter from Ferris, Baker, Watts, Inc. regarding Amendment One that allows the use of Tax Increment Financing (TIF) to fund economic development in WV informing they have provided input to the State on the soon-to-be-released TIF Handbook and on supporting legislation and if the Commission has a project that may be financed through TIF bonds, Ferris, Baker, Watts would appreciate the opportunity to review the project at no cost.

The Commissioners received and reviewed March/April Work Force WV-Region I Newsletter.

The Commissioners received and reviewed a letter from the Kanawha River Mining Company advising that the Annual Blasting, Surface Permit #S-3041-91 will continue to perform blasting activities at 4.5 miles southwest of Powellton in the Valley District. Original forwarded to Tim Richardson, Zoning Officer.

The Commissioner received and reviewed Community Impact Statement SMA-No. 3001-03 of New Land Leasing Company, Inc. Original forwarded to Tim Richardson, Zoning Officer.

The Commissioners received and reviewed from SunTrust Bank,



Pledge Statement as of February 28, 2003. Original forwarded to the County Clerk's Office.

The Commissioners signed letters to the Legislative Delegation, Arbuckle Public Service District, Dunn Engineers, FCWQC advising that a meeting with all concerned over the immediate funding needs of the Arbuckle Public Service District has been scheduled for Tuesday, April 8 at 9:00 a.m. at the American Legion in Fayetteville.

The Commissioners signed letters to the Public Services Districts, Municipalities, WVPRO, WV Water, Legislative Delegation and State Agencies informing of the Water Quality Coalition Stakeholders meeting being held Tuesday, April 8 at the American Legion from 1:00 p.m. to 3:00 p.m.

The Commissioners signed a letter to the West Virginia Housing Development Fund thanking Joe Hatfield for the participation of Randy Moore in recent meetings regarding the implementation of building codes and requesting \$75,000 grant from the Housing Development Fund to assist financially in this implementation process.

The Commissioners received and reviewed a letter from Janet Frye Steele, Family Court Judge, requesting that an additional security camera be installed to view the parking area behind the building housing the Family Court.

Ms. Holly informed the Commissioners she sent original to Sheriff William Laird, Sheriff Laird will include in the next Court Security Grant application.

The meeting was adjourned at 2:50 p.m. The next scheduled meeting is April 15, 2003.



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FAYETTE COUNTY COMMISSION  
SPECIAL SESSION  
MARCH 19, 2003  
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a special session on this 19<sup>th</sup> day of March 2003.

Commissioner Wender called the meeting to order at 9:10 a.m.

Commissioner Wender informed the Commissioners they were here for a Budget Work Session to work on Budget for the Fiscal Year 2003-2004.

The secretary was excused.

The Commissioners signed order appointing Thomas W. Morgan, a Republican of Gauley Bridge, West Virginia, to fill the unexpired term of Robert Stephens as a member of the Fayette County Board of Health, said term to expire June 30, 2004. The Commissioners signed appointment to serve letter.

The Budget Work Session was adjourned at 1:40 P.M.



FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
APRIL 15, 2003  
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 15<sup>th</sup> day of April 2003.

Commissioner Wender called the meeting to order at 9:01 a.m.

Commissioner Lopez made a motion that payroll and outstanding bills are approved. Commissioner Eskew seconded. Unanimous.

Beldon Lafferty and wife Melanie appeared before the Commission to inform them that they had talked with Tom Aiello, Assessor regarding their property taxes and he informed them that they were due a tax credit.

Eddie Young informed the Commissioners that when their tax ticket came out the property was classified as Class 4. Mr. Lafferty bought property after the assessment date.

Mr. Young informed the Commissioners that the Assessor's Office will exonerate the whole amount. Property will be changed from Class 4 to Class 2.

Commissioner Lopez offered a motion to approve recommendation of the Assessor's Office to exonerate and change Mr. Lafferty's property from Class 4 to Class 2. Commissioner Eskew seconded. Unanimous.

Exonerations were approved and signed.

Commissioner Wender informed the Commissioners he received a letter from Philip Tissue, attorney for the New Haven Public Service District informing that the terms of Loren Fox and Roma Lively expire

on June 3, 2003 and the members are requesting that the Commission reappoint Loren Fox and Roma Lively to new terms on the New Haven Public Service District.

Commissioner Lopez offered a motion to reappoint Loren Fox and Roma Lively members of the New Haven Public Service District. Commissioner Eskew seconded. Unanimous.

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, 2003, 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 Lopez offered a motion to approve the County Commission Levy Order and Rate Sheet for Fiscal Year 2004. Commissioner Eskew 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 2003-2004.

Ms. Holly asked the Commissioners what they were going to do regarding the Fayette County Health Department contract.

Commissioner Wender suggested writing a letter to the Fayette County Health Department informing them that the Commission received and reviewed their contract submitted for funding in the amount of \$5,000 for Fiscal Year 2004, unfortunately, the Commission is unable to provide them with any monetary contributions for Fiscal Year 2004, but that the Commission will continue the current level of in-kind support for office space, miscellaneous building, maintenance, and

automobile and property insurance coverage.

Ms. Holly presented for approval a copy of the Jasper 4.6 engine to be installed in Fayette County Deputy's Sheriff Unit #24 to the Commissioners from Earl Pauley, Park Superintendent. The Commissioners approved.

Ms. Holly informed the Commissioners that she has prepared letters to the West Virginia Development Office requesting that the Legislative Digest Grants contracts between the West Virginia Development Office and the Fayette County Commission be extended to cover the period from July 1, 2003 through June 30, 2004 for Gauley Bridge Little League Football, upper Kanawha Valley Community Center, Fayette County Health Department, Courtroom Chairs, New Haven Public Service District, Gauneka-Ruritan Fire Alarm, Boomer Volunteer Fire Department, and caring Hands, Inc.

Ms. Holly told the Commissioners that the time extension is being requested due to insufficient time to complete the contracts which have not been processed and forwarded to this office as of this date. The Commissioners approved and signed letters.

Ms. Holly informed the Commissioners that she has prepared a letter to the West Virginia Development Office requesting that the contract between the West Virginia Development Office and the Fayette County Commission be extended for six months from July 1, 2003 through December 31, 2003 for the City of Oak Hill for fire hydrants.

Ms. Holly told the Commissioners that the time extension is being requested to complete plans, receive bids, and complete construction. The Commission approved and a letter signed.

Ms. Holly informed the Commissioners that the Fayette County Historic Landmark Commission informed her that the cost of the statue has increased and at this time they are still searching for a sculptor to do the statue of the Marquis De LaFayette.

Ms. Holly told the Commissioners that the Fayette County Historic Landmark Commission is requesting that the Commission advance the \$10,000 to the Fayette County Historic Landmark Commission and send a letter to the West Virginia Development Office on behalf of the Fayette County Historic Landmark Commission requesting a first and final drawdown for the Marquis De LaFayette statue for reimbursement for contractual services, amount \$10,000.

Ms. Holly told the Commissioners the Fayette County Historic Landmark Commission informed her that they will continue to search for sculptor and if within the next three years by June 2006, they have not secured funding to complete the project, the \$10,000 will be refunded.

Commissioner Lopez made a motion to advance the \$10,000 to the Fayette County Historic Landmark Commission but hold check until the West Virginia Development Office Certificate of Grant completed is signed. Commissioner Eskew seconded.

The Commissioners signed a letter to the West Virginia Development Office requesting extension for the Marquis De LaFayette grant to cover the period from July 1, 2003 through June 30, 2004 due to a delay to secure additional funding to complete the project.

The Commissioners received and reviewed a memorandum from Sheriff William Laird regarding the Governor's Community Partnership grant,

project #00CPGP0183 that's due to expire on June 30, 2003.

Sheriff Laird told the Commissioners that a balance of \$1,759.32 remains in the grant that must be expended prior to June 30, 2003. Sheriff Laird told the Commissioners he was advised by the Department's firearms instructor that upgrades and improvements to the department's shooting range located at Beckwith would be most beneficial and suggested that a new target system at this facility would greatly enhance the firearms training program of this department. The cost for this expenditure would be \$1,757.26. The Commissioners approved.

Sheriff Laird told the Commissioners that he had provided documentation related to flood damage assessments in the amount of \$4,970.00 that occurred at the shooting range due to the flood in this area on July 8, 2001. Sheriff Laird told the Commissioners he found no record of any reimbursement having been received concerning this reported damage.

The Commissioners signed letters to the West Virginia Development Office requesting that the contracts be extended to cover the period from July 1, 2003 through June 30, 2004 for the Sheriff's Department Grant, due to insufficient time to complete the contract dated March 11, 2002, and received in this office on May 3, 2002-project is 84% complete, REACT Grant due to insufficient time to complete the contract dated March 5, 2002, and received in this office on May 3, 2002-project is 37% complete, Christians Helping Others Food Pantry grant due to insufficient time to complete the contracted dated March 11, 2002, and received in this office on May 3, 2002-project is 87%

complete, Soccer Field grant due to insufficient time to complete the contract dated March 11, 2002, and received in this office on May 3, 2002-project is 70% complete, Sewage Study Grant due to a delay to secure additional funding to complete the project, the project is 64% complete, Sheriff Department due to additional time is needed to complete the project which was damaged and delayed due to the July 8, 2001-flood in Fayette County. The project is 81% complete and Gauneka-Ruritans Center due to additional time is needed to complete the project which was damaged and delayed due to the July 8, 2001-flood in Fayette County.

The Commissioners signed letters to the West Virginia Development Office requesting sixth drawdown for the Fayette County Youth Soccer Association and the eleventh drawdown for the Christians Helping Others Food Pantry.

Angie Sleeth, with Region 4 Planning and Development Council presented a request for payment for the New Haven Public Service District Water Extension project Contract #13, amount \$3,983.72 and Contract #12, amount \$12, 795.04 to the Commission.

Commissioner Lopez offered a motion to approve and authorize the payment of services for Contracts #12 and #13. Commissioner Eskew seconded. Unanimous. Resolution signed.

Ms. Holly introduced the new Dog Warden, Stacy Workman to the Commissioners.

Brent Clark, 4-H Youth Development Instructor, Diane Meadows, Family and Consumer Science Agent appeared before the Commissioners.

Mr. Clark informed the Commissioners that before he discusses the



camp fees he would like to inform them that the Fayette County Extension Office has the opportunity to purchase a Dell Opti-Plex computer for half price at a discounted cost. Mr. Clark informed the Commissioners that the WVU Extension has received matching money for technology equipment to be purchased on a cost-share basis. Mr. Clark told the Commissioners that their share of the cost is \$700.00.

Mr. Clark told the Commissioners they are requesting that the \$700.00 needed to match be made available through the WVU Extension Office budget that funds be redirected from the Travel line item to Capital Outlay and Equipment line item of the 2002-2003 Memorandum of Agreement.

Mr. Clark told the Commissioners that the travel account had an ending balance of \$2,501.63 as of March 2003.

Commissioner Wender suggested to Mr. Clark to check with Tom Aiello, Assessor to see if he has any computers in his office that might be available.

Ms. Holly told Diane Meadows that the Fayette County Extension Service Committee needs to send a formal request to the Commission.

Commissioner Wender informed he approved request, but still suggested that Mr. Clark talk with Mr. Aiello and let the Commission know the results.

Commissioner Eskew made a motion to approve request to transfer \$700.00 from the travel line item to the Capital Outlay and Equipment line item for purchase of a computer pending a letter from the Fayette County Extension Service Committee. Commissioner Lopez seconded. Unanimous.

Mr. Clark told the Commissioners that due to the cost of the camp rental fee the 4-H Camp this year would have to raise their camp fees.

Mr. Clark told the Commissioners last years camp fees were \$47.00 regular fee and \$37.00 reduced fees, this year fees if registered before May 16-\$50 regular fee and \$35.00 reduced fee if registered after May 16 the cost would be \$65.00 regular fee and \$50.00 reduced.

Mr. Clark told the Commissioners any reduction in the cost of camp rental fees would be appreciated. Mr. Clark told the Commissioners the camp rental fee has been paid for this year.

Commissioner Wender suggested contributing \$250.00 to help offset the cost of the camp rental fee.

The Commissioners asked Mr. Clark to come back on April 28 to discuss further.

David Neal, E911 Coordinator, appeared before the Commission to discuss the Reverend Hilda Perry request about replacing the Mont Carr Lane road sign.

Mr. Neal told the Commissioners that bak in September 2000 Reverend Perry had contacted his office about getting a road sign. Mr. Neal told the Commissioners that he advised Reverend Perry that she would need a petition signed to name the road. Mr. Neal told the Commissioners that at this time Reverend Perry said that her neighbors would not sign a petition to name the road Mont Carr Lane.

Mr. Neal told the Commissioners that Reverend Perry was given a petition to have the neighbors sign but it was never completed or returned.

Mr. Neal told the Commissioners that the residents can petition

the Division of Highways to have an orphan road included in state system, no petition was received to rename the road or include in state system.

Mr. Neal told the Commissioners they approved naming the road on March 15, 2000. Reverend Perry ordered and paid for the original sign.

Commissioner Wender suggested writing a letter to the Reverend Perry suggesting that she pay for the sign and she put the sign up and inform her that she can petition the Division of Highways to have an orphan road included in the State system.

Mr. Neal presented the First Edition of the WV 9-1-1 Addressing Handbook to the Commissioners. Mr. Neal told the Commissioners that CD's are also available.

Ms. Holly asked Mr. Neal if he would send to the Commissioners a list of all the procedures and ordinances they would have to comply with.

Kelvin Holliday, County Clerk appeared before the Commission to discuss 2004 election issues.

Mr. Holliday asked the Commissioners if they would commit to letting him use the Commission Office for the 20-day absentee voting period and to use the County Commission meeting room to issue supplies for the 2004 election. The Commission approved.

Mr. Holliday asked the Commissioners if they were in favor of him hiring two Democrats and two Republicans as part-time absentee clerks and one part-time employee for the front office, they would be paid \$7.00 an hour. Mr. Holliday told the Commissioners instead of working

each for 60 days they would be working for 30 days, with no change in the amount to be paid.

Commissioner Wender told Mr. Holliday that this has already been included in his budget the money is there for you to use at your own discretion.

Mr. Holliday asked the Commissioners if they were in favor of him waiving the requirements of a non-punch card system for the 2004 election with the understanding he hire out 2004 elections again to Election System and Software, Inc. (ES&S). The Commissioners approved.

Ms. Holliday asked the Commissioners if they would be in favor of purchasing in the next fiscal year a minimum one device (a touch-screen) per precinct for the elections plus one for absentee voting to be secured through State bids.

Mr. Holliday told the Commissioners he had forwarded a letter from Joe Manchin, Secretary of State detailing new legislation requirements.

Commissioner Wender asked Trudy Oliver with the Secretary of State Office if she would get more information.

Mr. Holliday asked the Commissioners if they would consider paying all of the Data Design invoices and consider Complete System Support, Inc. (CSSI) offer to transfer all of the Data Designs files to their program.

Commissioner Wender asked Mr. Holliday to check with other counties regarding CSSI System.

Mr. Holliday asked the Commissioners about purchasing a large

screen TV with a VCR to be used during the election classes.

Commissioner Wender asked Mr. Holliday to check with the Fayette County Board of Education to see if they would continue to let them use their equipment for the elections.

Mr. Holliday asked about purchasing a TV and microwave for lounge. No decision made.

Ms. Holly reviewed with Commissioners invoices from Data Design. The Commissioners approved to pay to Data Design four of the invoices, amount \$918.75.

Commissioner Wender suggested discussing the Data Design invoices further on April 28, 2003.

John Harper, member of the Arbuckle Public Service District, Bob Zimmerman, Plant Manager, Fred Hypes and a representative with Dunn Engineers, Inc. appeared before the Commission to give a summary of what's been requested for the Arbuckle Public Service District wastewater treatment plant.

Fred Hypes told the Commissioners that Arbuckle Public Service District has received a grant of \$67,000 toward the improvement of the Wastewater Treatment Plant.

Fred Hypes told the Commissioners they're here today to request matching funds for the near-term improvements to the Arbuckle Public Service District Wastewater Treatment Plant.

Mr. Hypes informed the Commissioners that Arbuckle Public Service District will be able to obtain a used belt filter press from a neighboring public service district for salvage cost and that only a minimal amount of construction work, will require the use of outside

contractors.

Mr. Hypes told the Commissioners he would prefer the better used belt filter press from Cheylan, Kanawha Falls is a light duty machine that was purchased five years ago, need refurbishing.

Mr. Hypes told the Commissioners that Arbuckle Public Service District has applied for an emergency rate increase with the Public Service Commission.

Commissioner Wender informed Mr. Hypes that the Commission is going to make the contribution of \$28,00 so that Arbuckle Public Service District won't lose their grant.

Commissioner Wender suggested to Mr. Hypes to discuss this with Dave Pollard our County Resource Coordinator.

Commissioner Lopez made a motion that the Commission makes a cash contribution of \$28,00 or an in-kind match of equal or greater value based on the decision of the discussion of Fred Hypes, Dunn Engineer and Dave Pollard. Commissioner Eskew seconded. Unanimous.

Commissioner Wender told the Commissioners that he had been contacted by the Town of Gauley Bridge informing they are in need of a cruiser and want to know if the County has any available cruisers they would like to donate.

Commissioner Wender told the Commissioners he had Tim Richardson, Zoning Officer to check to see what was available and he informed Commissioner Wender that a 1991 Chevy Caprice and a 1994 Chevy Caprice are available.

Commissioner Wender offered a motion that the Commission donates the 1991 Chevy Caprice or the 1994 Chevy Caprice to the Town of Gauley

Bridge. Commissioner Eskew seconded. The Commissioners approved leaving lights on vehicles.

Commissioner Wender voiced his dissatisfaction with Multi-Cap, Inc. to the Commissioners and suggested that a letter be sent to resolve the situation.

Commissioner Wender asked that a letter be written to Multi-Cap informing that the Commission have not received a response to the memorandum of understanding (MOU) submitted to them for review on February 13, 2003, regarding the establishment of a sub-contract agency relationship with Fayette County to better serve the individual living below the poverty level in Fayette County.

Commissioner Wender suggested that the Commission request that Essa Howard, Director, Office of Economic Opportunity and Damron Bradshaw, Board President of Multi-Cap attend the Commission meeting to be held Monday, April 28, 2003 at 11:00 a.m. to vote on Fayette County's withdrawal from Multi-Cap.

The Commissioners adjourned for lunch at 12:10 p.m..

The Commissioners reconvened as County Commission meeting at 1:45 p.m.

The Commissioners signed Contract for Services with Terrell Ellis and Associates, Inc, Flex-E-Grant.

The Commissioners approved an invoice received from Terrell Ellis and Associates, amount \$478.72.

The Commissioners signed a letter to Randall Boyd, Executive Director informing that they have been advised of his announcement to leave the Upper Kanawha Valley Economic Development Corporation at the

end of April, and wish to express their gratitude for his years of services to the citizens of Fayette County.

The Commissioners signed a letter to Alison Chambers, Director, Family Law Masters, requesting reimbursement for rent in the amount of \$2,025.00 for the month of April 2003.

The Commissioners signed a Proclamation, proclaiming April 2003 Fair Housing Month.

The Commissioners signed a letter to Tom Aiello, Assessor informing that the Auditors are currently auditing our financial statements for the year ended June 30, 2002 and would like for him to confirm all major taxpayers, whose assessed value equals 10% or more of the total assessed based.

Ms. Holly informed the Commissioners that the Auditor presented to her letters that needed to be signed while she is conducting the audit for Fiscal Year ended June 30, 2002.

The Commissioners signed a letter to Stuart Stichel, Deputy State Auditor confirming that as of April 11, 2003 and to the best of their knowledge and belief representations made during the audit.

The Commissioners signed letters to Paul Blake, Prosecuting Attorney, Attorney John MacCorkle, and Steptoe and Johnson informing that the State Auditor's Office is conducting an audit of our financial statements of June 30, 2002 and for the year then ended and asked that they furnish a description of all materials pending or threatened litigations, claims and assessments.

The Commissioners signed Quarterly Sales Tax Report for the Fayette County Park, amount \$137.83.



The Commissioners received and reviewed a letter from Rivers and Bridges, West Virginia Rural Health Partnership Consortium requesting use of the Fayette County Memorial Building and waiver of the rental fee on Thursday, June 26 and Friday, June 27 for a community health promotional event.

Commissioner Eskew offered a motion for Rivers and Bridges to use the Fayette County Memorial Building and waiver of the rental fee for the community health promotional event being held Thursday, June 26 and Friday, June 27. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from the Fayetteville heritage Festival Committee requesting use of the Fayette County Memorial Building and waiver of the rental fee for the Fayetteville Heritage Festival Craft Fair being held July 2, 3, and 4, 2003.

Commissioner Lopez offered a motion to approve the use of the Memorial Building and waiver of the rental fee for the Fayetteville Heritage Festival Craft Fair. Commissioner Eskew seconded. Unanimous.

Commissioner Wender suggested a letter be sent to Allan Ballard to inform him of the Fayetteville Heritage Festival Craft Fair and to inform him that the custodial fees are to be paid to the Fayette County Commission, all other events prior to July 1 go to Gary Hough, Principal, Fayetteville Middle School.

Sheriff Laird appeared before the Commission to discuss the leaking roof in the Road Office. Sheriff Laird told the Commissioners he had talked with Senator Shirley Love concerning the serious need to

replace the current roof.

Sheriff Laird informed the Commissioners the cost would be \$10,400 after the required wage standard is included.

Sheriff Laird informed the Commissioners he called the West Virginia Development Office and asked if the County can fix the Sheriff's roof on an emergency basis and be reimbursed in July.

Sheriff Laird told the Commissioner he would work with Ms. Holly.

Ms. Holly told the Commissioners she would get in touch with Ricky Myles and asks him to give an estimate on the Sheriff's Road Office roof.

Sheriff Laird informed the Commissioners that the Secretary of Homeland Security Tom Ridge announced today that nearly \$600 million has been made available to the states and U. S. territories to better assist state and local public safety and law enforcement personnel to help them prevent, prepare and respond to terrorism.

Sheriff Laird presented a letter to the Commissioners requesting their authority and approval to expend \$1,878.00 from the Home Confinement Fund for the purchase of a laptop computer to be used by Home Confinement Supervisor James Fitzwater.

Commissioner Lopez made a motion to approve purchase of a laptop computer for the Home Confinement Supervisor James Fitzwater, amount \$1,878.00. Commissioner Eskew seconded. Unanimous.

Sheriff Laird presented a copy of a letter he addressed to Deputy Sheriff Shawn Campbell regarding guidelines and restrictions that apply when installation work is done on County-owned vehicles to the Commissioners.

The Commissioners signed a letter to Senator Shirley Love asking that he arrange for Susan Chernenko and Larry Clark to come to Fayette County to discuss the issue and the study results for Fayette County as soon as the Statewide Airport System Plan Update study is completed.

The Commissioners received and reviewed a letter from Steve Pilato, President, Central Painting and Commercial Services informing the Commissioners that they will be unable to bid on the Courthouse Exterior Painting Bid.

Commissioner Lopez told the Commissioners that he had talked with Ruby Winebrenner and she informed him that the Gauley Bridge Senior Citizens Center needs funding prior to July 1 and asked the Commissioners if they would consider funding an additional amount to the Gauley Bridge Senior Citizens Center.

Commissioner Eskew offered a motion that an additional \$500.00 is paid to the Gauley Bridge Community Center for floor covering and a steam table to be paid immediately. Commissioner Lopez seconded. Unanimous.

The Commissioners asked Ms. Holly to have James Perdue, Maintenance Supervisor to review the custodial applications. Commissioner Wender suggested having Mr. Perdue interview the ones that are acceptable.

Ms. Holly questioned the \$15,000 invoice that was received from Thrasher Engineering. Ms. Holly told the Commissioners that the original bid was for \$14,000 and Dave Pollard, County Resource Coordinator to make application for a grant with the Economic

Development Authority for \$10,000 to offset the cost, the Commissioners approved to absorb the entire cost of \$14,00 if the grant was not approved.

The Commissioners asked Ms. Holly to hold check and check with Mr. Pollard regarding the invoice.

Ms. Holy asked the Commissioners if they wanted to discuss the redistricting. The Commissioners asked that this be discussed at another time.

Commissioner Wender informed the Commissioners that he had talked with Earl Pauley, Park Superintendent, regarding getting someone to bid on sawing the logs at the Fayette County Park.

Commissioner Wender informed the Commissioners that Mr. Pauley had received a call from James Skaggs asking if he could put in a bid on sawing the logs. Mr. Pauley informed Mr. Skaggs that if he was interested to write a letter telling the commission what he would saw for and any other cost he would run into if he got the job.

Commissioner Wender informed the Commissioners that Mr. Pauley recommendation was to approve Mr. Skaggs bid.

Commissioner Wender read the letter received from Mr. Skaggs regarding the cost.

Commissioner Wender informed the Commissioners that Mr. Skaggs will do the sawing of the logs for the sum of \$200.00 per 1,000 board feet this include all charges except for damages to blades, an additional \$25.00 per blade is added to cover the cost of a replacement blade.

Commissioner Wender informed he feels the cost is to high and

asked Commissioner Eskew to talk with Mr. Pauley about the price.

Sheriff Laird told the Commissioners he received notice that the final drawdown and reimbursement of funds available to the Fayette County Commission through the COPS Grant (95CFWX6362) were reported by his office but never received.

Sheriff Laird told the Commissioners that \$10,000 is due the Commission.

Sheriff Laird told the Commissioners that Chief Tax Deputy Tom Woodrum has completed the final electronic drawdown of these funds to be credited to the County General Fund.

Sheriff Laird told the Commissioners this grant was used to reimburse the salary and benefits for Deputy Mark Webb during the period of this grant project.

Commissioner Eskew informed the Commissioners that he would not be here for the County Commission meeting of May 12.

Commissioner Wender asked that the Commission meeting be rescheduled for May 16.

The Commissioners approved to change the May 12 County Commission meeting to May 16.

The Commissioners received and reviewed a letter from Attorney Tom Fast regarding the legal advertisement of the proposed amendments to the Unified Development Code. Mr. Fast informed the Commissioners that the legal advertisement provides no information to allow citizens to make any type of informed decision as to whether one should be concerned and appear at this particular meeting.

Mr. Fast is requesting that the April 21, 2003 meeting be

postponed and not taken up until proper and sufficient notice is made by way of publication.

Commissioner Wender asked Commissioner Eskew to talk to Dave Pollard, County Resource Coordinator or Tim Richardson, Zoning Officer regarding this matter.

Commissioner Wender told the Commissioners they need to slow down and make sure everything is done correctly even if it means delaying the hearing for a month.

The Commissioners received and reviewed from Steve Cruikshank, OES Director a list of the buy-out houses that have been closed.

Commissioner Wender suggested having Larry Parson visit the homes to see which needed to be boarded up and proceed with boarding up those that are ready. Commissioner Wender highlighted the property that needed to be boarded up for Mr. Parsons.

Ms. Holly informed the Commissioners that some of the employees were disgruntled regarding when they would get paid for their mileage.

Commissioner Wender asked Ms. Holly to work out a schedule by April 28 that would suffice.

Ms. Holly told the Commissioners that due to Robert Williams dismissal, Debbie Aliff, Payroll Clerk was not able to deduct the \$62.50 share of his PEIA premium. Ms. Holly asked the Commissioners what they suggest doing.

The Commissioners approved paying the full amount PEIA premium of \$62.50 for Robert Williams.

Ms. Holly informed the Commissioners she received notice that the County Commissioners Association of WV's Spring Board and Legislative

Committee meeting is scheduled for May 18-19, 2003 at the Stonewall Resort in Roanoke, WV. Ms. Holly informed the Commissioners that the deadline to make reservations is April 18, 2003. Commissioner Wender informed he will not be attending.

Ms. Holly informed the Commissioners she would talk with the Auditor regarding the petty cash that the Fayette County Park is keeping in safe. Ms. Holly informed the Commissioners that since January the petty cash amount has gone from \$125.00 to \$480.00.

The Commissioners received and reviewed the signed release forms from all the deputies acknowledging receipt of their back wage pay.

The Commissioners received and reviewed an e-mail from Steve Cruikshank, OES Director informing that FEMA has amended our Major Disaster Declaration to include Fayette County for Individual Assistance.

The Commissioners received and reviewed a letter from Sharon McGraw, Chief Magistrate giving her comments on the Community Corrections program.

Commissioner Wender asked to send a letter thanking Ms. McGraw for taking the time to reply regarding the Community Corrections Programs and let her know that the Commission understands the concerns of the officials of the judiciary and realizes that such matters require her endorsement and support.

Commissioner Wender asked Ms. Holly to make copies of the Horseshow Pitching proposal for the next Commission meeting.

The Commissioners approved to allocate up to \$750.00 for the purchase of a computer for Dave Pollard, County Resource Coordinator.

The Commissioners received and reviewed a fax from the County Commissioners Association informing that former Morgan County Commissioner Phil Maggio passed away on Monday, March 31, 2003.

The Commissioners received and reviewed a notice from the West Virginia Transportation Technology Transfer Center informing they will sponsor the Walkable Communities Workshop, Thursday, May 8, 2003 at the Oak Hill Holliday Inn from 1:00 p.m. to 5:00 p.m.

The Commissioners received and reviewed a letter from the Bank of Mount Hope informing that it is their policy to try to recognize the credit, sound, and academic needs of the low and moderate income families in Raleigh and Fayette Counties as well as communities and businesses within those counties and asking the Commission if they are aware of any such need which they feel is not presently being met, they would appreciate the Commission response so that their institution might address the situation more fully.

The Commissioners received and reviewed and signed from the West Virginia Housing Development Fund an Employer Assisted Loan program Letter of Understanding (LOU) listing the responsibilities of the Fayette County Commission (the Employer) in a cooperative effort to maximize the use of the West Virginia Development Fund (the HDF) in making housing more affordable for the employees.

The Commissioners received and reviewed a letter from the West Virginia Development Office enclosing a copy of the executed grant award and state/local contract for Appalachian Regional Commission Program-Fayette County Commission-New Haven Public Service District. A copy forwarded to Dave Pollard, County Resource Coordinator.



The Commissioners received and reviewed a letter from Equitable Production Company informing they cannot honor the County Commission request for Equitable Production Company to provide gas from wells located on Commission property near Beckwith, free of charge, for as long as the wells are producing.

The Commissioners received and reviewed a letter from Allegheny Pro Advantage informing they have entered a new era of telecommunications, and the demand for communication towers to transmit wireless signals and their solution is to place new telecommunication equipment on Allegheny Power's existing telecommunication towers and transmission and distribution structures to serve the community in this area. Copies forward to Tim Richardson, Zoning Officer, David Pollard, County Resource Coordinator, and Davie Neal, E911 Coordinator.

The Commissioners received and reviewed a notice from Joe Manchin, III, Secretary of State informing he will be attending assemblies and voters' registrations at the Fayetteville High School (April 22, 2003 at 10:00 a.m.), Meadow Bridge High School (April 22, 2003 at 12:30 p.m.) And he will be the Keynote Speaker at Meadow Bridge High School Graduation.

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

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

The Commissioners received and reviewed Statement of Expenditures for the months of February and March for the Fayette County Park and

the Central Garage.

The Commissioners received and reviewed Auditor's Report from the Armstrong Creek Volunteer Fire Department for Fiscal Years ending June 30, 2000, 2001, and 2002.

The Commissioners received and reviewed from the West Virginia Development Office a copy of the West Virginia Flex-E-Grant Program Evaluation.

The Commissioners received and reviewed from the Division of Highways a list of requested Recreational Trail (RT), Transportation Enhancement (TE) and Scenic Byway (SB) grant projects for which applications were received, as well as Public Transit, Surface Transportation and Community and system Preservation Pilot Program (TCSP) grants projects each "proposed project undergo a public review and comment period of at least 45 days."

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

The Commissioners received and reviewed from the County Commissioners' Association a summary of the 2003 Legislative Session Lineup.

The Commissioners received and reviewed from the West Virginia Association of Counties the 2003 Legislative Session Bill Summaries and an invitation to attend the Regional wrap-up of an overview of the 2003 Legislative Session.

The Commissioners received and reviewed Application for Employment from Barbara Vealey, Kaci Helene Foster, Stacy Lynn Workman, Terry Lee Treadway, and Christina Ann Coleman.

The Commissioners received and reviewed Certificate of Incorporation for Char-Rose Community Park, Inc.

The Commissioners received and reviewed an order from the Division of Highways ordering the addition of First Street-Page to the State Local Service System.

The Commissioners received and reviewed a letter from the West Virginia Department of Environmental Protection informing they received information from the Office of Explosives and Blasting informing that the surface-mining operator shall file notice of the pre-blast survey or the waiver in the Office of the County Clerk of the County Commission of the County where the man-made dwelling or structure is located to notify the public that a pre-blast survey has been conducted or waived.

The Commissioners received and reviewed from the Town of Fayetteville a Public Notice of Change in Water Rates effective May 20, 2003.

The Commissioners received and reviewed a New Release from the West Virginia American Water Company informing that the WVAWC filed a request with the West Virginia Public Service Commission for a 16.4% increase in rates.

The Commissioners received and reviewed from the 911 Center Status Report of the 911 calls received for the months of January, February, and March 2003.

The Commissioners received and reviewed a letter from the Branch Banking and Trust Company (BB&T) informing that as of March 31, 2003 CATO-MERIDIAN NYSC securities were held by BB&T Company as collateral to secure the deposits of Fayette County Commission.

The Commissioners received and reviewed from the Fayette County Animal Control Center/C-PAC the Monthly Revenue Report and Activity Report for the month of March, Weekly Fees collected for March 21, 2003 to March 27, 2003, amount \$245, for March 28, 2003 to March 31, 2003, amount \$65.00, for April 1, 2003 to April 3, 2003, amount \$85.00, for April 4, 2003 to April 10, 2003, amount \$130.00 and the C-PAC allotment for April \$11,196.42.

The Commissioners received and reviewed from the Sheriff Department the balance of the K-Fund, amount \$2,874.56.

The Commissioners received and reviewed from the Department of Tax and Revenue informing they have completed and enclosed a summary of Fayette County's appraisal Ratio Study company the accuracy of CAMA values to market values for surface real property.

The Commissioners received and reviewed a letter from the Southern Appalachian Labor School giving a list of their losses that occurred during the July 2001 floods. Original forwarded to Steve Cruikshank, OES Director.

The Commissioners received and reviewed from George Smith a member of the Fayette County Planning and Zoning Commission an Official Oath of Office form.

The Commissioners approved payment of \$87.50 to the Raleigh General Hospital to transport an inmate from the Southern Regional Jail to Raleigh General Hospital for clinical assistance in the proper collection of evidence in a criminal investigation.

The Commissioners received and reviewed correspondence from Steptoe and Johnson regarding Gary K. Skaggs lawsuit.

The Commissioners received and reviewed a memo from Susan Williams, reporter for the Charleston Gazette requesting a copy of the Fiscal year 2003-2004 Budget.

The Commissioners received and reviewed 911 fees from the Metro Teleconnect Companies for the month of January and March, amount \$\$92.12, the Citizens Telecommunications company for the months of February and March, amount \$121.28, business Telecom, Inc. For the months of January, February and March, amount \$17.64, Operating Account, amount \$4947.00, Alarm fees, amount \$240,00, and Jail Fees for the City of Oak Hill (\$900.00), City of Mount Hope (\$180.00) and the Town of Fayetteville (\$135.00).

The Commissioners received and reviewed a reimbursement check from TRIDENT for the purchase of a 2003 Dodge Durango for Deputy Sheriff Denny O. Bennett.

The Commissioners received and reviewed a check from the Supreme court for \$2,025.00 for Family Law Master rent for the month of March.

The Commissioners received and reviewed a reimbursement check from the West Virginia Association of counties for the 2003 Annual Meeting Grant for Distressed Counties, amount \$225.00.

The Commissioners received and reviewed checks from the West Virginia Development Office for Paint Creek & Plum Orchard Water Line Extension, amount \$5,318.67, Christian helping Others Food Pantry, amount \$500.00, and Fayette County Youth Soccer, amount \$1,257.29.

The Commissioners received and reviewed a check from the Emergency Services Office for \$4,500.00 for the Fayette County Commission First Phase of funding of costs associated with the Hazard Mitigation 322 Plan.

The Commissioners received and reviewed a check from the St. Paul

for \$600.00 for lightning damage to the Alarm System at the 911 Center.

The Commissioners received and reviewed a fax of an article from the West Virginia Association of Counties regarding voting changes.

The Commissioners received and reviewed a Community Development New #69 from Jim Anderson with USDA Rural Development. A copy forwarded to Dave Pollard, County Resource Coordinator and Commissioner Lopez.

The Commissioners received and reviewed CIS Review Checklist from New Land Leasing. Original forwarded to Tim Richardson, Zoning Officer.

The Commissioners received and reviewed a copy of a letter to Debbie Aliff, Payroll Clerk from Paul Blake, Prosecuting Attorney informing that effective April 14, 2003, Neil V. Boden has been hired as an Assistant prosecuting Attorney at an annual salary of \$35,000.00.

The Commissioners received and reviewed from the U. S. Bankruptcy Court an order regarding Horizon Natural Resources Company. Original forward to Tom Woodrum, Chief Deputy Tax Clerk and a copy forwarded to Paul Blake, Prosecuting Attorney.

The Commissioners approved to pay the invoice to Spilman, Thomas and Battle, PLL, amount \$1,056.25 for the Business Park project.

The Commissioner signed a letter to Senator Robert C. Byrd requesting his assistance in assuring that the IRS expeditiously process their application for (501c3) tax exempt status to establish a (501c3) non profit organization in Fayette County that will address the growing affordable housing needs of Fayette County residents.

The meeting was adjourned. The next scheduled meeting is April  
28, 2003.



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FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
APRIL 28, 2003  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS Present:

Matthew D. Wender, Kenneth L. Eskew

The Fayette County Commission met in a regular session on this 28<sup>th</sup> day of April 2003.

Commissioner Wender called the meeting to order at 9:17 a.m.

Commissioner Eskew made a motion to sign a lease for the Memorial Building with the Fayette County Board of Education. Commissioner Wender seconded. Unanimous.

Carl Harris, Assistant Prosecuting Attorney, informed the Commissioners that he has not drafted a lease for the Danese Detachment. Mr. Harris told the Commission he would work on.

Mr. Harris told the Commissioners he would take the original Memorial Building Lease to Jack Thompson with the Fayette County Board of Education to review.

Exonerations were approved and signed.

The Commissioners received and reviewed a letter from Thomas Aiello, Assessor requesting approval to hire Carol Kidd as a part-time employee in his office effective May 1, 2003.

Commissioner Eskew made a motion to approve Mr. Aiello request to hire Carol Kidd as a part-time employee in the Assessor's Office. Commissioner Wender seconded. Unanimous.

Commissioner Eskew made a motion to approve outstanding bills and payroll. The payroll is to be released on April 30, 2003. Commissioner Wender seconded. Unanimous.



Commissioner Eskew made a motion to approve first half payrolls for May 15. Commissioner Wender seconded. Unanimous.

Ms. Holly informed the Commissioners she had talked with Tom Aiello, Assessor regarding a time when his employees should turn in their mileage for the month. Ms. Holly told the Commissioners she had recommended to Mr. Aiello that a cut off date of the 20<sup>th</sup> of each month and suggested that the employees turn in their mileage vouchers to the bookkeeper no later than the 23<sup>rd</sup> of each month so they can be approved each month at the last County Commission meeting.

Ms. Holly told the Commissioners she received from Michael Dougherty, Extension Specialist the Final Report on the Fayette County Job Descriptions and Pay Classification System. Ms. Holly told the Commissioners she had forwarded copies to the Elected Officials.

The Commissioners received an invoice from Michael Dougherty, Extension Specialist for \$1,200.00 for the three payments for Personnel Study. Ms. Holly informed the Commissioners that 50% would be paid out of the General County Fund and the other 50% have been approved by Tom Aiello, Assessor to pay out of the PVC account. The Commissioners approved to release and pay check to Michael Dougherty.

Ms. Holly told the Commissioners she received in the mail this morning a final draft of the Hancock County Employees Policy from Commissioner John H. Sorrenti.

The Commissioners signed a letter to Alison Chambers, Director, Family Law Masters, requesting reimbursement for rent in the amount of \$2,025.00 for the month of May.

The Commissioners signed two certificates of titles for two (20)

1998 Ford Crown Victorias.

Commissioner Wender told the Commissioners that the Gauley Bridge Police Department wanted to know if the County would donate a second vehicle to the Police Department. Commissioner Wender asked Ms. Holly to call Earl Pauley, Park Superintendent and ask him to bring up VIN # and mileage on the other vehicle.

Commissioner Eskew made a motion to release the second vehicle to the Gauley Bridge Police Department. Commissioner Wender seconded.

The Commissioners received and reviewed a letter from Phil Tissue, Attorney for the New Haven Public Service District requesting that Loren Fox and Roma Lively be reappointed to serve as members of the New Haven Public Service District.

The Commissioners signed orders and appointment letters reappointing Loren Fox and Roma Lively members of the New Haven Public Service District.

The Commissioners signed a letter to Hilda Perry informing they received and reviewed her request for the replacement of the street sign "Mont Carr Lane." The Commissioners informed Ms. Perry they did previously approve her request to name the road without the required petition but is the responsibility of the property owners to purchase and/or replace the signs.

The Commissioners told Ms. Perry of the two methods for naming and signing streets and roads.

The Commissioners signed letters to Judge John Hatcher and Chief Magistrate Sharon McGraw thanking them for taking the time to reply to their letter regarding the Community Corrections Program.

Commissioner Eskew made a motion to renew for a 12-month period commencing June 1, 2003, the budget an accounting ACS Customer Support Maintenance Agreement. Commissioner Wender seconded. Unanimous.

Ms. Holly reminded the Commissioners that Know Your Government Day is scheduled for Friday, May 2, 2003.

The Commissioners received and reviewed News Release from Senator Jay Rockefeller's Office informing that the Mobile Office is scheduled to visit the Courthouse on Thursday, May 1, 2003 at 10:00 a.m. until 11:00 a.m.

The Commissioners received and reviewed a thank-you card from the Fayette County Chapter American Red Cross.

The Commissioners reviewed and approved the 50% allotment of \$2,286.86 to the New River Convention and Visitors Bureau from the Hotel Occupancy Tax for the months of January, February and March 2003.

The Commissioners received and reviewed a letter to Steve Cruikshank, OES Director from Kenneth Roop regarding Mr. Curikshank response to his complaints against the Gauley River Volunteer Fire Department. A copy of the letter forwarded to Paul Blake, Prosecuting Attorney.

The Commissioners received and reviewed brochures from David Stacy, Sales Executive with Commercial Insurance Services asking the Commission to consider his Agency to handle the Liability Insurance for the County.

Ms. Holly told the Commissioners that this Agency is endorsed by the West Virginia Association of Counties.

Ms. Holly told the Commissioners that if they wanted to change Agencies they would have to advertise.

Commissioner Wender asked that this be brought up in the Budget Session for 2004.

Roge Jean Arbaugh appeared before the Commission to tell the Commissioners how upset she was when she was told not to distribute gospel literature inside the courthouse and was asked to leave.

Ms. Arbaugh told the Commissioners she had contacted an attorney with the Gibbs Law Firm, P. A. regarding this matter.

Ms. Arbaugh presented to the Commissioners a letter she received from Gibbs Law Firm informing that he was unable to locate a sample free speech policy that specifically addressed the issue with regard to a government courthouse but sent a copy of a free speech policy used by the University of North Texas for its campus. Commissioner Wender read aloud the letter from the attorney.

Ms. Arbaugh suggested to the Commissioners that they write up a policy.

Commissioner Wender told Ms. Arbaugh they would have to get with the Prosecuting Attorney to write up a policy.

Carl Harris, Assistant Prosecuting Attorney told Ms. Arbaugh and the Commissioners that he has not talked with Paul Blake, Prosecuting Attorney or Tom Steel, Assistant Prosecuting Attorney regarding this matter, but he would look at the information and get back with the Commissioners.

Discussion was held regarding the allocation for the Upper Kanawha Valley Economic Development Corporation.

Ms. Holly informed the Commissioners they had previously approved \$4,606 from the \$100,000 allocated for the Fayette County Business Park contingent upon approval of \$20,00 funding by the Kanawha County Commission for the Upper Kanawha Valley Economic Development Corporation for completion of the office building.

Ms. Holly told the Commissioners she received an order from the Kanawha County Commission approving payment of \$25,000 to the Upper Kanawha Valley Economic Development Corporation for the completion of the office building.

Ms. Holly informed the Commissioners that the Upper Kanawha Valley Economic Development Corporation did receive an allotment of \$5,000 for 2003 Membership Investment for this fiscal year. Ms. Holly asked the Commissioners if they wanted her to release the \$4,606.00 that has been prepared. Commissioner Wender asked that check be released.

The Commissioners received and reviewed a letter from Sheriff William Laird informing that the request from the Family Law Master for an additional security camera has been approved by the Supreme Court of Appeals.

Sheriff Laird informed the Commissioners that the Supreme Court of Appeals has authorized them to inform Advance Alarm Technologies to proceed with the installation of the camera as soon as possible, the cost for this security upgrade is \$575.00.

Ms. Holly informed the Commissioners she talked with Tim Richardson, Zoning Officer and had gotten additional information from Page-Kincaid Public Service District regarding Southern Appalachian

Labor School request for the County to abandon their access road and donate it to Southern Appalachian Labor School for their housing project.

Ms. Holly informed the Commissioners that Mr. Richardson told her that the County does not own the road and that Southern Appalachian Labor School would have to contact the Division of Highways.

Earl Pauley, Park Superintendent, appeared before the Commission to give an update on the animal shelter.

Mr. Pauley told the Commissioners that two concrete slabs completed, one is to be poured tomorrow, the doors and the porch have to be poured, picking up mortar sand today from Shamblin Stone, septic system ordered from Princeton Precast, will be starting to dig for the water line and also the gas line today, waiting for a trencher from Beckley Rent-alls, have blocks ordered from Houchins Block, delivery date is for Wednesday, April 30, 2003.

Commissioner Wender suggested having Allan Ballard do the dry wall on the building.

Commissioner Wender suggested that Dee Lively from the Fayette County Park come up and substitute for Mr. Ballard within the next couple of weeks.

Mr. Pauley asked if he should get a drawdown from FEMA.

The Commissioners suggested that Earl Pauley, Park Superintendent, Charlotte Holly, County Administrator, and Steve Cruikshank, OES Director have a conference call or meet to discuss the drawdowns.

Brent Clark, 4-H Project Coordinator appeared before the

Commission to discuss the 4-H camp fees.

Mr. Clark proposed to the Commissioners that they are willing to do work at the Fayette County Park to help with a discount on camp fees.

Mr. Pauley informed the Commissioners he doesn't have any problem with this proposal.

Commissioner Wender suggested presuming this discussion in early February, the 4-H Leaders are to do work up-front regarding a discount for next year.

Commissioner Wender called for a five (5) minute recess before the next hearing.

The Commissioners met with Damron Bradshaw, President, Sharon Pennington, Melanie Stutler and Charles Armstrong with Multi-Cap, and Essa Howard and Arlie Johnson with the Office of the Economic Development, and Judson Wallace, Fayette County Representative for Multi-Cap.

Commissioner Wender informed that this meeting was scheduled to discuss the status of our previous meetings and memorandum of understanding (MOU) submitted to Multi-Cap for review on February 13, 2003, regarding the establishment of a subcontract agency relationship with Multi-Cap to better serve the individuals living below the poverty level in Fayette County and to decide whether or not to vote on Fayette County withdrawal from Multi-Cap.

Essa Howard urged the Commissioners not to separate from Multi-Cap.

Mr. Howard informed the Commissioners they should have contacted

Multi-Cap if they wanted additional service for Fayette County, something could have been worked out.

Damron Bradshaw informed the Commissioners that he wasn't allowed to sign the Memorandum of understanding (MOU) until he heard from Essa Howard from the Office of Economics.

After a lengthy discussion, Commissioner Wender suggested tabling any action today.

Carl Harris, Assistant Prosecuting Attorney suggested a sit down with Multi-Cap contingent upon any binding effect on any party until approve.

Mr. Bradshaw suggested that someone talk with the entire Board and present their request.

Mr. Bradshaw told the Commissioners the Board meet the 4<sup>th</sup> Tuesday at 5:00 p.m. and he asked the Commissioners if they would come to the meeting to discuss.

Commissioner Wender asked Mr. Bradshaw to send copies of the Memorandum of Understanding to all the Board members to review before the meeting.

Mr. Bradshaw suggested to the Commissioners to get copies of Putnam and Boone Counties contracts with Multi-Cap.

The Commissioners asked Attorney Paul Clay if he would get copies of the Putnam and Boone contracts for the meeting.

Mr. Bradshaw told the Commissioners that the offices in Kimberly, Ansted, and Oak Hill will be opened until August.

Commissioner Eskew offered a motion that the issues are tabled until June 9, 2003 after the Commission has had an opportunity to meet



with the Multi-Cap Board members. Commissioner Wender seconded.

Unanimous.

The hearing was adjourned at 12:30 p.m.

Carl Harris, Assistant Prosecuting Attorney informed the Commissioners he had reviewed Data Designs Contract and based upon the contract the \$1,511.25 is justifiable. Mr. Harris told the Commissioners he did not like the contract.

Commissioner Eskew made a motion that Carl Harris, Assistant Prosecuting Attorney and Charlotte Holly, County Administrator, reviews the outstanding bills and pay up to \$2,000 to Data Design for. Commissioner Wender seconded. Unanimous.

Commissioner Wender informed that since CSSI is scheduled to meet with the Commission on May 16, 2003, Commissioner Wender asked Kelvin Holliday, County Clerk to make a list of questions to ask CSSI about converting from Data Design to CSSI System, to talk with other Counties who have the CSSI System or converted from Data Design to the CSSI to see if they are satisfied with the system and get a sample of CSSI maintenance contracts.

Ms. Holly asked that someone from the Secretary of State office be present.

Commissioner Wender asked Mr. Holliday to have the Secretary of State put in writing that they would buy 40 touch-tone screens for the election.

Commissioner Eskew offered a motion that Tim Richardson purchases a vehicle for the Animal Shelter not to exceed \$7,000. Commissioner Wender seconded. Unanimous.

Ms. Holly asked the Commissioners if anyone had talked with Larry Parsons about a vehicle. The Commissioners replied no. Ms. Holly told the Commissioners she talked with Mr. Parsons and he informed her that he needed a cab truck not an automobile.

Kelvin Holliday, County Clerk submitted an invoice to be reimbursed for the purchase of a microwave for employee's lounge, amount \$42.67. The Commissioners approved.

Ms. Holly presented a sample lead test done by Beam, Inc. on the paint of the windows at the Courthouse to the Commissioners.

Ms. Holly informed the Commissioners she had talked with the Fayette County Historic Landmark Commission and was told that they are unable to secure additional funding to contract a sculptor and complete the project within the grant deadline.

Ms. Holly informed the Commissioners that the Fayette County Historic Landmark Commission has confirmed for the Commission to change the scope of the project for the purchase and installation of an emergency generator for the Fayette County 9-1-1 Center.

Ms. Holly asked the Commissioners if they could think of an alternative project.

Commissioner Wender made a motion for a change in scope of the project to request for the purchase and installation of an emergency generator for the Fayette County 9-1-1 Center. Commissioner Eskew seconded. Unanimous.

Commissioner Wender signed the Request for a project amendment scope/activity change.

The Commissioners received and reviewed a letter from Sheriff

Bill Laird informing that invoice #3245 from Advanced Alarm Technologies in the amount of \$2,100.00 for the installation of the CCTV system at the Family law court, the West Virginia Supreme Court of Appeals has agreed to pay for this overage.

The Commissioners received and reviewed a letter from Sheriff Bill Laird informing that approval has been given for the purchase of an additional security camera for the Family Law Court. The quoted cost for this security upgrade is \$575.00.

The Commissioners received and reviewed a letter from Diane Meadows, County Program Coordinator with the WVU Extension Service responding to the letter they received from the Commission dated April 15, 2003 concerning the approval of the WVU/FC Extension budget, the amount of contribution approved for the Agricultural Agent's salary in question.

Ms. Meadows informed the Commissioners that David Snively, WVU Assistant Director of County Operations, will review the amount of the contributions WVU received from Fayette County in the fiscal year 2002-2003 to verify that their records are in accordance to the Commission records. Ms. Meadows told the Commissioners if there is a discrepancy, Mr. Snively will contact the Commission to resolve the matter.

Ms. Meadows informed the Commission that the distribution of agents' assignments is in error. Ms. Meadows told the Commissioners that the Family and Consumer Science Agent (formerly Home Economics) and the Agriculture Agents are the two agents that are shared between Fayette and Nicholas Counties. The 4-H Project coordinator (not an

Agent) is 100% Fayette County. The Agriculture Agent is 50% Fayette and 50% Nicholas. Ms. Meadows told the Commissioners that no specific percentage was assigned the Family and Consumer Science Agent due to the fact that Fayette county is the base county for the agent, this agent has assumed County project Coordinator status, and the agent also supervises the Nutrition Outreach Instructor who is assigned only to Fayette County.

The Commissioners received and reviewed a letter from Diane Meadows, County Program Coordinator, informing the Commissioners that per their suggestion she and Brent Clark, 4-H Project Coordinator assessed the computer's Tom Aiello, Assessor has available. Ms. Meadows told the Commissioners that none of the computers meet the memory requirements needed to operate. Groupwise and the additional software necessary for the agents in their office.

Ms. Meadows told the Commissioners they are requesting that the former proposal to match \$700 with WVU's offer be approved and asked that the monies budgeted for travel to be transferred from the Travel line item to the Capital Outlay and Equipment line item on the 2002-2003 Memorandum of Agreement.

Ms. Meadows is also requesting that the Extension Office be permitted one of the computers in Mr. Aiello's possession for use in the Extension Office for the WVU Work Study students.

The Commissioners received and reviewed from the unemployment Compensation Division a request for unemployment for Robert L. Williams.

Ms. Holly informed the Commissioners she received an invoice from

Thrasher Engineer for the Wolf Creek Park Site for \$15,000. Ms. Holly informed the Commissioners that the Commission has a contract for \$14,000 with Thrasher Engineering, Ms. Holly asked the Commissioners if they have two contracts with Thrasher Engineer.

Commissioner Wender told Ms. Holly they need to check with David Pollard, County Resource Coordinator regarding this matter.

Ms. Holly told the Commissioners she have no motion regarding the \$15,000 payment to Thrasher Engineering.

Commissioner Wender asked to hold check will iron details out by May 16.

Commissioner Wender informed he will draft an e-mail to WVU Tech to check on the status of the \$10,000 and copy to David Pollard, Commissioner Eskew and Ms. Holly.

The Commissioners received and reviewed a letter from Gene Kistler with the New River Alliance of Climbers requesting permission to setup informational booths on and around the Courthouse lawn from 8:00 a.m. til Noon on Saturday, May 17, 2003 for the New River Alliance of Climbers (NRAC) spring event to promote world class climbing in Fayette County.

Commissioner Eskew made a motion t approve request for permission to setup informational booths on and around the Courthouse on May 17, 2003. Commissioner Wender seconded. Unanimous.

The Commissioners received and reviewed the proposed estimate of \$34,000 for the Road Office roof from Rick Myles Construction.

The Commissioners approved James Perdue, Maintenance Supervisor overtime.

Commissioner Wender made a motion to hire Raymond St. Clair as a janitor on the evening shift at \$1,100 a month beginning May 1, 2003 plus benefits. Commissioner Eskew seconded. Unanimous.

Commissioner Wender made a motion to hire Mary Davis as a janitor on the evening shift at \$1,100 a month beginning September 1, 2003 plus benefits. Commissioner Eskew seconded. Unanimous.

The Commissioners received and reviewed the letter Sheriff Laird wrote to Senator Shirley Love concerning the serious need to replace the current roof at the Office of the Fayette County Sheriff's Department.

Commissioner Wender made a motion to allocate up to \$18,000 for roof repairs for Sheriff Road Office. Tri-State Roofers will do the work. Commissioner Eskew seconded. Unanimous.

Commissioner Wender informed the Commissioners that \$10,000 for the roof repairs will be coming out of the Legislative Digest.

Ms. Holly informed the Commissioners that Sheriff Bill Laird needs a purchase order for the two new cruisers. The Commissioners approved to issue the purchase order.

The Commissioners received and reviewed a letter from Kelvin Holliday, County Clerk requesting to transfer \$250.00 from his office overtime line item to his travel line item for fiscal year 2003.

Commissioner Eskew made a motion to approve to transfer \$250.00 from Mr. Holliday's office overtime line item to his travel line item for fiscal year 2003. Commissioner Wender seconded.

Commissioner Wender asked that a letter be sent to Mr. Holliday informing that this should have been approved prior to.

Commissioner Wender suggested delaying talking about the horseshoe pit until the fall.

Discussion was held regarding who is to prepare the deed to the Minden Property.

Commissioner Wender informed he would e-mail Ron Elliot to confirm that Berwind Land Company would prepare the deed.

Ms. Holly asked Commissioner Eskew if he had talked with Earl Pauley, Park Superintendent about the log sawing bid. Mr. Eskew replied no.

Ms. Holly told the Commissioners she gave a copy of the letter written to Gary Hough regarding the Memorial Building rental fees to Allan Ballard.

Ms. Holly informed the Commissioners that they need to amend the lease to state that the rental fees are to be paid to the Fayette County Commission instead of the Fayette County Board of Education.

Ms. Holly informed the Commissioners that the Fayette County Solid Waste Authority had asked Debbie Berry to attend the World of Solid Waste Authorities Educational Workshop on April 22, 2003.

Ms. Holly asked the Commissioners if this should be charged as a vacation day or just a work day. The Commissioners approved to charge this day as a work day for Ms. Berry.

The Commissioners received and reviewed thank-you card from The Johnson Family.

The Commissioners received and reviewed an order from Attorney Tom Fast for Michael E. Swartz, petitioner withdrawing petition to remove Kathy Stanley as Executrix of the Estate of Frank K. Thomas.

The Commissioners received and reviewed correspondence from the Worker's Compensation Division and Unemployment Compensation Division.

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

The Commissioners asked Ms. Holly to check with the Workers' Compensation Division regarding the 2% increase.

The Commissioners received and reviewed a letter from the Women's Resource Center requesting for support to be included in the 2003-2004 budget.

Commissioner Wender asked Ms. Holly to check and see if they had already included the Women's Resource Center in the 2003-2004 budget, if so, Commissioner Wender asked Ms. Holly to put a note at the bottom of the letter informing them that they have already been included in the 2003-2004 budget.

Ms. Holly informed the Commissioners that Paul Blake, Prosecuting Attorney had reviewed the letter from Attorney Tom Fast regarding the Zoning Office legal advertisement for a public hearing on the amendments (change in land classification) to the Unified Development Code.

Ms. Holly informed the Commissioners that Mr. Blake recommendation was to reschedule the public hearing.

The Commissioners approved to paying Data Design, Inc. \$1,701.25.

The Commissioners signed a letter to Debbie Aliff, Payroll Clerk, informing that effective May 1, 2003 Raymond C. St. Clair will be employed as a custodian on a 6-month probationary full time basis at an annual salary of \$13,200 plus benefits.



The Commissioners received and reviewed a letter from Steptoe and Johnson regarding the Page-Kincaid Public Service District Sewer Revenue Bonds, Series 1988 A(WDA).

The Commissioners received and reviewed from Brad L. Carelli, a member of the Fayette County Soldiers and Sailors Memorial Board Official Oath of Office form.

The Commissioners received and reviewed four (4) copies of the Plat of Survey and the Topographical Survey for the Berwind Land Company property in Minden from New River Engineering, Inc.

The Commissioners received and reviewed f from SunTrust Bank a list that represents securities pledged as of May 31, 2003.

The Commissioners signed a letter to the elected officials informing that the Final Report on the Fayette County Job Description and Pay-Classification System has been prepared by Michael Dougherty, WVU Extension Specialist.

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

The Commissioners received and reviewed from the Division of Criminal Justice Services, Fiscal Year 2004 WV Community Corrections Fund Grant Application Information. The original forwarded to Sheriff Bill Laird.

The Commissioners received and reviewed from the West Virginia Development Office a check for \$3,500.55 for Legislative Digest Grant 00-358, Sewer Study.

The Commissioners received and reviewed a check from Verizon in the amount of \$40,801.60 for 911 Fees for the month of March 2003.

The Commissioners received and reviewed a check in the amount of \$39,060.89 representing a disbursement of Wireless E-911 subscriber fees for the months of November 2002 through January 2003.

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

The Commissioners received and reviewed Weekly fees Collected from the Fayette County Animal Control Center for the week of April 18, 2003 through April 24, 2003, amount \$337.00.

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 02-CS-06 for the months of January, February and March 2003.

The Commissioners received and reviewed an invoice to the West Virginia Housing Development fund from Randy Housh, Housing Consultant for consulting fees for the month of April, amount \$3,333.50.

The Commissioners received and reviewed invitation from the Fayette County Department of Health and Human Resources Office inviting the Commission to join in the Observance of Children's memorial Flag Day Ceremony being held April 25, 2003.

The Commissioners received and reviewed a letter from the Allegheny Pro Advantage informing of the Spring 2003 plan for herbicide applications to control the growth of weeds and woods, bush within your gravel storage yards, and interior or perimeter fencing.

The Commissioners received and reviewed a thank-you letter thanking the Commission for their participation and assistance at the Help America Vote Act Advisory Committee meeting held on Monday, April

7, 2003.

The Commissioners received and reviewed a letter from the West Virginia Development Office verifying that the name of Diversified Enterprise, Inc. does not appear on the current "Lists of Parties Excluded from Federal Procurement or Nonprocurement Programs" and is, therefore, an eligible firm for contracting associated with the Small Cities block Grant.

The Commissioners received and reviewed a letter from Crews and Associates informing of the other services they offer.

The Commissioners received and reviewed a telephone message from Patti Adkins regarding her dog being picked up by the Fayette County Animal control Center.

The meeting was adjourned at 4:03 p.m. The next scheduled meeting is May 16, 2003.



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FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
MAY 16, 2003  
COURTHOUSE  
FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 16<sup>th</sup> day of May 2003.

Commissioner Wender called the meeting to order at 9:10 a.m.

Commissioner Wender introduced Henry Neal with the Labor Union to the Commissioners.

Exonerations were approved and signed.

Commissioner Lopez made a motion to appoint Graydon C. Ooten, Jr. Special Fiduciary Commissioner in the Estate of Thomas Elswick.

Commissioner Eskew seconded. Unanimous. Order signed.

Discussion was held regarding closing of the West Virginia University Institute of Technology facility in Oak Hill.

Commissioner Wender informed the Commissioners he had met with Dr. LaRose and asked them to reconsider closing the facility.

Commissioner Wender informed the Commissioners that Dr. LaRose agreed to keep open provided that WVUIT will secure outside funding and a one year arrangement to increase enrollment.

Commissioner Wender told the Commissioners the cost to keep the building open is \$53,000, Charles Flint said he would cut rent from \$36,000 to \$30,000.

Commissioner Lopez made a motion to set aside up to \$10,000 to keep WVUIT open contingent upon other sources (4-C Economic and Development Authority, Legislative Digest and Fayette County Board of

Education come up with the balance) provided the full amount of funding necessary is raised. Commissioner Eskew seconded. Unanimous.

Commissioner Wender informed the Commissioners that due to the death of Ron Elliott's father, Commissioner Wender asked that the Commissioners send a belated sympathy card.

Commissioner Lopez made a motion that Budget Revision #3 for the General County Fund and Coal Severance Fund for Fiscal Year 2002-2003 be approved; Commissioner Eskew seconded. All approved, Budget Revision signed.

The Commissioners received and reviewed a letter from the Fayette County Board of Health informing that Jack Tamplin's term as a member of the Fayette County Health Department expires June 30, 2003 and the members are recommending that he be reappointed for a five-year term.

Commissioner Lopez made a motion to reappoint Jack Tamplin, a member of the Fayette County Board of Health, term to expire June 30, 2008. Commissioner Eskew seconded. Unanimous. Order and an appointment letter signed.

The Commissioners signed a letter to the West Virginia Development Office requesting twelfth drawdown for the Christians Helping Others Food Pantry, amount \$500.00.

The Commissioners signed a letter to the West Virginia Development Office requesting second and final drawdown for the Fayette County Sheriff, amount \$1,898.06. The Certificate of Grant Completion signed.

Ms. Holly informed the Commissioners that the West Virginia Development Office denied the request for an extension for the Marquis

De LaFayette Legislative Digest Grant and denied the request for a change in scope of the project to install a generator at the 911 Center instead of a statue.

The Commissioner signed letters to the West Virginia Development Office requesting a change in the scope of Project #00CPGP012 to purchase and install a fire hydrant at Boley Street and to install emergency drainage pipe at Burkholder Avenue to eliminate standing water in that street and yard of one resident.

The Commissioners signed a letter to the West Virginia Development Office as a follow-up to Senator Shirley Love's request dated May 12, 2003 requesting a change in the scope of Project #00CPGP0308 to restore a roof at the Fayette County Courthouse Complex that covers the Sheriff's Department of this historic site.

Commissioner Eskew made a motion to approve the change of scope of Project #00CPGP0127 (Fire Hydrant). Commissioner Lopez seconded. Resolution signed.

Commissioner Eskew made a motion to approve change of scope of Project #00CPGP0308 (Marquis De LaFayette). Commissioner Lopez seconded. Resolution signed.

Commissioner Lopez made a motion to approve incorporated banking institutions within the County to act as County depositories for the Fiscal Year beginning July 1, 2003 (Fayette County National, Branch Banking & Trust, Bank of Mount Hope, United National Bank, Bank One Beckley, WV N.A., City National Bank of WV). Commissioner Eskew seconded. Order and letters signed.

The Commissioners received and reviewed a letter from the

Southern Appalachian Labor School asking that the Commissioners send a letter of support to send to HUD for renewal of their Youthbuild Program.

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

Commissioner Wender asked that Dave Pollard, County Resource Coordinator give status of the conference on Kilsyth Project.

Mr. Pollard made a request to the Commissioners that they pay up to \$2,000 for Certified Title of Opinion to Berwind Land Company for Business Park from the Industrial Park Fund. The Commission asked Commissioner Eskew to handle negotiations with Berwind Land Company Attorney.

Commissioner Eskew made a motion to approve request of Mr. Pollard to pay up to \$2,000 for Certified Title of Opinion to Berwind Land Company for Business Park to be paid from the Industrial Park Fund. Commissioner Lopez seconded. Unanimous.

Mr. Pollard requested from the Commission money for Phase I Environmental Study up to \$25,000 for engineer expenditures for Berwind Land Company.

Commissioner Lopez made a motion to earmark from the Business Park Fund and cap at \$25,000 by the Committee on the Development Park in addition to the \$14,000 original contract for Land Use Plan. Commissioner Eskew seconded. Unanimous.

Ms. Holly told Dave Pollard she needed a copy of the \$25,000 contract from the engineer.

Commissioner Lopez asked where are the funds coming from for the acquisition of the property.

The Commissioner received and reviewed an invitation to attend the groundbreaking ceremonies for the Mount Hope Juvenile Center being held May 23, 2003 at 10:00 a.m.. The Commissioners will be attending.

Ms. Holly informed the Commissioners that Stacy Workman, Dog Warden had requested that she be paid for capturing of unregistered dogs. Ms. Holly informed the Commissioners she had forward this request and information over to Sheriff William Laird.

The Commissioners received and reviewed a letter from Sheriff Laird informing that Stacy Workman, Dog Warden is to be paid a bounty of fifty cents per dog for the capturing of unregistered dogs within the jurisdiction.

The Commissioners received and reviewed a letter from the Danese Volunteer Fire Department informing the Commission they will respond as soon as the Commission has drafted a lease, will call to arrange a mutual agreement date for the meeting.

Carl Harris, Assistant Prosecuting Attorney suggested to the Commissioners to have a meeting with the Danese Volunteer Fire Department to see what they want.

Commissioner Wender suggested to the Commissioners that they meet with the Danese VFD May 31 or June 7 at 10:00 a.m. The Commissioner asked Ms. Holly to contact Sheriff Bill Laird, Tim Richardson, Zoning Officer and Steve Cruikshank, OES Director to see if they can attend.

Commissioner Lopez informed the Commissioners that he received from Tim Richardson, Zoning Officer estimates to paint and stripe



vehicles for the Sheriff Department, the cost would be \$810.00 each to paint three and \$250.00 each to stripe one, total cost \$2,680.00.

Commissioners Lopez offered a motion to authorize and approve to paint and stripe the vehicles out of the Central Garage Maintenance. Commissioner Eskew seconded. Unanimous.

Gene Watkins with G. E. Watkins and Associates appeared before the Commission to discuss telecommunication audits.

Mr. Watkins informed the Commissioners they identify telcom billing errors and overcharges, then negotiate for refunds, credits and lower costs.

Mr. Watkins informed the Commissioners that their primary service is telecommunications auditing, i.e., reviewing clients' telephone bills in order to verify the validity of charges.

Mr. Watkins told the Commissioners that they do a customer service report, review 46 different items, money comes direct to the Fayette County Commission, Fayette County Commission pays G. E. Watkins and Associates 50% of the money that is recovered; it takes about three months, 50% of what the Fayette County Commission plans to do with recommendation and Fayette County Commission would have 50% savings over the next two years.

Commissioner Wender asked Mr. Watkins to send a complete copy of the contract and documents for Carl Harris, Assistant Prosecuting Attorney to review and make recommendation to the Commission.

Angie Sleeth with Region 4 Planning and Development Council appeared before the Commission to conduct a public meeting for a Small Cities Community Development Block Grant for Page-Kincaid Public

Service District-Ingram Branch Wastewater Extension.

Ms. Sleeth called the public meeting to order at 11:00 a.m.

Ms. Sleeth informed the Commissioners the purpose of the public meeting is to discuss an application with the West Virginia Development Office for a Small Cities Community Development Block Grant for the Page-Kincaid Public Service District-Ingram Branch Wastewater Extension Phase I.

Ms. Sleeth told the Commissioners that the grant application will request \$1.5 million from the Small Cities Community Development Block Grant for a total project cost of \$5.9 million.

Carl Harris, Assistant Prosecuting Attorney asked Ms. Sleeth how many people to be served. Ms. Sleeth replied 222 residents.

No other comments were received, Commissioner Wender closed the public hearing at 11:09 a.m.

Ms. Sleeth presented three Resolutions to be signed.

Commissioner Lopez offered a motion to adopt application for the Small Cities Community Development Block Grant for Page-Kincaid Public Service District-Ingram Branch Wastewater Extension. Commissioner Eskew seconded. Unanimous. Resolution signed.

Commissioner Eskew offered a motion to adopt a Resolution for a Citizen Participation Plan for the Small Cities Community Development Block Grant for Page-Kincaid Public Service District-Ingram Branch Wastewater Extension. Commissioner Lopez seconded. Unanimous. Resolution signed.

Commissioner Lopez offered a motion to approve and authorize the Adoption of a Resolution Formalizing a Fair Housing Program for the

Small Cities Community Development Block Grant for Page-Kincaid Public Service District-Ingram Branch Wastewater Extension. Commissioner Eskew seconded. Unanimous. Resolution signed.

Ms. Sleeth presented a request for payment for the New Haven Public Service District Water Extension Project, Contract #13, amount \$3,623.57

Commissioner Eskew offered a motion to approve and authorize the payment of services for Contract 13, amount \$3,623.57. Commissioner Lopez seconded. Unanimous. Resolution signed.

Ms. Holly told Ms. Sleeth that Tom Woodrum, Chief Tax Deputy told her that Branch Banking & Trust (BB&T) had closed the Small Cities Block Grant account due to lack of funds. Ms. Holly asked Ms. Sleeth if she would write a letter to Branch Banking and Trust (BB&T) asking that they reopen the account. Ms. Sleeth informed she would write the letter.

Commissioner Wender informed the Commissioners that the Commission has acquired from Berwind Land Company two acres of land to build Minden Community Park. Commissioner Wender told the Commissioners that the County will pay the insurance on the property and the Commission will lease the property to the Minden Community.

Commissioner Wender informed the Commissioners that the deed has been prepared. Commissioner Wender gave Carl Harris, Assistant Prosecuting Attorney the deed to be recorded.

Darryl MacPherson, with Pennsylvania Christians Endeavors appeared before the Commission to inform the Commission that they were back to see what work needs to be done in the Fayette County area.

Mr. MacPherson told the Commissioners they would be staying at the Fayetteville High School during the month of July.

Commissioner Wender suggested that Larry Parson be made the Project Coordinator.

Mr. Parsons recommended that Randy Housh be made Coordinator of the project.

Commissioner Wender suggested that Larry Parsons, Randy Housh, Earl Pauley, and the Commission sit down and coordinate the project.

The Commissioners thanked Mr. MacPherson for his presentation.

Bill Caudill appeared before the Commission to make them aware of what's being built and what's going on around the area he live.

Mr. Caudill told the Commissioners of the old abandoned cars and the trash that's being stored around his property.

Commissioner Wender told Mr. Caudill that the County can address the trash and the abandoned cars. Commissioner Wender told Mr. Caudill he would ask Larry Parsons to go down and issue tickets.

The Commissioners recessed for lunch at 12:10 p.m.

The Commissioners reconvened at 1:20 p.m.

Commissioner Lopez made a motion to approve outstanding bills. Commissioner Eskew seconded. All approved.

Commissioner Lopez made a request to address a letter to the Governor advising them of the need for the parking areas at the museum and overlook areas of Hawks Nest State Park located in Fayette County to be resurfaced and request that on behalf of Hawks's Nest State Park they consider and approve for the Division of Highways to resurface their parking areas.

Commissioner Lopez told the Commissioners he was told by Tom Shriner, Superintendent at the Park that these areas have not been overlaid since the park was built.

The Commissioners approved writing the letter to the Governor.

Commissioner Lopez made a motion that Kenneth Eskew is reappointed a member of the Coal Heritage Highway Authority. Commissioner Wender seconded. Unanimous. Order and an appointment letter signed.

Kelvin Holliday, County Clerk appeared before the Commissioners with Matt Miller with Complete System Support, Inc. (CSSI) to discuss conversion of the Data Design voter's information and history to their system.

Mr. Miller told the Commissioners it would take no more than 20 minutes to convert the voter's information and history to CSSI; Mr. Miller told the Commissioners that this doesn't include digitized signatures, conversion, on-site training should be done in one week at \$640.00, no hardware purchase would be needed; offer a standard 48 hour turn around hardware contract; software program cost governed by the Secretary of State.

Mr. Miller told the Commissioners that he reviewed the hardware, existing hardware not needed the CSSI System completely support, excluding signature scanning space, operating the system is not a problem.

Mr. Miller told the Commissioners that CSSI System is not windows based, they would develop for the future but it depends on the type of specs the Secretary of State offer, if they buy software any upgrades

or updates required by the Secretary of State would be free of charge. Mr. Miller told the Commissioners the Secretary of State controls changes to the voter's registration system excluding signature scanning.

Mr. Miller told the Commissioners CSSI would install software free of charge.

Mr. Miller told the Commissioners that the signature scanning application is separate from the voters registration; CSSI scans one card at a time at 3-5 seconds per card.

Mr. Miller told the Commissioners that CSSI has never converted Data Design signature scanning application for CSSI to convert the signature scanning application this includes an absentee module the cost would be \$3,500 this includes software, installation, and training.

Steve Cruikshank, OES Director, appeared before the Commission to discuss FEMA drawdown for the Animal Shelter and boarding up houses from the buyout.

Commissioner Wender suggested to Mr. Cruikshank to get in contact with Larry Parsons regarding boarding up houses.

Commissioner Wender asked Mr. Cruikshank to give a list to the Commissioners on June 9 on how many different claims they have, what claims have been submitted to FEMA, what claims have been paid, and what money have not been claimed.

Commissioner Wender suggested that Ms. Holly and Mr. Cruikshank compare notes on what's been received and what have not been received.

The Commissioners approved invoice from Rick Myles Construction

for pouring of concrete for the Animal Shelter, amount \$15,000. Ms. Holly told the Commissioners a copy of the invoice has been forwarded to Mr. Cruikshank.

Ms. Holly told the Commissioners that the balance in the FEMA account is \$41,738.59.

Commissioner Wender asked where the Commissioners stand on boarding up houses.

Larry Parsons informed the Commissioners none have been done. Mr. Parsons told the Commissioners he knows the location of some of the houses.

Mr. Parsons requested that Mr. Cruikshank take him and show him where the houses are located.

Commissioner Wender suggested to Mr. Cruikshank to prepare a list of the homes that are closed and ask Theresa White to take a day as soon as possible to go with Mr. Parsons to put up signs.

Commissioner Eskew offered a motion to approve an invoice from Literal E in the amount of \$1,240 from the Flood Mitigation Plan Grant. Commissioner Lopez seconded. All approved.

Commissioner Eskew made a motion to authorize and approve up to \$22,000 for roof for the Sheriff's Road Office. Commissioner Lopez seconded. All approved.

The Commissioners discussed paying to the Upper Kanawha Valley Economic Corporation the \$4,606 for the completion of the Upper Kanawha Valley Technology Office Building in Montgomery but decided to hold to discuss when Commissioner Lopez is present.

The Commissioners received/reviewed and approved an invoice from

Thomas Malone in the amount of \$8,841.00 for repairing and rebuilding various volumes of record books in the County Clerk's Office, money to be paid from excess record book and employees' salaries line items.

Ms. Holly informed the Commissioners that the trunk of the commode tank in the Probation Office broke and flooded the Commission Room and the Payroll Clerk Office, had to replace the tile in the Probation Office bathroom.

Ms. Holly told the Commissioners the motherboard in the Personal Computer that Judy Hess, Indexing Clerk uses for indexing in the County Clerk's Office went out last Friday, cost of replacing, installing and configuring the new PC would be approximately \$1,800.00. The Commissioners approved.

Ms. Holly told the Commissioners the PC's for the Prosecuting Attorney Office has been ordered.

Ms. Holly asked the Commissioners if they would approve for her to purchase a PC for her home to use for County business.

Commissioner Wender made a motion to authorize and approve up to \$1,000 for Ms. Holly to purchase PC for workstation at her home. Commissioner Eskew seconded. All approved.

The Commission approved for Ms. Holly to attend the Employment Discrimination Seminar Update being held in Charleston on May 19, 2003 and the Recent Development in Employment Law Seminar being held in Charleston on May 21, 2003.

Commissioner Wender made a motion to approve Jackie Hickman's overtime. Commissioner Eskew seconded.

The Commissioners approved for Ms. Holly to attend the Election



Training Session being held Wednesday, May 28, 2003 at the Days Inn Conference Center in Flatwood.

The Commissioner received and reviewed information and certificate from the West Virginia Housing Development Fund regarding the Employer Assisted Loan Programs. Copies forwarded to Debbie Aliff, Payroll Clerk.

The Commissioners received and reviewed a letter from the Town of Pax requesting \$2,000 for the Flood Control Contribution for Fiscal Year 2003 and Fiscal Year 2004.

Ms. Holly told the Commissioners that the Town of Pax had not received their contribution for Fiscal Year 2003, check has been prepared, but the contribution for Fiscal Year 2004 is not due until after July 1, 2003. The Commissioners approved to pay contribution for Fiscal Year 2003.

Ms. Holly told the Commissioners that the final payment (\$3,000.00) to the contractor for the King's property from the Hazard Mitigation Grant Program is included in the invoices today.

The Commissioners approved to purchase the tile for the Magistrate Court arraignment room from Lee's Carpet and Floor Covering, cost \$667.00.

Ms. Holly told the Commissioners she received a telephone call from Dianna Smallwood with the Fayette County Board of Education asking if the Board could use the County incinerator to get rid of old records. Ms. Holly told the Commissioners she called the West Virginia Department of Commerce Labor and Environmental Resources Air Pollution Control to see if the County is allowed to do this but they

have not returned her call.

Ms. Holly asked the Commissioners about the \$15,000 invoice from Thrasher Engineer.

Commissioner Wender informed he would ask Dave Pollard, County Resource Coordinator about this matter.

The Commissioners received and reviewed from Steve Cruikshank, OES Director, an Informational Report pertaining to the Buyout program being implemented by the Office of Emergency Services in conjunction with FEMA.

The Commissioners received and reviewed Annual Financial Statement for the Emergency Services FEMA Grant Fund(07/01/2001 thru 06/30/2002).

The Commissioners received and reviewed a letter from the Office of Emergency Services asking that they sign and return a Letter of Credit Payment Request for Phase II of the DMA2K Section 322 All Hazards Mitigation Plan.

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

The Commissioners received and reviewed from the Fayette County Animal Control Center/C-PAC the Activity Report and Revenue Report for the month of April, Weekly Fees Collected for the week of April 11 thru April 17, 2003 (\$346.00), the week of April 25 thru April 30, 2003 (\$385.00), the week of May 1 thru May 8, 2003 (\$350.00), and the week of May 9 thru May 15, 2003 (\$855.00).

The Commissioners approved May 2003 allotment to C-PAC, amount

\$11,755.47.

The Commissioners received and reviewed a letter to the West Virginia State Agency for Surplus Property advising that the Danese Volunteer Fire Department is an essential part of Fayette County's safety program and is considered an instrumentality of the Fayette County Commission in carrying out fire fighting and other public services.

The Commissioners received and reviewed an Official Oath of Office from Roma Lively member of the New Haven Public Service District.

Commissioner Eskew made a motion to accept the Agreement between the Fayette County Commission, Fayette County Board of Health and Donald C. Newell, Jr., D. O. Commissioner Wender seconded. All approved.

The Commissioners received and reviewed several checks for 911 Fees from Z-Tel Communication, Inc. (\$16.00), Metro-Teleconnect Co. (\$45.08), Verizon (\$39,384.06), Business Telecom, Inc. (\$5.88), and Operating Account (\$3,164.14), for Franchise Fees Charter Communications (\$23,965.94) for Alarm Fees (\$783.00), for Jail Fees from Town of Ansted (\$225.00), City of Oak Hill (\$855.00), Town of Fayetteville (\$135.00) and the City of Mount Hope (\$45.00).

The Commissioners received and reviewed checks from the Supreme Court of Appeals for Family Law Masters rent for the months of April and May, amount \$4,050.00.

The Commissioners received and reviewed a check from the Sheriff of Raleigh County for reimbursement for TRIDENT overtime, amount

\$2,880.02.

The Commissioners received and reviewed checks from the West Virginia Development Office for Legislative Digest Grant 02-470-Christians Helping Others Food Pantry, amount \$500.00, Legislative Digest Grant 02-472-Fayette County Youth Soccer Association, amount \$1,738.15, SCBG Grant project 01-SCBG004N-Paint Creek/Plum Orchard Water Extension Contract 13, amount \$3,983.72 and ARC Grant Project WV-14305-02-I-214 Saturday Road/Horseshoe Creek Water Extension Contract 12, amount \$12,795.04.

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

The Commissioners received and reviewed a letter from the West Virginia Development Office informing of the application process funding for the Fiscal Year 2003 Land and Water Conservation Fund (LWCF) Program. A copy forwarded to Dave Pollard, County Resource Coordinator.

The Commissioners received and reviewed from the AIG Environmental the agenda of the Virginia Brownsfields Conference meeting being held May 21 thru May 22, 2003.

The Commissioners received and reviewed a letter from Kelvin Holliday, County Clerk with quotes he received from Dayton Legal and Casto and Harris for book order asking the Commission for their approval. Per Mr. Holliday he should have \$6,000 in his budget for books.

The Commissioners received and reviewed a letter from Sheriff William Laird regarding repair expenses for Deputy C. R. Bryant

vehicle and informing that the check received from State Farm Fire and Casualty Company in the amount of \$986.86 was in fact for the repair expenses for the damage done on October 10, 2002 to Deputy Sheriff C. R. Bryant's assigned vehicle.

The Commissioners received and reviewed information from Randall Carter with Pre-Paid Legal Services, Inc. The Commissioners informed they were not interested.

The Commissioners received and reviewed Notice of Renewal Changes from the St. Paul Property and Liability Insurance.

The Commissioners received and reviewed a letter from McCorkle, Lavender, Casey and Sweeney informing they have not been involved in any matters that meet those requirements, and too further advise the Commission has no outstanding indebtedness to them as of June 30, 2002 or to the present regarding the request from the Commission that they furnish as their auditors a description of all-material pending or threatened litigation, claims, and assessments (excluding unasserted claims and assessments).

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

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

The Commissioners received and reviewed information on the new CPO regulations from Peggy Bennett, CPO/Secretary at the Fayette County Park.

The Commissioners received and reviewed complaint from Rebecca Walkup regarding C-PAC.

The Commissioners received and reviewed a letter from Patty Adkins regarding the death of her dog, Chance. A copy of the information was forwarded to Carl Harris, Assistant Prosecuting Attorney.

The Commissioners received and reviewed from Patti Payne, Director Fayette County Animal Control Center copies of a request from the Humane Society of the United States asking for the Commission support for newly introduced legislation to strengthen and enforce federal laws against animal fighting.

The Commissioners received and reviewed from the County Commissioners Association May Legislative Interim Schedule.

The Commissioners received and reviewed Statement of Expenditures for the Fayette County Park and Central Garage as of April 2003.

The Commissioners received and reviewed a notice from the United States Bankruptcy Court regarding (A) entry of order confirming the First Amended joint plan of reorganization of K-Mart Corporation and its affiliated debtors and debtors-in-possession, (B) occurrence of an effective date, and (C) notice of the Administrative Bar Date.

The Commissioners received/approved and signed the County Clerk's Probate Reports.

The Commissioners received and reviewed a legal ad to the Fayette Tribune asking that a notice of their County Commission meetings for the month of May be published in the Community Bulletin.

The Commissioners received and reviewed a letter from Branch Banking and Trust (BB&T) informing as of April 30, 2003 CATO-MERIDIAN NYSC securities were held as collateral to secure the deposits of the

Fayette County Commission.

The Commissioners received and reviewed a letter from Ford Motor Company informing they are providing a follow-up, no-charge Optional Upgrade Program (Program E0-2B02-S1) to owners of certain 1998 through 2003 Model Year Crown Victoria Police Interceptor (CVPI) Vehicles currently in Law Enforcement Duty.

The Commissioners received and reviewed a renewal notice from the Federal Communications Commission (FCC) informing that the FCC license under call sign WPMN417 will expire. Original forwarded to David Neal, E911 Coordinator.

The Commissioners received and reviewed a notice from the Federal Licensing, Inc. Publication Division informing that the FCC has issued Public Notice #2280 requiring all licenses of the Private Land Mobile radio service to maintain a current copy of the FCC rules and Regulations governing the specific operating service.

The Commission received/reviewed and approved to pay invoices received from Attorney Paul Clay for legal services (Multi-Cap) in the amount of \$375.00.

The Commissioners received and reviewed Purchase Order to Dils Motors for 2-2003 Ford Crown Victoria Police Interceptor Automobiles for Law Enforcement, amount \$40,592.00, delivery and payment to be after July 1, 2003.

The Commissioners received/reviewed and approved payment of \$1,951.14 to Spilman, Thomas and Battle, PLLC.

The Commissioners received and reviewed a letter from the County Commissioners Association regarding the Statewide Mapping and

Addressing Board progress. A copy forwarded to David Neal, E911 Coordinator.

The Commissioners received and reviewed a copy of the legal ad Region 4 Planning and Development Council placed in the Charleston Gazette advertising for a consultant engineer to provide a preliminary report pertaining to the cost and feasibility of developing a particular tract of property for a multi-purpose industrial park.

Ms. Holly presented copies of the letters that were sent to the West Virginia Development Office (04-01-03) regarding the completed Legislative Digest Information Sheets and Resolution for Fiscal Year 2003 for Projects-Courtroom chairs, Caring Hands, Inc., New Haven Public Service District, Gauneka Ruritan Fire Alarm, Fayette County Health Department, Upper Kanawha Valley Community Center, Boomer Volunteer Fire Department, and Gauley Bridge Little League Football to the Commissioners.

The Commissioners received and reviewed a fax from Todd Morris, Community Rep/Grant writer informing that a National Scenic Byway meeting will be held on May 19, 2003 at 1:00 p.m. at the Upper Kanawha Valley Economic Corporation Business Center.

The meeting was adjourned at 4:05 p.m. The next scheduled meeting is May 27, 2003.





FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
MAY 27, 2003  
COURTHOUSE

FAYETTEVILLE, WV 25840  
MEMBERS Present: Matthew D. Wender, John H. Lopez, Kenneth L. Eskew

The Fayette County Commission met in a regular session on this 27<sup>th</sup> day of May 2003.

Commissioner Wender called the meeting to order at 9:17 a.m.

Exonerations were approved and signed.

The Commissioners received and reviewed a letter from the Fayette County Solid Waste Authority recommending that Paul Witt fill the unexpired term of Larry W. Johnson (deceased).

Commissioner Lopez offered a motion that Paul Witt is appointed to the Fayette County Solid Waste Authority to fill the unexpired term of Larry Johnson. Commissioner Eskew seconded. Order and an appointment letter signed.

The Commissioners received and reviewed a letter from the Coal Heritage Highway Authority informing that the term of Kenneth Eskew as a member of the Coal Heritage Highway Authority will expire on June 30, 2003 and requesting that the Commission appoint someone to fill the expired term.

Commissioner Lopez made a motion that Kenneth Eskew is reappointed a member of the Coal Heritage Highway Authority. Commissioner Wender seconded. All approved.

The Commissioners signed a letter to Alison Chamber, Director, Family Law Masters requesting reimbursement for rent \$2,025.00 for

rent for the month of June.

The Commissioners received and signed oaths and certificates for Personal and Real Property Land Books from the Assessor's Office.

Ms. Holly informed the Commissioners that she tried to telephone Danese Volunteer Fire Department but she did not receive a response. Ms. Holly told the Commissioners she received a fax requesting that the Commission meet with them to discuss the lease on May 31 or June 7, 2003 at 10:00 a.m. Commissioner Lopez informed the Commissioners he prefers meeting with the Danese Volunteer Fire Department on June 7, 2003.

The Commissioners received and reviewed a letter from Sheriff William Laird requesting a purchase order for the purpose of publishing and distributing the working policies and procedures for the Fayette County Sheriff's Department.

Sheriff Laird informed the Commissioners he has the money in his budget to contract to have the 35 policy manuals bound because it would be cheaper.

Sheriff Laird informed the Commissioners that Dunbar Printing Company has the lower bid (\$1,662.15).

Commissioner Wender asked if the Sheriff could split the cost and take 2/3 of the cost out of the General County Fund materials and supplies and 1/3 out of the Concealed Weapon Fund.

Commissioner Eskew made a motion for to approve Sheriff Laird's request to split cost for the Personnel Policy manuals. Commissioner Eskew withdrew motion.

Discussion was held, Commissioner Wender informed he prefer the

Commission pay 2/3 of the amount out of the General County Law Enforcement Supplies and Materials and the Sheriff pay the 1/3 cost out of the Concealed Weapon Fund.

The Commissioners asked Ms. Holly to check with Sheriff Laird to see if this was okay.

Ms. Holly informed the Commissioners that the Sheriff approved.

Commissioner Wender asked Eddie Young if he would attend the 11:15 a.m. meeting with the Town of Pax. Mr. Young said he would.

Ms. Holly informed the Commissioners she had bad feelings regarding Legislative Digest Grant for the Harlem Heights Fire Hydrants (\$5,000), and the Fayette County Historic Landmark Commission (\$10,000).

Ms. Holly told the Commissioners that the deadlines for the grants are June 6, 2003, have not heard a word from the West Virginia Development Office.

Ms. Holly informed the Commissioners she gave a letter concerning the grants to Chris Farrow with the Governor's Office.

Commissioner Wender asked about sending the letter certified or maybe overnight.

Ms. Holly told the Commissioners no need to send a letter she will hand deliver Friday.

Commissioner Wender informed the Commissioners they had returned completed Legislative Digest Information Sheets and Resolutions for Fiscal Year 2003 to the West Virginia Development Office on December 6, 2002 for the Courtroom chairs, Caring Hands, Inc., New Haven Public Service District, Gauneka-Ruritan Fire Alarm, Fayette County Health

Department, Upper Kanawha Valley Community Center, Boomer Volunteer Fire Department and Gauley Bridge Little League Football projects. Ms. Holly told the Commissioners she has written letters but have not received contracts for any of these projects.

Commissioner Wender told the Commissioners they might have to set a special meeting and ask the Governor's Office to set a date and let the Commissioners know if they need to set a special meeting.

Commissioner Eskew made a motion to approve outstanding bills. Commissioner Wender seconded. Vote passed 2-1. Commissioner Lopez went to talk with Carl Harris, Assistant Prosecuting Attorney.

Ms. Holly presented a Notice of Will Contest from Attorney James Billings in the Estate of Lennie F. Richards to the Commissioners. Ms. Holly informed the Commissioners she sent a copy over to Carl Harris, Assistant Prosecuting Attorney and asked him to review and advise.

The Commissioners received and reviewed a refund check in the amount of \$505.53 to the Citizens for the Prevention of Animal Cruelty (C-PAC).

The Commissioners received and reviewed a letter from American Electric Power describing the benefit's American Electric Power offers for collocation on the existing facilities.

The Commissioners received and reviewed a letter from Ford Motor Company informing of the Crown Victoria Police Interceptor safety message.

The Commissioners received and reviewed several Workers' Compensation correspondence.

The Commissioners received and reviewed a check from the Criminal Justice Services for the Court Security Grant 02-CS-06, amount \$5,100.00.

The Commissioners received and reviewed correspondence from the County Commissioners Association of West Virginia regarding Homeland Security Funds.

The Commissioners received and reviewed a thank-you letter from Senator Robert Byrd thanking the Commission for advising him that the Fayette County Housing and Economic Opportunity Council, Inc. has applied to the Internal Revenue Service (IRS) for 501(c)(3) status and informing he would be contacting IRS officials on behalf of the Commission to express his interest in the expeditious processing of this application.

The Commissioners received and reviewed a letter from West Virginia University Institute of Technology informing that in compliance with the Carl Perkins Vocational and Technical Education Act of 1998 they will be posting the Revisions for the Local Planning Guide for Fiscal Year 2004 on the Community and Technical College web site for review.

The Commissioners received and reviewed a notice from AmeriCorps informing that Request for Proposals AmeriCorps Promise Fellows deadline for proposal is July 14, 2003 for Grant year October 1, 2003 to September 30, 2004. Original given to Dave Pollard, County Resource Coordinator.

The Commissioners received and reviewed notice from the Federal Licensing, Inc. Public Safety Experation Division informing that Call

Sign WPCG965 has expired. Original given to David Neal, E911 Coordinator.

The Commissioners received and reviewed from the West Virginia Housing Development Fund Audited Financial Statements for the Fiscal Year ended June 30, 2002.

The Commissioners received and reviewed a notice from the Office of the Attorney General informing that a settlement agreement has been reached with the Consumer Protection Division and Aquion Partner, L.P. manufacturer of RainSoft Water Treatment Systems.

Ms. Holly informed the Commissioners she received a copy of a letter from the West Virginia Office of Emergency Service informing they reviewed the FEMA-DR-1378-WV-002 application for the Fayette County Hazard Mitigation Grant and a change of scope to the applications authorized due to participants being removed from the application.

The West Virginia Office of Emergency Services asked to include the Floyd-Fitzgerald property located at HC86 Kanawha Falls, WV 25115 and the King's property located at Route 61, Box 84, Deepwater, WV 25057 into FEMA-DR-1378-WV-002 application. The Commissioners approved paying the contractor Henry L. Hendricks \$3,000 out of the Hazard Mitigation Fund.

The Commissioners received and reviewed a letter from the Secretary of State announcing the 2003 Election Conference will be held September 24-26, 2003 at the Mountaineer Race Tract in Chester, West Virginia.

Commissioner Wender reviewed the letter sent to Southern

Appalachian Labor School (SALS) asking the Commission for their support for the Southern Appalachian Labor School application to continue home rehabilitation work within Fayette County.

The Commissioners called the Zoning Hearing to order at 10:30 a.m. to consider recommendation from the Planning Commission on amendments to the Unified Development Code.

Making the presentation was Tim Richardson, Zoning Officer and Dave Pollard, County Resource Coordinator.

The first order of business presented was the Planning Commission recommendation for the adoption of Chapter 15, Section X (building code implementation plans). This will be taken to the different districts for input into the actual document to be adopted and brought back to the Planning Commission and County Commission for final approval and insertion into the Unified Development Code.

Commissioner Eskew made a motion to accept the recommendation of the Planning Commission to adopt Chapter 15, Section X (building code implementation plans). Commissioner Lopez seconded. Vote passed 3-0.

Mr. Richardson presented to the Commissioners eight amendments to the Unified Development Code (See attached).

Commissioner Lopez offered a motion to accept recommendation of the Planning Commission to add the eight amendments to the Unified Development Code. Commissioner Eskew seconded. Vote passed 3-0.

Mr. Richardson presented information on the "Mass Gatherings/Special Events" Ordinance as requested by the Commission to be adopted into the Unified Development Code to the Commissioners.

Mr. Richardson informed the Commissioners that a joint committee

# Fayette County Commission

Minutes of May 27, 2003

## Planning Commission Recommendation Unified Development Code Amendments

The Fayette County Commission met in regular session , Tuesday, May 27, 2003, at 10:30 am, in the Fayette County Courthouse to consider recommendations from the Planning commission on amendments to the Unified Development Code.

Making the presentation was David Pollard, Resource Coordinator and Tim Richardson, Zoning Officer.

Adoption of Chapter 15 Section X of the Comprehensive Plan. This will be taken to the different districts for input into the actual document to be adopted and brought back to the planning commission and county commission for final approval and insertion into the unified development code.

**Disposition : Motion to accept as presented by Ken Eskew, seconded by John Lopez, vote 3-0.**

Presentation of 8 amendments to the unified development code as recommended by the planning commission, those being :

1. After hours club distances change from 1000 ft to 2000 ft. Category B-4 business, Major District.
2. Tower ordinance. Installer to provide proof of construction. Category, Section 1006, "Permitting process, IV, E-2.
3. Change of process, zoning office will identify adjoining property owners for notifications on all hearings. Category 1-1007 "Amendment and hearing procedures" page 1-41, A-1.
4. Fee changes, 1% of construction cost, rezonings , ½ of 1% of construction cost, variances, special use permit applications. Page 1-40K.



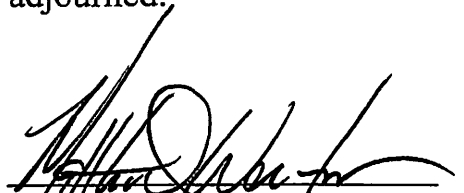
5. Temporary permits as written by planning commission, change to zoning officer or resource coordinator. Page 1-35, Section B 2 permitting process VII "Temporary Permits".
6. Section 1008 BZA II, change wording from president and vice president to chairman and vice chairman . Category page 1-46.
7. 1007 Amendment and hearing procedure, III filing procedure , subsection 7, "right to appeal the decision (change to) circuit court. Page 1-42.
8. Section 1004. General Provisions. VII Temporary permits. Subsection B Permitting Process. 3. Last sentence of paragraph, change to " In no event shall a temporary permit be renewed more than three times". Page 1-36.

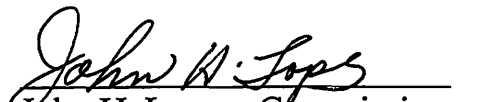
**Disposition : Motion to accept as recommended by planning commission, by John Lopez, second by Ken Eskew. Vote 3-0.**

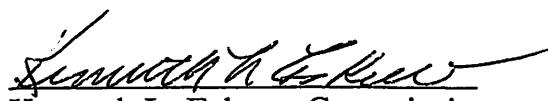
Also presented was information on the "Mass gatherings / Special Events " ordinance as requested by the county commission to be adopted into the Unified Development Code.

There will be a joint committee meeting of members of the transition team, the Sheriff and the county planning commission on June 5, 2003 to develop a revised document addressing all issues concerned with this chapter of the Unified Development code. This product will be presented to the county planning commission for recommendation to the county commission for adoption at a later date.

No other business, zoning portion of the county commission meeting adjourned.

  
Mathew D. Wender, President

  
John H. Lopez, Commissioner

  
Kenneth L. Eskew, Commissioner

meeting of the members of the Fayette Transition Team, the Sheriff and the Planning Commission on June 5, 2003 to develop a revised document addressing all issues concerned with this chapter of the Unified Development Code. Mr. Richardson told the Commissioners that this product will be presented to the Planning Commission for recommendation to the County Commission for adoption at a later date.

No other business, the zoning portion of the County Commission meeting was adjourned.

The Commissioners received and reviewed a request from Saints Peter and Paul Development Board requesting use of the Memorial Building as a rain location for its Summer Music Fest event to be held on June 14, 2003.

The Commissioners approved request and waiver of the rental fee for Saints and Peter and Paul Development Board to use the Memorial Building as a rain location for its Summer Music Fest Event being held June 14, 2003. The Commissioners informed they will be responsible for the cleanup, and all other rules are applicable including insurance and custodian. The Commissioners to confirm the schedule and date with Gary Hough.

The Commissioners received/reviewed and approved James Perdue, Maintenance Supervisor overtime for the month of April and May.

Ms. Holly presented a summary of the contract reimbursement schedule that has occurred thus so far between him and the West Virginia Housing Development Fund from Randy Housh, Housing Consultant to the Commissioners.

Ms. Holly told the Commissioners they obligated \$5,000 toward the

consulting contract in order to leverage the funds from the West Virginia Housing Development Fund.

Ms. Holly told the Commissioners that Mr. Housh wants to know what form of contractual arrangements they need.

Commissioner Wender asked Ms. Holly to verbally relay to Mr. Housh that there's no need for a separate contract.

The Commissioners signed Agreed Ordered for Reference of Estate to Fiduciary Commissioner in the Estate of Rosa L. Luster. Original forwarded to the County Clerk's Office.

Ms. Holly informed the Commissioners she received an invoice from Two-Way Radio for the purchase of a radio for C-PAC. Ms. Holly informed the Commissioners this radio is to be used if C-PAC and the Law Enforcement need to notify the Fayette County Commission.

Ms. Holly informed the Commissioners she received an e-mail from Beverly McKeone, NSR Program Manager, Division of Air Quality responding to the request received from the Fayette County Board of Education to the Fayette County Commission to utilize the courthouse incinerator to burn paper from the Board.

Ms. Holly informed the Commissioners that Ms. McKeone response was no, by the Commission permit, State Rules and the State Code the Commission is only allowed to burn their own waste (as defined by 45CSR6), the Commission cannot accept or burn any other source's waste. Ms. Holly informed the Commissioners she sent a copy of the e-mail to Dianna Smallwood.

Ms. Holly informed the Commissioners that the Secretary of State is having an Election Training Session at Flatwood on May 28, 2003

regarding Touch Screen Voting. Ms. Holly told the Commissioner she will try to attend.

Ms. Holly presented to the Commissioners a letter from Kelvin Holliday, County Clerk requesting that the approved invoice from Tom Malone, bookbinder be paid.

Ms. Holly informed the Commissioners that Mr. Holliday is requesting that a drawdown to the contracted service line item be transferred from his record books' line item (\$5,900) and his regular employees' salary and wages (\$3,100). The Commission approved.

The Commissioners received and reviewed a letter from Kelvin Holliday regarding voters' registration changing from Data Design to CSSI. Commissioner Wender suggested setting aside discussion on this matter.

Ms. Holly asked Commissioner Eskew if he had talked with Earl Pauley, Park Superintendent regarding the bid for sawing lumber at the Fayette County Park. Commissioner Eskew replied no, but he will talk with Mr. Pauley regarding this matter.

Ms. Holly informed the Commissioners that Jackie Hickman was on vacation. Ms. Holly presented minutes for April 15 and April 28, 2003 to be approved to the Commissioners.

Commissioner Wender asked to hold approving minutes today.

Ms. Holly informed the Commissioners that the minutes need to be approved so they won't be backed up like before.

Dave Pollard, County Resource Coordinator presented the Fayette County Planning Commission minutes of May 19, 2003.

Mr. Pollard told the Commissioners that the purpose of the May

19, 2003 hearing is to seek a recommendation for the Fayette County Commission to adopt Chapter 15, Section X (building code implementation plan) of the Fayette County Comprehensive Plan and to consider nine proposed amendments to the Unified Development Code.

Commissioner Wender asked Mr. Pollard on these proposed changes the Planning Commission have to approve and then set the hearing and then send back to the Commission for their approval. Mr. Pollard yes.

Ron Walton with Whipple Community in Action appeared before the Commission to request funding to upgrade the Whipple area, i.e., plant flowers, tennis courts, replace benches.

Mr. Walton told the Commissioners that Christians Endeavors is coming in for the months of June and July.

Mr. Walton told the Commissioners of the repairs that needed to be done; replace nets, paint the gazebo, install swing set, replace and repair jungle gym. Mr. Walton told the Commissioners the Community Building ceiling has fallen in need to be surfaced or replaced, and an access road needs to be repaired. Mr. Walton informed the Commissioners he has a quote of \$3,500 to repair the access road, had a fund raiser and raised \$2,000. Mr. Walton asked the Commission for their assistance.

Commissioner Wender questioned cost and asked for a breakdown of each request.

Mr. Walton is requesting funding of approximately \$5,000.00 from the Commission.

Mr. Walton told the Commissioners that Christian Endeavors can help paint, plant flowers, make repairs around the tennis and

basketball courts.

Commissioner Wender suggested again to Mr. Walton to get list and breakdown cost of each item.

Commissioner Lopez suggested to Mr. Walton to talk with Delegates David Perry, John Pino and Tom Louisos for assistance.

Commissioner Wender recommended \$100.00 for paint so that Christian Endeavors could paint.

Mr. Walton told the Commissioners he would mail the breakdown cost of each item and requested that the Commission fund \$500.00 to start.

Commissioner Wender asked Mr. Walter to get specific cost for the Community Building and something in writing from Christian Endeavors stating they have someone to help (free labor) on the Community Building and stating they are up to the work.

Commissioner Lopez told Mr. Walton the Commission is waiting to see fund balances, cannot operate in the red.

After a brief discussion, the Commissioners requested that Mr. Walton submit a specific list on cost of repairs for Community Building and get a letter from Christian Endeavors stating they are willing and can handle the project.

Commissioner Wender asked Mr. Walton to check with Legislators for funding and suggested that he ask Senator Shirley Love to ask the Division of Highways for assistance with the access road.

The Commissioners asked that Ron Walton be schedule for July 14, 2003.

Howard Hughes, Mayor Town of Pax and Henry Meredith, Paint Creek

Watershed appeared before the Commission to present a Resolution establishing the boundaries of the Town of Pax.

Carl Harris, Assistant Prosecuting Attorney told the Commissioners and Mr. Hughes that the Commission cannot do anything today with the Resolution.

Mr. Harris told the Commissioners they cannot rely on tax maps, must check records and go by what is on record.

Mr. Harris told the Commissioners that they are bound by metes and bounds filed when Town incorporated.

Mr. Harris said he would write a letter to the Commission, Town of Pax and Pax to tell what and where the map is. The Town attorney will then have to take the appropriate action regarding minor boundary adjustments.

Henry Meredith with the Paint Creek Watershed informed the Commissioners they had a sewage meeting with Bradley. Mr. Meredith told the Commissioners he is getting minutes together for the Commission to review.

Commissioner Wender requested that they meet with the Division of Environmental Protection Agency, Department of Health, and individuals in Raleigh County to discuss.

Mr. Hughes told the Commissioners they are waiting on a construction date of 2005, and a completion date is 2006.

Mr. Hughes told the Commissioners they do not have the funding they have a big pollution problem that needs to be addressed.

Commissioner Wender informed he would call Raleigh County and set up some meeting dates in October.

Commissioner Wender informed Paul Gonzalez has been invited and he will ask Dave Pollard, County Resource Coordinator to attend.

Commissioner Wender asked Mr. Hughes for sequences of events of what happened and suggested that they gather facts.

Mr. Hughes made a request to the Commission for funding of \$1,500 for the Community Center and \$1,500 for rent.

The Commissioners suggested addressing during the March 2004 budget.

Mr. Harris presented a copy of a map of the Town of Pax to the Commissioners.

Ms. Holly informed the Commissioners she received no payment of checks prior to June 6, 2003 from the Legislative Digest Grant for change of scope on grants.

Phillip Perone from the Fayette County Health Department appeared before the Commission to discuss trash and septic concerns in the Brooklyn area.

Mr. Perone told the Commissioners that Arbuckle Public Service District has plans for Cunard, Brooklyn and Salem-Gatewood areas in the next two years.

Mr. Perone told the Commissioners that the problem needs to be fixed right of way, and they need to coordinate with Arbuckle Public Service District.

Mr. Perone told the Commissioners that the Fayette County Health Department has sent Sanitary Survey's to Cunard and Brooklyn and has given Arbuckle Public Service District a copy of the reports.

Commissioner Wender asked Dave Pollard how long would it take to



get funding.

Mr. Pollard told the Commissioners it would be two years if funding is in place now.

Commissioner Wender asked Mr. Perone how has he let this slide.

Mr. Perone informed the Commission that the first thing that needs to be addressed is a sanitary survey, meet with Arbuckle Public Service District, Cunard and Brooklyn to discuss.

Mr. Perone advised testing, and giving the results to the Commission, Dave Pollard and Arbuckle Public Service District.

Commissioner Wender asked Mr. Perone could they get funding from the Fayette County Health Department.

Mr. Perone told the Commissioners he would check with the Fayette County Board of Health.

Mr. Pollard informed the Commissioners that he knows an Agency that can help with this type of situation, just let him know if he has checked every other avenue.

Commissioner Wender suggested proceeding with Survey and let the Commission know the results.

Mr. Perone told the Commissioners he presented this situation so that the Commission would be aware of the problem.

Ms. Holly told the Commissioners she does not know the problem with the West Virginia Development Office regarding the Legislative Digest Grants, bad feeling, will call this afternoon, running on a tight schedule.

Ms. Holly told the Commissioners she will let them know tomorrow what she found out and will talk about at the Grant Award Ceremony.

The Commissioner received and reviewed Weekly Fees collected the week of May 16 to May 22, 2003, amount \$10.00. Ms. Holly told the Commissioners she did talk with Susie at the Animal Shelter was told this was a slow week.

Ms. Holly told the Commissioners that Steve Cruikshank, OES Director had ordered two radios from Two-Way Radio for Patti Payne and the Dog Warden, the invoice is in today's bills.

The Commissioners received and reviewed an invoice from Randy Housh, Housing Consultant to the West Virginia Housing Development Fund for consulting fees for the month of May, amount \$2,651.50.

Ms. Holly asked the Commissioners if they were going to continue their discussion of April 28, 2003 regarding the \$4,606.00 commitment to the Upper Kanawha Valley Economic Development Corporation.

Ms. Holly informed the Commissioners that a written commitment of \$20,000 from the Kanawha County Commission was received by the Upper Kanawha Valley Economic Development Corporation.

Commissioner Lopez suggested to the Commission to hold off on sending the \$4,606.00.

Commissioner Wender told the Commissioners that since the Commission made the commitment to pay on monies borrowed for the building they should follow through on the commitment.

Commissioner Eskew informed he also feels the Commission should follow through on their commitment, but would like to know status of the situation.

The Commissioners asked that Upper Kanawha Valley Economic Development Corporation visit and give an update on the building

before the Commission issue the check.

Ms. Holly suggested to the Commissioners to hold off discussing the Equitable Gas until Carl Harris, Assistant Prosecuting Attorney can attend.

Ms. Holly told the Commissioners that the Mitigation Grant for the King Property is not in the original home buyout, came at a later date. The contractor is Henry Contracting.

Ms. Holly told the Commissioners she received a request for payment to Henry Contracting.

Ms. Holly told the Commissioners that the State is to reimburse the Commission for each drawdown request, received check for drawdowns one (1) and two (2) have not received reimbursement for three (3), four (4), and five (50). Mr. Barry Macciocca told her that the State would reimburse for the drawdowns.

Ms. Holly informed the Commissioners they had authorized up to \$1,000 for the purchase of a computer for use at her home. Ms. Holly told the Commissioners she checked with Dell and D & D Computer Companies both had a difference of \$150.00.

Commissioner Eskew made a motion to amend his motion to pay up to \$1,200.00 for the purchase of a computer instead of the original \$1,000.00. Commissioner Lopez seconded. All approved. Commissioner Wender suggested giving Ms. Holly latitude to make decision.

The Commissioners received and reviewed a letter from the Secretary of State announcing that the venue for the 2003 Elections conference will take place in Chester, West Virginia at the Mountaineer Race Track on September 24 thru September 26, 2003.

Commissioner Wender presented a letter from the West Virginia Development Office regarding the Sun Mountain Property site in Fayette County (See attached).

Commissioner Lopez informed the Commissioners he received a call from Willard Wright, Mayor of Quinwood requesting that the County donate a vehicle to the Town of Quinwood.

Commissioner Lopez told the Commissioners that Carl Harris, Assistant Prosecuting had checked the Code and County can donate surplus to other government entities.

Commissioner Lopez made a motion to approve request for the Fayette County Commission to donate a surplus County vehicle to the Town of Quinwood. This motion did not receive a second. Motion was denied.

The Commissioners was advised by the Prosecuting Attorney that they could not donate surplus outside of the County. The Commission asked Ms. Holly to send a letter to Mr. Wright.

Ms. Holly informed the Commissioners she would let them know when the meeting with the Danese Volunteer Fire Department would be held.

Commissioner Lopez made a motion to approve second half payrolls for the month of May. Commissioner Eskew seconded. All approved.

Commissioner Wender questioned if Steve Cruikshank, OES Director has given an update on the Animal Shelter and the FEMA claims.

Ms. Holly told the Commissioners Mr. Cruikshank is scheduled for June 9 at 10:00 a.m. to discuss Animal Shelter and FEMA claims.

Ms. Holly told the Commissioners the Animal Shelter will be under a roof this week.

14 May, 2003

The Honorable Matthew D. Wender  
President, Fayette County Commission  
P. O. Box 307  
Fayetteville, West Virginia 25840

Dear Commissioner Wender:

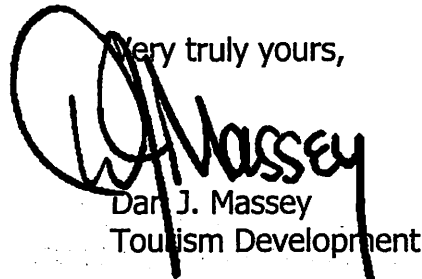
The purpose of this correspondence is to confirm that portion of our conversation this morning at Tamarack concerning the property heretofore described as the "*Sun Mountain*" site. Included in our conversation were Mrs. Judy Radford, 4C Economic Development Authority, and Mr. Jon Dragan, New River Jet Boats.

It was generally agreed that in order to aggressively pursue development opportunities on this particular site, considerable yet basic information would be required. To that end, I have corresponded with Mr. "Chud" Dollison, Sun Mountain counsel, on that subject (see attachment). Recognizing the distinct possibility that Mr. Dollison may be unable to accommodate my request, I have summarized below the kinds of property information required to initiate meaningful discussions with prospective developers. By committing the necessary resources to develop this information, the Fayette County Commission would be making a significant contribution to future development efforts for any or all of this property.

- size of each of parcels purchased by Lansat, et al
- appraised value of each parcel (per acre)
- are there any liens on any parcels; if so, type, number and filed by whom
- are there easements, right-of-way and/or covenants

While this request essentially represents a consensus, if you have any questions that I might answer, please call me at your convenience.

Very truly yours,

  
Dan J. Massey  
Tourism Development

DJM/egb

cc: Judy Radford, 4C Economic Development Authority  
Jon Dragan, New River Jet Boats

14 May, 2003

Mr. Charles B. Dollison  
Bowles Rice McDavid Graff & Love  
P. O. Box 1386  
600 Quarrier Street  
Charleston, West Virginia 25301

Dear Mr. Dollison:

Subject: "Sun Mountain" Property in Fayette County

The purpose of this correspondence is to request your cooperation in providing as much information as is possible regarding the Fayette County property holdings of Mr. and/or Mrs. Lansat or any "Sun Mountain" organizational iteration.

In recent discussion with a party having interest in development opportunities in the general vicinity of the "Sun Mountain" properties, it became evident that none of those participating in the discussion had a clear understanding of that particular property.

Recognizing that you were counsel to the "Sun Mountain" project, our collective hope is that you can provide some elaboration on the various parcels. If the attorney/client relationship precludes you from sharing this information, we can certainly understand such constraints.

Thank you for your consideration.

Very truly yours,



Dan J. Massey  
Tourism Development

DJM/egb

cc: Commissioner Matthew D. Wender, Fayette County Commission ✓  
Mrs. Judy Radford, 4C Economic Development Authority

Commissioner Wender informed the Commissioners he would support Multi-Cap but want the same treatment as Boone and Putnam Counties, prefer joint agreement with Nicholas County not Raleigh County.

The Commissioners received and reviewed from Attorney James Blankenship his Attorney Title Report for Ruth Proskin-Surf. .33 Beckwith and Laurel Creek and Lillian Louis Williams .25 Laurel Creek. Mr. Blankenship will coordinate the closing with the Commission at the earliest convenience.

The Commissioners signed a letter to the West Virginia Development Office requesting seventh drawdown for the Fayette County Youth Soccer Association, amount \$1,222.44.

The Commissioners received and reviewed a letter from Armada, Rogers and Thompson regarding the Estate of Jeremy Edward Bell. Per Carl Harris, Assistant Prosecuting Attorney the original was forwarded to the County Clerk's Office.

The Commissioners received and reviewed a copy of a letter from Sheriff William Laird to Debbie Aliff, Payroll Clerk informing that James Dempsey, Eddie Gilkerson, Robert Legg, and Jess McMullen has completed their probationary period of employment on May 1, 2003, and based on the established pay standards, these deputy sheriffs are to be given a \$100.00 per month increase in their base pay.

The Commissioners received and reviewed a copy of a letter from Sheriff William Laird to Debbie Aliff, Payroll Clerk informing that Valerie Woods has been employed as a temporary summer help effective May 16, 2003, rate of pay is to be \$6.00 per hour.

The Commissioners received and reviewed from SunTrust Bank a list

of securities pledged as of April 30, 2003.

The Commissioners received and reviewed a letter from the Department of Veterans Affairs giving an update on the Department of Veterans Affairs Capital Asset Realignment for Enhanced Services (CARES) Phase II Process.

The Commissioners received and reviewed a letter from Tom Woodrum, Chief Tax Deputy informing that check #1-0773222 from the State of West Virginia for \$4,500.00 was receipted (No.36191) and deposited on March 27, 2003 in the Hazard Mitigation Fund. The check was receipted and deposited in error. The check should have been receipted and deposited into the General County Fund.

The Commissioners received and reviewed from the Fayette County Animal Control Center a list of stray animals admitted to the shelter as of May 15, 2003.

The Commissioners received and reviewed an invitation from Central West Virginia Regional Airport Authority inviting the Commissioners to share with them as they honor Senator John D. Rockefeller, IV for his accomplishments and leadership in National Aviation Issues being held Tuesday, May 27, 2003 at 11:00 a.m.

The Commissioners received and reviewed an Article in the Charleston Gazette of the 2003-2004 Budget Digest awards.

The Commissioners received and reviewed a letter from Bruce Barilla regarding "Sexuality Oriented Business" (SOBS). A copy forwarded to Tim Richardson, Zoning Officer.

The meeting was adjourned. The next scheduled meeting is June 9, 2003.



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FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
JUNE 9, 2003  
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 9<sup>th</sup> day of June 2003.

Commissioner Wender called the meeting to order at 9:23 a.m.

Exonerations were approved and signed.

Ms. Holly presented two requests from taxpayers requesting tax credit on their personal property tax (Roger Flint and bill Pugh).

Commissioner Lopez made a motion that subject to the approval of the Assessor, Roger Flint, F & W Corporation dba/Bridge Haven be afforded tax relief for tax years 1997, 1998, 1999, 2000, and 2001 in the total amount of \$7,503.07 in the form of an exoneration of 2002 taxes in the amount of \$2,128.78 and receive a credit of \$5,374.29 against property tax owing for the following year or years with said tax relief being spread over the year or years until debt is paid. Commissioner Eskew seconded. Unanimous. Order signed.

Commissioner Eskew made a motion that subject to the approval of the Assessor, Bill Pugh, Pugh Leasing Company be afforded tax relief for tax years 2000 and 2001 in the total amount of \$712.78 in the form of an exoneration of 2002 taxes in the amount of \$179.90 and receive a credit of \$532.88 against property tax owing for the following year or years with said tax relief being spread over the year or years until debt is paid. Commissioner Lopez seconded. Unanimous. Order signed.

Commissioner Lopez made a motion that the outstanding bills and

first half June payrolls are approved. Commissioner Eskew seconded. All approved.

Commissioner Eskew made a motion that the second half June payrolls are approved to be released on June 30, 2003. Commissioner Lopez seconded. All approved.

Ron Hatfield, Director, Ann Cavalier, Upper Kanawha Valley Economic Development Corporation appeared before the Commission to give status and update on the Upper Kanawha Valley Technology Community office building located in Montgomery.

Mr. Hatfield informed the Commissioners that Robert Neal, President of the Upper Kanawha Valley Economic Development Corporation sends his apology, but he had previously scheduled another commitment.

Ms. Cavalier explained to the Commission that the overall shortfall of project funds in the amount of \$7,079.38 has increased by approximately \$8,500 relating primarily to "reimbursable" under the architect and engineering contract that were inadvertently overlooked in the previous projected deficiency. Additionally the general contractor informed them that the \$17,527 allowance for finishing the bathrooms, in all likelihood, will not be sufficient (See attached).

Commissioner Lopez made a motion to release the \$4,606.00 check to the Upper Kanawha Valley Economic Development Corporation to help offset the additional funding for the bathrooms. Commissioner Eskew seconded. Unanimous.

Commissioner Wender discussed with the Commissioners Allan Ballard's salary as manager of the Memorial Building. The Commissioners approved a monthly salary of \$1,500 to begin September

**UPPER KANAWHA VALLEY  
ECONOMIC DEVELOPMENT CORPORATION**

Post Office Box 836  
Montgomery, West Virginia 25136

June 9, 2003

Commissioner Matt Wender, President  
Fayette County Commission  
P. O. Box 307  
Fayetteville, WV 2540-0307

Dear Commissioner Wender,

In the letter dated February 4, 2003 from Randall Boyd, a request was made of the Fayette County Commission to give consideration to providing additional funding to the Upper Kanawha Valley Economic Development Corporation ("UKVEDC") in the amount of \$4,606 to help cover the projected deficiency in project funds (of \$24,606.38) necessary to complete the Upper Kanawha Valley Technology Community office building located in Montgomery, Fayette County, WV. As you are aware, pursuant to a similar request, the Kanawha County Commission provided the UKVEDC with additional funding of \$25,000 for completion of the project.

The initial projected deficiency of \$24,606.38 consisted of the "deduct" for finishing's (flooring, plumbing fixtures, toilet compartments and accessories) relating to the 1<sup>st</sup> and 3<sup>rd</sup> floor bathrooms in the amount of \$17,527 and the overall shortfall of project funds in the amount of \$7,079.38. The "deduct" for the bathrooms was one of four alternate deductions totaling \$106,740 that were removed from the initial construction contract in order to bring the project costs, including a contingency allowance, in line with the available funding. The UKVEDC intentions were to bring this "deduct" back into the project once the project was "out of the ground" and a sufficient contingency was still available. As mentioned in the February 4<sup>th</sup> letter, the project encountered several issues requiring further "scale backs" of the project to bring the project in within budget.

Since the February 4<sup>th</sup> letter, the overall shortfall of project funds in the amount of \$7,079.38 has increased by approximately \$8,500 relating primarily to "reimburseables" under the architect and engineering contract that were inadvertently overlooked in the previous projected deficiency. Additionally, the general contractor has informed us that the \$17,527 allowance for finishing the bathrooms, in all likelihood, will not be sufficient. Apparently, the subcontractor that originally bid the job miscalculated, and because it was deducted from the project and is being finished outside of the revised project, the subcontractor would no longer be obligated at this price. We are currently soliciting bids for this work and are expecting such bids to exceed the original estimate by a considerable amount.

Commissioner Matt Wender, President  
Fayette County Commission  
June 9, 2003  
Page 2 of 2

Accordingly, even though we received an additional \$5,000 from the Kanawha County Commission over and above the amount we were initially asking (from the Kanawha County Commission), we are still in need of the funds requested from the Fayette County Commission to help meet the project deficiency. Depending upon the bid amounts received with respect to completing the bathrooms, available alternatives within our financial means will then be evaluated for the most viable means of completing this project.

Finally, as I am sure you are aware based on recent newspaper articles, the proposed tenants for the building are unable to take occupancy at this time and thus we have the additional challenge of meeting the debt service requirements and on-going operating costs associated with the building without the benefit of any lease income for the immediate future. While we have initiated actions that should allow us to meet our obligations during the projected "lease-up" phase (provided we meet our targets), it is incumbent upon us to manage our available operating funds in the most prudent manner available. Accordingly, your consideration and approval of the February 4th funding request would be greatly appreciated.

Please accept my apology for not being able to personally attend the Commissioners' Meeting, as I had previously scheduled another commitment. If you should desire additional information, please let me know.

Sincerely,



Robert L. Neal  
President

c: Commissioner John Lopez  
Commissioner Ken Eskew

and allow \$2,000 in the budget for overtime.

Evelyn Hanshew appeared before the Commission to present a proposal for Horseshoe Courts at the Fayette County Park.

Ms. Hanshew told the Commission the cost would probably be \$60,000 and that they could apply for funding through the Jack Whittaker Foundation.

Ms. Hanshew told the Commissioners she would need a letter from the Commissioners saying they would donate the land.

Commissioner Wender told Ms. Hanshew the Commission would have no problem with donating the land for the project, will provide personnel to level site for construction, and will provide maintenance and upkeep of structure if constructed.

The Commissioners asked Ms. Hanshew if she would apply for the funding from the Jack Whittaker Foundation.

Commissioner Wender told Ms. Hanshew the Commission feel that the horseshoe courts would make a wonderful addition to the Fayette County Park.

Angie Sleeth with Region 4 Planning and Development Council presented a request for payment for the New Haven Public Service District Water Extension Project-Paint Creek/Plum Orchard Water Extension, Contract #13, amount \$9,394.64 and a request for payment for the New Haven Public Service District Water Extension Project-Saturday Road/Horseshoe Creek Water Extension, Contract #12, amount \$450,402.67.

Commissioner Lopez offered a motion to approve and authorize the payment of services for the New Haven Public Service District Water

Extension Project-Paint Creek/Plum Orchard Water Extension, Contract #13, amount \$9,394.64. Commissioner Eskew seconded. Unanimous.

Commissioner Eskew offered a motion to approve and authorize the payment of services for the New Haven Public Service District Water Extension Project-Saturday Road/Horseshoe Creek Water Extension, Contract #12, amount \$450,402.67. Commissioner Lopez seconded. Unanimous. Resolutions signed.

Tom Syner appeared before the Commissioners to request a waiver of the application fee for a tower.

Mr. Syner informed the Commissioners that he is not able to purchase the tower at Lochgelly.

Mr. Syner informed the Commissioners he is ready to build a new 200 foot tower, but asked the Commission if they would consider a 100 foot tower.

Tim Richardson, Zoning Officer told the Commissioners that the 100 foot tower would be approved by the Board of Zoning Appeals.

Commissioner Wender asked if they would change or amend the ordinance to include amateur radio.

Mr. Richardson told the Commissioners they would still have to go by the Tower Ordinance guidelines.

Mr. Richardson told the Commissioners it would have to be taken to the Planning Commission and they would have to advertise 15 days prior to the meeting.

The Commissioners approved decision to make a request to the Planning Commission that they amend the language in Section 9004 "Tower Ordinance," subsection II "Applicability" adding subsection H,

Amateur Radio Antennas, stating that this ordinance shall not govern any antenna, less than one hundred (100) feet and that it is owned and operated exclusively, by a non profit organization.

Commissioner Eskew offered a motion that the members of the Fayette County Planning Commission amend Section 9004 "Tower Ordinance," subsection II "Applicability" adding subsection H, Amateur Radio Antennas, stating that this ordinance shall not govern any antenna, less than one hundred (100) feet and that it is owned and operated exclusively, by a non profit organization to the Unified Development Code. Commissioner Lopez seconded. Unanimous.

Sheriff William Laird presented a Grant Application-U.S. Department of Justice Homeland Security Overtime Program to the Commissioners.

Commissioner Lopez made a motion to make application to the U. S. Department of Justice Homeland Security Overtime Program for funding in the payment of overtime for deputy sheriffs engaged in homeland security work. Commissioner Eskew seconded. All approved.

The Commissioners meeting was adjourned for lunch at 12:55 p.m.

Upon reconvening from lunch (2:10), The Commissioners met with Allan Ballard to discuss the Memorial Building.

The Commissioners told Mr. Ballard his salary would be \$18,000 annual, plus overtime.

Mr. Ballard told the Commissioners that the Board of Education requires that an adult be present when opening and closing building.

Mr. Ballard told the Commissioners he needed tools to work with. The Board of Education is removing all of their tools, supplies and

equipment including a buffer and mops.

The Commissioners asked Mr. Ballard to check with Dale Watkins at the Board to see if they would sale back the buffer and mops to the Commission.

The Commissioners told Mr. Ballard that James Perdue, Maintenance Supervisor would be ordering supplies for the Memorial Building.

The Commissioners told Mr. Ballard that his salary would be effective July 1, 2003 and to have locks changed.

The Commissioners asked Ms. Holly to call John Witt and asks him to call a meeting of the Memorial Building Committee.

Commissioner Wender asked Ms. Holly to do a follow-up with David Pollard, County Resource Coordinator regarding the press and the \$28,000 in-kind match of Arbuckle Public Service District and have Mr. Pollard call the West Virginia Development Office.

The Commissioners signed a letter to the Fayette County Planning Commission requesting they amend Article XIV, Section 1423 Tower Ordinance of the Unified Development Code to provide language allowing for the exclusion of the tower ordinance to govern any tower less than one hundred (100) feet that are owned and operated exclusively by a federally licensed nonprofit radio station operation.

The Commissioners received and reviewed a letter from Boso and Boso informing they have completed the glass replacement in the window of the mechanical room and requesting that the balance of retainage amounting to \$2,000.00 be released. The Commissioners approved.

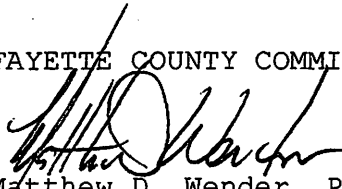
Commissioner Lopez made a motion to transfer the balance of \$157,464.11 from the General School Fund to the Fayette County General



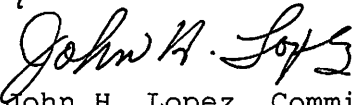
ORDER

On this the 9<sup>th</sup> day of June, 2003, 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 \$157,464.11 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.

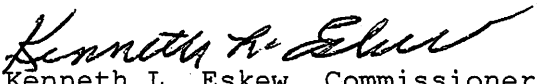
FAYETTE COUNTY COMMISSION



Matthew D. Wender, President



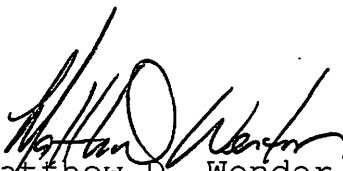
John H. Lopez, Commissioner

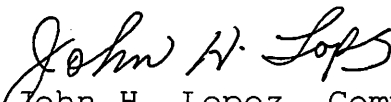


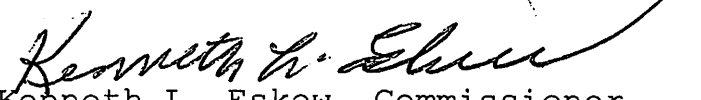
Kenneth L. Eskew, Commissioner

FAYETTE COUNTY COMMISSION

On this the 9th day of June, 2003, the County Commission of Fayette County meeting in a regularly called session and finding it necessary to so act does hereby order a sum in the amount of \$8,418.25 be transferred from the Fayette County Worthless Check Fund to the General Fund for reimbursement of previous expenditures as set forth in the order of the Fayette County Commission and entered to record on June 15, 1995.

  
Matthew D. Wender, President

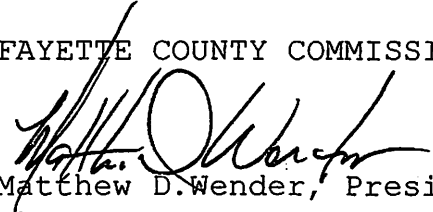
  
John H. Lopez, Commissioner

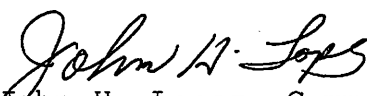
  
Kenneth L. Eskew, Commissioner

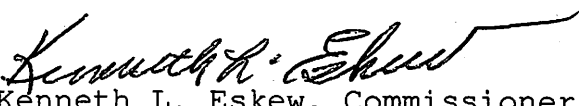
ORDER

On this the 9<sup>th</sup> day of June, 2003, the Fayette County Commission meeting in a Regular Session and acting pursuant to statute and Revised Rule 19 of the Administrative Rules for West Virginia Magistrate Courts does hereby order the sum of \$44,129.89 for the fiscal year 2002-2003 to be transferred from the Magistrate Court Fund to the Fayette County General Fund.

FAYETTE COUNTY COMMISSION

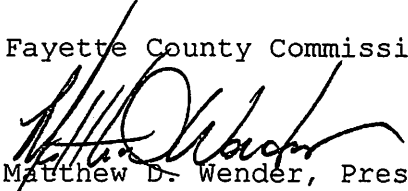
  
Matthew D. Wender, President

  
John H. Lopez, Commissioner

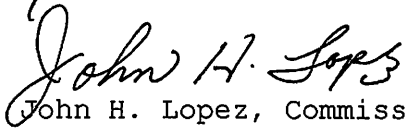
  
Kenneth L. Eskew, Commissioner

On this the 9<sup>th</sup> day of June, 2003, the County Commission of Fayette County meeting in a Regular Session and finding it advisable to reimburse funds to the Fayette County General Fund for previous expenditures and advances to the Dog Tax Fund, does hereby order the sum of \$15,000.00 be transferred from the Fayette County Dog Tax Fund to said General County Fund.

Fayette County Commission



Matthew D. Wender, President



John H. Lopez, Commissioner



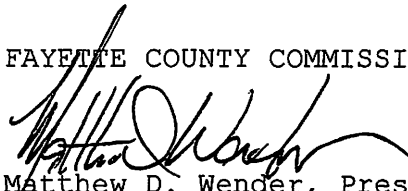
Kenneth L. Eskew, Commissioner


ORDER

On this the 9<sup>th</sup> day of June, 2003, the County Commission of Fayette County meeting in Regular Session and acting in accordance with the Renewal of Existing Additional County Levy dated November 15, 2001, and approved by the voters of Fayette at a Special Election held on February 9, 2002, does hereby order the annual pro-rata 3-year costs associated with such special levy election to be deducted from the total annual amount raised for each entity receiving funds from such Special Levy and transferred to the Fayette County Election Expense Levy Fund as follows:

Law Enforcement Levy Fund	\$5,740
Library Levy Fund	2,460
Fire levy Fund	12,300

FAYETTE COUNTY COMMISSION

  
Matthew D. Wender, President

  
John H. Lopez, Commissioner

  
Kenneth L. Eskew, Commissioner

Fund to defray the balance due said fund for the cost of care and feeding of misdemeanor prisoners incarcerated by magistrates.

Commissioner Eskew seconded. Unanimous. Order signed (See attached).

Commissioner Lopez made a motion to transfer the balance of \$8,418.25 from the Fayette County Worthless Check Fund to the Fayette County General Fund for reimbursement of previous expenditures as set forth in the order of the Fayette County Commission and entered to record on June 15, 1995. Commissioner Eskew seconded. Unanimous. Order signed (See attached).

Commissioner Lopez made a motion to transfer the sum of \$44,129.89 for the fiscal year 2002-2003 from the Magistrate Court Fund to the Fayette County General Fund. Commissioner Eskew seconded. Unanimous. Order signed (See attached).

Commissioner Lopez made a motion to reimburse funds to the Fayette County General Fund for previous expenditures and advances to the Dog Tax Fund, hereby order the sum of \$15,000 be transferred from the Fayette County Dog Tax Fund to said General County Fund. Commissioner Eskew seconded. Unanimous. Order signed (See attached).

Commissioners Lopez made a motion acting in accordance with the Renewal of Existing Additional County Levy dated November 15, 2001, and approved by the voters of Fayette County at a Special Election held on February 9, 2002, hereby order the annual pro-rate 3-year costs associated with such special levy election to be deducted from the total amount raised for each entity receiving funds from such Special Levy and transferred to the Fayette County Election Expense Levy Fund. Commissioner Eskew seconded. Unanimous. Order signed (See

attached).

The Commissioners signed letters to the West Virginia Public Service Commission and the Secretary of State giving a list of the Public Service Districts, the current board members and the date term end for each district.

The Commissioners received/reviewed and approved from the Fayette County Health Department application for payment for the local health services for Fiscal Year ending June 30, 2003, amount \$5,000.00.

The Commissioners received and reviewed from ACS the renewal of maintenance support for the AC1400 Solution for a 12-month period commencing July 1, 2003.

Commissioner Eskew made a motion to renew the ACS Customer Support Agreement for a 12-month period commencing July 1, 2003, amount \$6,689.00. Commissioner Lopez seconded. Unanimous. Agreement signed.

The Commissioners received and reviewed a letter from Mountain Transit Authority asking the Commission to reappoint Galen Horrocks to their Board of Directors, term to expire June 30, 2003.

Commissioner Lopez made a motion to reappoint Galen Horrocks, a member of the Mountain Transit Authority Board of Directors. Commissioner Eskew seconded. Unanimous. Order and an appointment letter signed.

Ms. Holly presented the Auditors' recommendation on how the Fayette County Park should handle their receipts, and daily deposits to the Commissioners.

Ms. Holly informed the Commissioners that she and the Auditor

agreed that the Fayette County Park should be able to operate on \$500.00 cash on hand for the season. The Commissioners approved to write a check for \$500.00 for cash on hand at the Fayette County Park.

Commissioner Lopez made a motion to reappoint James E. Lively, Jr., a private citizen representatives to the 4-C Economic Development Authority Board of Directors. Commissioner Eskew seconded.

Unanimous.

Commissioner Lopez made a motion subject to the approval of the State Auditor as ex officio chief inspector of public offices hereby direct that the budget revisions for the General County Fund and Coal Severance Fund be revised as shown on budget revision number four (4). Commissioner Eskew seconded. Unanimous. Orders signed.

The Commissioners signed an invoice from Randy Housh, Housing Consultant to the West Virginia Housing Department Fund for consulting fees for the month of May, amount \$1,668.00.

Commissioner Eskew made a motion to sign a Lease Agreement with the Fayette County Board of Education for the Memorial Building. Commissioner Lopez seconded. Unanimous.

Ms. Holly informed the Commissioners she prepared a letter to Barbara Hull terminating her PEIA coverage effective July 1, 2003 due to failure to make her employee's contribution of the monthly premiums while she was on Workers Compensation TTD benefits.

Commissioner Lopez made a motion to notify Barbara Hull that effective July 1, 2003 her insurance coverage would be terminated due to her failure to attempt and/or continue to make her employee's contribution of the monthly PEIA premium while on Workers'



Compensation TTD benefits in accordance with the Fayette County Commission Workers' Compensation/Sick Leave Policy. Commissioner Eskew seconded. Unanimous. The Commission approved and signed the letter.

The Commissioners signed Request for Project Amendment Scope/Activity Change for Project #00CPGP0127-Fire Hydrants and Project #00CPGP0308-Marquis de LaFayette.

The Commissioners signed a letter to the West Virginia Development Office requesting thirteenth and final drawdown for the Christians Helping Others Food Pantry, amount \$500.00.

The Commissioners received and reviewed a letter from the West Virginia Development Office regarding the Sun Mountain property. The Commissioners asked that this be tabled until the next meeting.

The Commissioners received and reviewed a letter from Senator Shirley Love informing that the Fayette County REACT has been awarded Twenty-five thousand dollars (\$25,000) to build an access ramp to the Courthouse.

Ms. Holly informed the Commissioners she sent a letter to Steve Cruikshank, OES Director asking that he review and immediately submit to FEMA for reimbursement claims for the Animal Shelter.

Ms. Holly told the Commissioners she gave to Mr. Cruikshank copy of invoices and checks issued to vendors.

Ms. Holly told the Commissioners the total amount not reimbursed to temporary shelter as of today is \$28,917.69, and the total amount not reimbursed for cleaning and replacement of the animal shelter is \$54,622.37.

The Commissioners asked Ms. Holly to call Mr. Cruikshank and set up a meeting for Monday, June 16, or Monday, June 23, 2003.

The Commissioners received and reviewed a letter from C-PAC, Inc. Board of Directors requesting approval to register Stacy Workman, Dog Warden for the Level II of the National Animal Control Association Training Academy being held July 14-18, 2003 in Roanoke, Virginia. The tuition is \$475.00 and a special lodging rate of \$64.00 per night.

Commissioner Eskew made a motion to approve C-PAC's request to send Stacy Workman, Dog Warden to the Level II Training in Roanoke, Virginia. Commissioners Wender seconded, to be paid out of C-PAC's budget pending Sheriff Laird's recommendation and approval.

Unanimous. The Commission informed that C-PAC is to use their jeep.

Ms. Holly informed the Commissioners she talked with Sheriff William Laird he informed her he would pay for the Level II Training meeting and the badges for the Dog Warden out of the Concealed Weapon Fund.

The Commissioners received and reviewed copies of invoices from Sheriff William Laird for purchase of a portable radio from Two-Way Radio (\$715.00) and two badges for the County Dog Warden from West Virginia Uniforms (\$102.75), to be paid out of the Concealed Weapons Fund.

The Commissioners received and reviewed a copy of a letter to Debbie Aliff, Payroll Clerk from Thomas Aiello, Assessor informing that effective June 2, 2003, Leslie A. Cavalier, Kelly A. Hough, Stephen A. Jernigan, and Rebecca A. Richardson will begin working in his office as temporary summer help.

The Commissioners received notice that Franklin R. Jones will be the new garage maintenance at the Fayette County Park part-time at \$5.15 per hour.

The Commissioners received and reviewed a letter from Judge John Hatcher suggesting that an appropriate eye-level location, the words "Circuit Clerk's Office" be painted on the face of the steps leading to the Circuit Clerk's Office, with the words "upstairs" painted below and recommended that an appropriate eye-level position, the words "Circuit Courtroom" be painted on the face of the steps leading to the courtroom, with the word "upstairs" painted below. The Commission asked to hold until the next meeting.

The Commissioners received and reviewed from the Fayette County Animal Control Center a list of the stray animals admitted to the Shelter as of June 5, 2003.

The Commissioners received and reviewed from the Fayette County Animal Control Center the Monthly Revenue Report and the Activity Report for the month of May, the Weekly Fees Collected for the week of May 23 to May 29, 2003 (\$175), the week of May 30 to May 31, 2003 (\$470) and the week of June 1 to June 5, 2003 (\$660).

The Commissioners approved C-PAC allotment for the month of June 2003, amount \$10,402.25.

The Commissioners approved to pay to C-PAC Spay/Neuter Program, \$1,000.00.

The Commissioners received and reviewed a letter from the Fayette County Chapter American Red Cross requesting use of the Fayette County Memorial Building and the waiver of rent for their 10<sup>th</sup> Annual

Christmas Festival and Craft Show.

Commissioner Wender made a motion to approve and waive the rent fee for the Fayette County Chapter American Red Cross 10<sup>th</sup> Annual Christmas Festivals and Craft Show. Commissioner Eskew seconded. All approved.

Ms. Holly told the Commissioners she is still waiting for a contract from Thrasher Engineering and is still holding the \$15,000 check.

The Commissioners received and reviewed a request from Diane Meadows, WVU Extension Agent requesting to use the work-study line on their budget to compensate for hiring a camp nurse, two camp cooks and a Camp Recreation Program for the week long 4-H Camp, amount \$1,300.00.

Commissioner Eskew made a motion to approve request pending a letter from the Extension Service Committee. Commissioner Wender seconded. All approved.

The Commissioners received and reviewed a letter from Randy Housh, Housing Consultant for the Fayette County Housing and Economic Opportunity Council, Inc. informing that in the West Virginia Housing Development Fund they had allowed \$1,650.00 for traveling in the consulting contract, due to the hiring of an attorney to obtain a 501c3 non profit status with the IRS their travel line item overpaid.

Mr. Housh is requesting that the Commission pay the \$103.00 overpayment for the attorney's fee to Paul Clay.

Commissioner Eskew made a motion to approve payment of \$103.00 to Paul Clay for legal services. Commissioner Wender seconded. All

approved. The Commissioners asked Ms. Holly to get clarification from Randy Housh on what to pay.

Commissioner Lopez informed the Commissioners he received a letter from the Division of Highways giving the estimated cost of \$1,000 to upgrade and stone stabilize the roadway from the end of Fayette County Route 19/36, Old Sun Hill Road to the gate covering the construction site for the new armory at Glen Jean and to forward a written confirmation stating that the Commission is willing to reimburse the incurred charges.

Commissioner Eskew made a motion to authorize and confirm to the Division that the Commission is willing to reimburse the estimated cost of \$1,000 to stone stabilize the roadway from the end of Fayette County Route 19/13, Old Sun Hill Road. Commissioner Wender seconded. All approved. A letter of confirmation signed.

Ms. Holly presented an invoice from Randall Arendt for \$151.00 for his book entitled Rural by Design and a video Creating Open Space Network through Conservation Subdivision Design to the Commissioners.

Commissioner Wender informed the Commissioners he told Mr. Arendt that the Commission would purchase the book but the video was to be on a loan to the Commission for review. The Commissioners approved the purchase of the book Rural by Design, amount \$56.00. Commissioner Wender asked that the video be returned and the book be given to Dave Pollard, County Resource Coordinator.

Ms. Holly informed the Commissioners she attended the Election System and Software Workshop regarding the Touch Screen System to be used during the Election.

Ms. Holly told the Commissioners that if the County gets this equipment they would have to pay a loan back. Ms. Holly told the Commissioners that it cost Putnam County \$600,000 and Cable County \$800,000 to purchase the equipment. Ms. Holly told the Commissioners this would be a tremendous cost for the County. Ms. Holly told the Commissioners that another meeting is scheduled for mid June in Charleston.

Ms. Holly told the Commissioners she told James Perdue, Maintenance Supervisor to keep watch on the workers who are doing the roof at the Road Office.

The Commissioners received and reviewed a request from the Fayetteville Heritage Festival Committee requesting the use and the waiver of rent for the use of the Memorial Building July 3 for the Fayetteville Heritage Festival Gospel Sing.

Commissioner Eskew made a motion to approve and waive the rental fee for the use of the Memorial Building for the Fayetteville Heritage Festival Gospel Sing. Commissioner Wender seconded. All approved.

The Commissioners approved for Ms. Holly to attend a couple of seminars in Charleston.

Ms. Holly told the Commissioners she would be taking a vacation day on Thursday.

Commissioner Eskew made a motion to accept from the Assessor's Office the Real and Property Tax Delinquent List. Commissioner Wender seconded. All approved. Ms. Holly told the Commissioners the Delinquent List not to go out until June 30, 2003.

The Commissioners received and reviewed a copy of a letter from

David Neal to Todd Cornett, Director of Jan Care Ambulance Service acknowledging his request to relocate the west oak Hill ambulance headquarters.

The Commissioners received and reviewed copies of the Annual Reports for the period beginning June 1, 2002 through May 31, 2003 from Paul Blake, Prosecuting Attorney, Thelma Kincaid, Circuit Clerk and William Laird, Sheriff.

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

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

The Commissioners received and reviewed Fiscal Year 2004 Rate Notification from the Workers' Compensation Division.

The Commissioners received and reviewed several correspondence from the County Commissioners Association.

The Commissioners received and reviewed a copy of a letter to Debbie Aliff, Payroll Clerk from Paul Blake, Prosecuting Attorney informing that Brian Parsons will be released from active duty with the military effective June 22, 2003. Mr. Parsons will return to work at the Prosecuting Attorney Office on June 17, 2003. The Commissioners received a copy of his release orders.

The Commissioners approved payment of the Dog Tax Supplemental Salary for Thomas Aiello, Assessor, amount \$596.80.

The Commissioners received and reviewed Statement of Expenditures for the Park and Central Garage salaries as of May 2003.

Commissioner Eskew made a motion to approve an invoice received

from Paul Clay for legal services (Multi-Cap), amount \$285.00.

Commissioner Lopez seconded. All approved.

The Commissioners received and reviewed a letter from Branch Banking and Trust Company (BB&T) informing that as of May 31, 2003 CATO-MERIDIAN NY SC securities were held by BB&T as collateral to secure the deposits of Fayette County Commission.

The Commissioners received and reviewed a letter from the West Virginia Development Office informing that through its Energy Efficiency Program they can provide assistance to local governments, educational and non profit facilities to help reduce lighting related energy costs by participating in the Lighting Grant Program.

The Commissioners signed a letter to Willard Wright, Mayor Town of Quinwood informing that Commissioner Lopez made a motion to approve his request for the Fayette County Commission to donate a surplus County vehicle to the Town of Quinwood but motion did not receive a second.

The Commissioners received and reviewed the Memorial Building budget.

The Commissioners received and reviewed a letter from Region 4 Planning and Development Council enclosing a \$5.00 check to be deposited into the County's HUD/SCBG checking account to serve as a minimum balance enabling the account to not reach a zero balance and be closed.

The Commissioners received and reviewed a Request for Leave with pay from Dave Pollard, County Resource Coordinator.

The Commissioners received and reviewed a letter from the West



Virginia Farm Bureau voicing their objection of the approach the West Virginia Department of Environmental Protection (WVDEP) is utilizing to pursue the implementation process of high quality streams (Tier 2.5) designations of the state's antidegradation rule.

The Commissioners received and reviewed an e-mail from Mason and Logan Counties informing of their premium increase from the State Board of Risk.

The Commissioners received and reviewed a check from Bradley Communication, Inc. for \$449.31 for franchise fees collected April 2003.

The Commissioners received and reviewed a check from Verizon for \$.25 for Commission for the pay period April 2003.

The Commissioners received and reviewed checks from the City of Mount Hope (\$45.00), and the Town of Fayetteville (\$90.00) for Jail fees for the month of April.

The Commissioners received and reviewed a check from the Supreme Court \$2,675.00 for the Court Security Grant #02-CS-06.

The Commissioners received and reviewed a check from Z-Tel Communications, Inc. for \$26.00 for 911 Fees for the month of April.

The Commissioners received and reviewed a check from the West Virginia Development Office for \$3,623.57 for the New Haven Public Service District Water Extension Paint Creek/Plum Orchard Water Extension, Contract #13.

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

Ms. Holly reminded the Commissioners that the Public Employees

Retirement System employers' contribution rate will increase to 10.5% effective July 1, 2003. Ms. Holly told the Commissioners this excludes the Deputy Sheriff Retirement Fund.

The Commissioners received and reviewed several e-mails regarding Parks and Recreation Commission for their Counties.

The Commissioners received and reviewed an e-mail from Commissioner Wender to Earl Pauley, Park Superintendent inquiring about the progress of the Animal Shelter.

The Commissioners received and reviewed an e-mail from Commissioner Wender regarding the Paint Creek "Scenic Byway."

The Commissioners received and reviewed a letter from Michael D. and Sherry S. Hundley asking that the Commission advise them on how to obtain a piece of property owned by a railroad, believe the name of the street is Hood Street.

The meeting was adjourned at 4:42 p.m. The next scheduled meeting is June 23, 2003.



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FAYETTE COUNTY COMMISSION

SPECIAL SESSION

JUNE 23, 2003

COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a special session on this 23<sup>rd</sup> day of June 2003.

Commissioner Wender called the meeting to order at 9:10 a.m.

Steve Cruishank, OES Director appeared before the Commission to discuss the FEMA claims.

Mr. Cruikshank presented a list of FEMA reimbursements to the Commissioners.

Mr. Cruikshank told the Commissioners that he has requested \$6,000 for rent and \$2,600 for supplies for the temporary animal shelter and requested an additional amount of \$16,000 for rent.

Mr. Cruikshank told the Commissioners he has submitted \$15,000 for the permanent animal shelter.

Commissioner Wender asked Mr. Cruikshank to submit a chronological report listing the costs that were allowed and the costs that were disallowed and submit to the Commission by June 30.

Jennifer Melesky and Virginia Melesky appeared before the Commission.

Ms. Jennifer Melesky told the Commissioners that since the flood and the buyout of the house next door to her mother's property, the grass needs to be mowed. Ms. Melesky told the Commissioners that the property belonged to the Whitlow's.

Mr. Cruikshank told the Commissioners that the Whitlow's property was in the first buyout.

The Commissioners asked Mr. Cruikshank to contact Larry Parsons and asks him to cut the grass.

Earl Pauley, Park Superintendent appeared before the Commissioners to discuss the Fayette County Park and the Animal Shelter.

Mr. Pauley told the Commissioners as of today \$69,192.52 have been spent for the Animal Shelter.

Mr. Pauley presented a drawdown for the Animal Shelter to the Commissioners. Copies given to Ms. Holly and Steve Cruikshank.

Mr. Pauley told the Commissioners that he has \$480 in shelter money in the safe and he needed shelter rental agreements back.

Commissioner Wender asked Ms. Holly to work with Mr. Pauley regarding the cash on hand.

Mr. Pauley told the Commissioners that the \$500 cash on hand they approved at their last meeting was not enough. Mr. Pauley told the Commissioners that he feels it should be at least \$1,000 cash on hand in the summer.

The Commissioners approved up to \$1,000 cash on hand for the summer and back to \$400 during the winter (Oct.-Apr. \$400 and May-Sept \$1,000). The Commissioners approved daily deposits for the months of May through September and weekly deposits for the months of October through April for the Fayette County Park.

Mr. Pauley asked the Commissioners about putting the golf course (Putt Putt) at the Fayette County Park.

Commissioner Wender asked Mr. Pauley where it would be located, the cost to disassemble and to reassemble. Mr. Pauley told the Commissioners he would get a cost and get back with them.

Mr. Pauley informed the Commissioners that park supplies for the courthouse totally out of line, excessive use of surplus.

Mr. Pauley told the Commissioners they would have to do some paving next year, a 10" drain stopped up at the baby pool and flooded, they did reroute the drain; Cabinet #3 to be turned into a nurse quarter; Mr. Pauley asked about another camp for boys and girls.

Commissioner Wender suggested to Mr. Pauley to ask Carl Harris, Assistant Prosecuting Attorney for an update on the gas line with Equitable Gas and they will discuss on June 30.

Mr. Pauley asked the Commissioners about putting a fire range at the Fayette County Park for the public. The Commissioners denied Mr. Pauley request. Ms. Holly told the Commissioners she had received a letter from Jim Lively Insurance advising against this.

The Commissioners asked that an Executive Session with Paul Blake, Prosecuting Attorney and Earl Pauley, Park Superintendent be scheduled for June 30 to discuss personnel matter. The Commissioners asked Ms. Hickman to inform Mr. Blake of this meeting.

Commissioner Eskew offered a motion to accept bid from James Skaggs for sawing logs at the Fayette County Park at \$200.00 per 1,000 board feet language to be changed to twice a month if received invoices five days prior to meeting. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed from Earl Pauley, Park Superintendent, a list of vehicles to be auctioned.

The Commissioners received and reviewed from Mr. Pauley, Fayette County Park Application for Seasonal Pool Pass and Fayette County Park Employees Rules.

Mr. Pauley told the Commissioners that no one has applied for the Certified Pool Operator (CPO) position, and informed that since Peggy Bennett is the only CPO Mr. Pauley asked the Commissioners if they would increase Ms. Bennett's salary to \$8.00 an hour for the summer.

The Commissioners approved paying Peggy Bennett, CPO \$8.00 an hour during the summer.

Ms. Holly informed the Commissioners that Paul Blake, Prosecuting Attorney reviewed the depository bond pledges from the Fayette County National Bank, Bank of Mount Hope and informed her that the pledges where in proper order. Ms. Holly told the Commissioners she have not received a pledge from United National Bank.

Paul Blake, Prosecuting Attorney appeared before the Commission to request a Budget Revision for Fiscal Year 2004.

Mr. Blake told the Commissioners he neglected to account that after six months his assistants get an increase in salary and new secretaries to replace Emily Corley and Kathy Bird.

Mr. Blake told the Commissioners he would like to increase his salary line from \$280,000 to \$289,000 a \$9,000 increase.

Commissioner Lopez offered a motion to approve the Prosecuting Attorney's Budget Revision to Personnel line increase of \$9,000 for employees salary plus benefits. Commissioner Eskew seconded.  
Unanimous.

Randy Housh, Housing Consultant, Fayette County Housing and Economic Opportunity Council appeared before the Commission to give an update on the program.

Mr. Housh informed the Commissioners that they received Corporate Certificate from the Secretary of State, Articles of Corporation

completed and the By-laws, applied for 501c3, spoke with the Internal Revenue Service a week ago case had not been assigned.

Mr. Housh told the Commissioners that Senator Robert Byrd is in the process of making another request.

Mr. Housh told the Commissioners that the West Virginia Housing Development Fund applied for a 3-month extension for his position.

Mr. Housh told the Commissioners that this was not approved nor were the filing fees for (501c3) and legal fees for Paul Clay. Mr. Housh told the Commissioners they moved the \$1,650 travel line item to the legal and consulting fees line items to pay for the filing fees and the legal fees.

Commissioner Wender suggested to the Commissioner to fund Mr. Housh salary on a month to month basis.

Commissioner Lopez suggested capping at three months.

Commissioner Wender informed he would go along with the 3-months and asked Mr. Housh to come in once a month and give a status report.

Commissioner Eskew made a motion to amend Randy Housh Contract effective July 1, 2003 to extend for a 3-month period (90 days) at \$2,500 plus travel expenses with monthly status reports. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from Tim Richardson, Zoning Officer advising that the terms of James Painter, George Smith, Jesse Bibb, Diana Smallwood, and Bill Caudill as members of the Planning Commission expire on August 3, 2003.

Commissioner Wender asked to hold until July and to ask Mr. Richardson if all five wanted to be reappointed.

The Commissioner received and reviewed a letter from the

Deepwater Public Service District asking that Donald White be reappointed as a member of the Deepwater Public Service District.

Commissioner Lopez offered a motion that Donald White is reappointed as a member of the Deepwater Public Service District. Commissioner Eskew seconded. All approved. Order and an appointment letter signed.

The Commissioners received and reviewed a letter from the Arbuckle Public Service District asking that Howard Tyree be reappointed as a member of the Arbuckle Public Service District.

Commissioner Lopez offered a motion that Howard Tyree is reappointed as a member of the Arbuckle Public Service District. Commissioner Eskew seconded. All approved. Order and an appointment letter signed.

The Commissioners received and reviewed a letter from the Armstrong Public Service District asking that Charles Walker be reappointed as a member of the Armstrong Public Service District.

Commissioner Lopez offered a motion that Charles Walker is reappointed as a member of the Armstrong Public Service District. Commissioner Eskew seconded. All approved. Order and an appointment letter signed.

Ms. Holly presented Debbie Berry's overtime to the Commissioners.

Commissioner Eskew made a motion to approve Debbie Berry's overtime. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from the West Virginia Housing Development Fund regarding Employer Assisted Loan Program Letter of understanding (LOU).

The Commissioners received and reviewed a letter from the



Secretary of State informing that another meeting on the grant money regarding the Touch Screens for the election will be held June 23, 2003 at Flatwood.

Commissioner Lopez asked Ms. Holly if she received the Certificate from the West Virginia Development Office for the Upper Kanawha Valley Community Center.

Ms. Holly told Commissioner Lopez she talked with Judson Wallace and told him she will mail the Certificate when she gets the contract from the West Virginia Development Office.

Commissioner Eskew made a motion to approve outstanding bills. Commissioner Lopez seconded. All approved.

The Commissioners received and reviewed a letter from Diane Meadows with a request to use the monies allocated for workstudy to be transferred to an appropriate line item for purchasing of items needed for improving programming, amount \$1,300.

The Commissioners asked Ms. Holly to have Diane Meadows to come down and discuss her request for the travel expenses and supplies.

The Commissioners asked that the request for the camera be held until June 30.

Commissioner Lopez made a motion to approve to transfer \$1,300 (\$450 travel, \$850 supplies) allocated for workstudy to the General Fund account. Commissioner Eskew seconded. All approved.

Commissioner Lopez made a motion to approve payment of \$14,900 to Camco for furnace for the Animal Shelter. Commissioner Eskew seconded. All approved.

The Commissioner received and reviewed a proposal from Camco to install the heating and air conditioning at the 911 Center.

Commissioner Eskew made a motion to approve the proposal from Camco (\$2,700) to install heating and air conditioning at the 911 Center. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a requisition from Thelma Kincaid, Circuit Clerk requesting four new chairs for her office. Ms. Holly informed the Commissioners that Ms. Kincaid would like for her employees to go and pick out the chairs they want.

The Commissioners approved Ms. Kincaid request to let her employees go and pick out the chairs, if not more than \$600 the Commissioners give Ms. Holly permission to approve purchase.

The Commissioners received and reviewed a thank-you note from the Hannah Family.

The Commissioners received and reviewed a copy of a letter to the Payroll Clerk from Tom Woodrum, Chief Tax Deputy forwarding a copy of the Amended Assessors Valuation Fund Reconciliation Recap for 2002-2003; due to a clerical error the Assessors Fund Report was overstated by \$31,263.00. Mr. Woodrum is requesting that these funds be adjusted by reimbursing the General County Fund \$12,854.00 and the Tax Fund (School Current) \$18,409.00.

Commissioner Wender asked to schedule Michael Basile to be present on June 30, 2003 at 1:15 to discuss the Berwind Land Option.

Ms. Holly informed the Commissioners she received from Governor Bob Wise copies of letters of approval for various Fiscal Year 2003 Digest grants (Fayette County Circuit Courtroom, Gauneka Ruritan Club, Fayette County Health Department, Upper Kanawha Valley Community Center, Boomer volunteer Fire Department, New Haven Public Service District and Equipment for Food Pantries).

Commissioner Eskew made a motion to authorize Commissioner Wender, President to sign Legislative Digest Contracts on behalf of the Commission. Commissioner Lopez seconded. All approved. Resolutions signed.

The Commissioners approved to reapply to the Small Cities Block Grant for the balance of the elevator and ramp, amount \$108,535.

The Commissioners asked Ms. Holly to call Angie Sleeth with Region 4 Planning and Development Council and asked them to reapply for the Elevator and Ramp Project through the Small Cities Block Grant.

Discussion was held regarding the Prosecuting Attorney's request for the staff vehicle. The Commissioners agreed to leave as the Fayette County staff vehicle.

The Commissioners received and reviewed a letter from Judge John Hatcher regarding signs giving directions to the Circuit Clerk's Office and the Courtroom. No action taken.

The Commissioners signed a letter to Mary Jo Graham and Bonnie Ledford informing they have delegated the Fayette County Solid Waste Authority to check the matter regarding the abandoned warehouse in Kimberly formerly owned by Marathon.

The Commissioners received and reviewed a letter from Kelvin Holliday, County Clerk requesting to pay out of the Election Fund to Joan Parsons and Polly Neely \$65.00 each to clean the ballot room.

Commissioner Lopez made a motion to pay out of the Election Fund Joan Parsons and Polly Neely \$65.00 each to clean the ballot room. Commissioner Eskew seconded. Unanimous.

The Commissioners received and reviewed a letter from Kelvin

Holliday, County Clerk requesting authorization for Linda Johnson and Sherry Davis to clean votomatics for the 2004 election, to be paid up to 25 hours a piece overtime.

Commissioner Lopez offered a motion to pay up to 25 hours a piece overtime for Linda Johnson and Sherry Davis to clean votomatics for the 2004 election. Commissioner Eskew seconded. All approved.

The Commissioners received and reviewed from the Office of the State Fire Marshal the Fire Safety Inspection Report for the Fayette County Memorial Building. Copies given to Allan Ballard, Manager and John Witt.

The Commissioners received and reviewed a letter from Hospice of Southern West Virginia, Inc. requesting that the Commission send a letter of support on the construction of a 12-bed hospice home project to serve the needs of Southern West Virginia.

The Commissioners received and reviewed a letter from the Fayette County Chapter American Red Cross requesting the use of the Fayette County Memorial Building for their 10<sup>th</sup> Annual Christmas Festival and Craft Show being held October 31 and November 1, 2003. The Commission approved.

Commissioner Eskew informed the Commissioners that the Central Appalachia Empowerment Zone needs to hold a public meeting to elect a member to serve on the Central Appalachia Empowerment Zone of WV Board of Directors representing Census Tract #206.

Commissioner Wender suggested holding the meeting at the Kincaid United Methodist Church and asked Ms. Holly to contact Kenneth Fox to see if the building would be available.

Commissioner Wender asked Ms. Holly if she heard any word

regarding the meeting at Pax. Ms. Holly replied no.

Commissioner Wender asked Ms. Holly to wait a week and then call John Humphrey again.

The Commissioners asked Ms. Holly to write a letter of appreciation to retiring Deputy Carey Vickers.

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

The Commissioners received and reviewed a letter from Kelvin Holliday, County Clerk asking to be reimbursed for travel, amount \$79.20.

Commissioner Lopez offered a motion to approve travel expense for Mr. Holliday, amount \$79.20. Commissioner Eskew seconded. All approved.

The Commissioners received and reviewed a copy of a letter to Debbie Aliff, Payroll Clerk from Sheriff William Laird informing that effective June 30, 2003, Deputy Sheriff Carey A. Vickers will retire from his service as a Fayette County Deputy and that he has a total of thirty (30) days accumulated annual leave and nine (9) hours of compensatory time.

The Commissioner received and reviewed a memorandum from the Supreme Court of Appeals regarding newly amended Family Court Facilities Standards.

The Commissioner received and reviewed Fiscal Year 2004 Rate Revision Notification from the West Virginia Workers' Compensation Division.

The Commissioner received and reviewed a copy of a letter to Steve D. Canterbury, Executive Director, Regional Jail and

Correctional Facility Authority from Sheriff William Laird regarding a Credit Adjustment for Regional Jail Invoice 51907, amount \$8,100.00.

The Commissioner received and reviewed a letter from the Office of Emergency Services regarding FEMA-DR-1455-WV Hazard Mitigation Grant Program (HMGP) Notice of Intent. A copy given to Steve Cruikshank, OES Director.

The Commissioner received and reviewed an invitation from David Perry, Chairman, Fayette County Democratic Executive Committee inviting the Commission to attend their quarterly meeting being held Tuesday, June 24, 2003 at 6:00 p.m.

The Commissioner received and reviewed Applications for Employment from Benjamin L. Adkins and Shirley J. Harper.

The Commissioner received and reviewed correspondence from Steptoe and Johnson regarding Gary K. Skaggs lawsuit.

The Commissioner received and reviewed an e-mail from the Fayette County Chamber of Commerce and the New River Convention Visitors Bureau informing that Ashton Critchly has been chosen to represent West Virginia at the National Young Leaders Conference in Washington, D. C. and asking if the Fayette County Commission would be willing to be a sponsor.

The Commissioner received and reviewed a letter from the Public Service Commission requesting the Annual Listing of Public Service Districts and Board Members. Ms. Holly told the Commissioners the list was submitted June 9, 2003.

The Commissioner received and reviewed a letter from the City of Montgomery informing that on June 10, 2003, the Montgomery City Council approved a 25% rate increase for commercial and residential

trash fees effective July 1, 2003.

The Commissioner received and reviewed a letter sent to Senator Shirley Love requesting assistance in securing money through the Legislative Budget Digest, the Governor's Contingency Fund or any other source to keep the West Virginia University Institute of Technology facility in Oak Hill open.

The Commissioner received and reviewed from Ralph Davis, Town Manager of the Town of Fayetteville a notice of smoke testing to be held June 16, 2003 starting at 4:00 p.m.

The Commissioner received and reviewed a Notice of a Free Health Fair being held at the Fayette County Memorial Building on June 27, 2003.

The Commissioner received and reviewed a letter from the West Virginia Division of Culture and History informing that the proposed state historic preservation annual work program for 2003-2004 is available for public review and comment. A copy forwarded to Dave Pollard, County Resource Coordinator.

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

The Commissioner received and reviewed letters from Dayton Legal Blank, Inc. announcing that they have joined with Diebold Election Systems to become their exclusive dealer in West Virginia and a letter inviting the Commission to a learning seminar for their AccuVote Touchscreen Voting System.

The Commissioner received and reviewed correspondence from the West Virginia Workers' Compensation Division and the Unemployment Compensation Division.

The Commissioner received and reviewed from the State Tax Department notice of West Virginia Sales Tax Holiday beginning Friday, August 1, 2003 at 12:01 a.m. and ends on Sunday, August 3, 2003 at midnight.

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

The Commissioner received and reviewed a letter from the Department of Veterans Affairs giving the latest information on VA's Capital Asset Realignment for Enhanced Services (CARES) Phase II Process.

The Commissioner received and reviewed from SunTrust Bank a list of securities pledged as of May 30, 2003.

The Commissioner received and reviewed a letter from the Bureau of Land Management Notification that the Fiscal Year 2003 payment under the Payments in Lieu of Taxes (PILT) Act (P.L.97-258, as amended) will be sent by Electronic Funds Transfer (EFT) payment to arrive on or about June 18, 2003.

The Commissioners received an e-mail from the Treasurers' office informing that the Bureau of Land Management has deposited \$39,701 Payment in Lieu of Taxes for Fiscal Year 2003 in their account. A copy of the e-mail given to Tom Woodrum, Chief Tax Deputy.

The Commissioner received and reviewed a copy of a letter to the West Virginia Development Office from the Fayette Transition Team requesting a three-month extension on the current Flex-E-Grant to perform a tourism destination feasibility study.

The Commissioner received and reviewed checks from the West Virginia Development Office for Legislative Digest Grant #00350,



Sheriff's Shooting Range, amount \$1,916.70, Legislative Digest Grant #02-472, Fayette County Youth Soccer, amount \$1,222.44, ARC #2-New Haven Public Service District Saturday Road Water Extension, amount \$450,402.67, SCBG #6-New Haven Public Service District Paint Creek/Plum Orchard Water Extension, amount \$9,394.64.

The Commissioners received and reviewed checks for 911 Fees from Metro-Teleconnect Co., amount \$33.32, Citizens Telecommunications Co., amount \$60.37, Verizon, amount \$39,012.73; Alarm Fees from DBT American, Inc., amount \$300.00; Franchise Fees from Bradley Communication, Inc., amount \$463.57; Reimbursement Family Law Master rent, amount \$2,025.00; Jail Fees for the City of Oak Hill, amount \$765.00; Reimbursement for TRIDENT March and April overtime, amount \$3,025.84.

The Commissioners received and reviewed Weekly Fees collected from the Fayette County Animal Center for June 6, 2003 thru June 12, 2003, amount \$200.00.

The Commissioners received and reviewed from the United States Bankruptcy Court Notice of (I) Amendment to Stalking Horse APA regarding Level Propane Gases, Inc. Original given to Tom Woodrum, Chief Tax Deputy.

The Commissioner received and reviewed notice of the County Commissioners' Association Annual Meeting being held August 3-5, 2003 at Snowshoe Mountain.

The Commissioner received and reviewed several e-mails from the County Commissioners' Association of West Virginia.

The Commissioner received and reviewed a Report to the Legislative Oversight Committee on the Regional Jail and Correctional

Facility Authority.

Commissioner Wender asked Ms. Holly to have Dave Pollard, County Resource Coordinator contact the West Virginia Development Office regarding the status of the Fayette County Commission's commitment for the Arbuckle Public Service District (waiting on the engineer to confirm if press from Kanawha Falls Public Service District is suitable, but the Commission is committed to either the in-kind match of press or \$28,000). Commissioner Wender asked that Mr. Pollard confirm that the West Virginia Development Office is still obligated to the project and has not withdrawn the grant.

The Commissioner received and reviewed an e-mail from Randall Arendt informing he had no problem lending the video Creating Open Space Networks but would like for it to be returned in July. A copy of the e-mail given to Dave Pollard.

The Commissioner received and reviewed a copy of a letter from Sheriff William Laird to C-PAC, Inc. Board of Directors informing that since the cost of the Level II Training with the National Animal Control Association Training Academy for Stacy workman, Dog Warden will be paid through C-PAC by the Fayette County Commission, Sheriff Laird suggested that all financial requirements be processed and approved through County Administrator Charlotte Holly.

The Commissioner received and reviewed a letter from Sheriff William Laird informing he has been advised that Tri-State Roofing and Sheet Metal Company has completed the roof repairs agreed upon for the re-roofing of the Sheriff's Road Office Building.

The Commissioner received and reviewed from the Supreme Court of Appeals the West Virginia Court System 2002 Annual Report.

The Commissioner received and reviewed Audit Report of the Fayette County Board of Health for the Fiscal Year ended June 30, 2001 and June 30, 2002.

The Commissioner received and reviewed a copy of a letter from Tim Richardson, Zoning Officer to Leff Moore with the West Virginia Manufactured Housing Association informing that his request under the West Virginia Freedom of Information Act that all documentation and records pertaining to the zoning office and mobile home use permits is a matter of public record and that he can inspect and copy the information between the hours of 8:00 a.m. and 4:00 p.m. Monday through Friday in the Zoning Office.

The Commissioners approved to go into Executive Session at 3:26 p.m.

The meeting was adjourned at 4:015 p.m. The next scheduled meeting is June 30, 2003.



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FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
JUNE 30, 2003  
COURTHOUSE

FAYETTEVILLE, WV 25840  
MEMBERS Present: Matthew D. Wender, John H. Lopez, Kenneth L. Eskew

The Fayette County Commission met in a regular session on this 30<sup>th</sup> day of June 2003.

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

The Commissioners recessed to unlock ballot room for Kelvin Holliday, County Clerk.

Exonerations were approved and signed.

Commissioner Lopez made a motion that outstanding bills be approved. Commissioner Eskew seconded. All approved.

Commissioner Lopez made a motion to approve part-time payrolls and overtime. Commissioner Eskew seconded. Unanimous.

Commissioner Lopez made a motion to approve minutes of March 3, March 7, March 10, March 14, March 19, March 24, April 15 and April 28, 2003. Commissioner Eskew seconded. Unanimous.

Ms. Holly informed the Commissioners that Law Enforcement has picked up a new cruiser from TRIDENT. Ms. Holly asked the Commissioners if its okay to issue check to TRIDENT prior to the next Commission meeting (July 14). The Commissioners approved.

Ms. Holly told the Commissioners that per James Lively with Jim Lively Insurance that next year's liability insurance is estimated to go up 10-15 percent.

Commissioner Wender offered a motion not to opt for additional

Premium Terrorism Insurance. Commissioner Eskew seconded. Unanimous.

Commissioner Lopez asked Mr. Lively if the Commission had coverage on the FEMA properties that was bought in the buyout.

Mr. Lively told the Commissioners that the property is automatically included under the liability coverage but it does not cover structures.

The Commissioners received and reviewed a proposal from Pennsylvania Christian Endeavor giving a list of materials and tools that are needed to do the work on the Whipple Community Center amount of bid \$863.00.

Commissioner Wender made a request for Christian Endeavors to confirm whether the roof needs repaired and asked that they take before and after pictures, and asked Larry Parsons to sign the delivery tickets for the supplies.

Commissioner Wender asked to have Eddie Young check to see who is the property owner of the Whipple Community in Action building.

Commissioner Wender asked Ms. Hickman to call Ron Walton and schedule him for July 14, but any funding requests he asked for the Commission will not take under consideration until next March.

Commissioner Eskew made a motion to approve paying the \$863.00 for roof repairs to the Whipple Community in Action contingent they take before and after pictures. Commissioner Lopez seconded. Unanimous.

Ms. Holly told the Commissioners she talked to Region 4 Planning and Development Council regarding the Elevator and Southern Appalachian Labor School (SALS) project.

Ms. Holly told the Commissioners that she informed Region 4 that the elevator is the first priority and that SALS-dorm is second. The Commissioners asked Ms. Holly to discuss further on July 14<sup>th</sup>.

Diane Meadows, CPC, WVU Extension Office appeared before the Commission to discuss her requisition for supplies.

Ms. Meadows informed the Commissioners she did talk with Steve Cruikshank, OES Director, regarding the use of the OES camera. Ms. Meadow's told the Commissioners that Steve's camera will not meet all the specifications.

Ms. Meadow told the Commissioners that Brian Sparks would use camera 90% of the time, and the camera will be used by the entire office.

Commissioner Eskew made a motion to approve requisition dated June 19 purchase of a camera (\$742.99) and requisition dated June 26 for office supplies (\$925.81). Commissioner Lopez seconded. Unanimous.

Carl Harris, Assistant Prosecuting Attorney informed the Commissioners that they had no leverage for free gas and no legal avenue to pursue regarding their request that Equitable Gas Company give free gas to the Fayette County Park.

Mr. Harris told the Commissioners that the Multi-Cap case doesn't help Fayette County only hurts, he will sit down with Paul Blake, Prosecuting Attorney to discuss what to do.

The Fayette County Commission, Tim Hannah, Chairman, Bill Toney, Don Plumley, Dave Wood and Larry Parsons members of the Fayette County Solid Waste Authority presented a Memorial Plaque in memory of Larry

Johnson for his efforts to the beautification of Fayette County to Mr. Johnson's family.

Ms. Holly presented an amended notice of a will contest regarding the Estate of Lennie F. Richards to the Commissioners.

Ms. Holly told the Commissioners she sent notice to Carl Harris, Assistant Prosecuting Attorney to review, was told by Mr. Harris that no action required of the Commission up to James Billings, attorney to set a date for a hearing.

Commissioner Wender asked Earl Pauley, Park Superintendent to deposit all cash at the end of the business day today, should have only \$1,000 cash on hand. Commissioner Wender told Mr. Pauley that the Auditor will be here on Thursday to look at Fayette County Park's Fiscal Year 2003.

Commissioner Wender told Mr. Pauley that the Commission was told by their insurance carrier that the insurance on the vehicles cost the County \$2,000 per vehicle. Commissioner Wender asked Mr. Pauley to get rid of all unused vehicles.

The Commissioners approved to add 6% sales tax to shelter rentals, canteen pool etc.

The Commissioners recessed for lunch at 12:15 p.m.

The Commissioners reconvened at 1:30 p.m.

Ms. Holly told the Commissioners she talked with Annette Kadash, Executive Director, Pennsylvania Christian Endeavor regarding the status of the roof. Ms. Kadash told her it would be great if Larry Parsons would pick up supplies.

Commissioner Eskew made a motion to transfer \$80 line item budget

from travel to supplies for the Agriculture Agent. Commissioner Lopez seconded. Unanimous.

Commissioner Eskew made a motion to increase Charlotte Holly, County Administrator salary plus benefits to \$3,000 effective July 1, 2003. Commissioner Lopez seconded.

Commissioner Lopez suggested to the Commissioners to sit down and discuss the increases they are facing for Fiscal Year 2005 (salary benefits, raise in PEIA etal). Commissioner Lopez informed the Commissioners he would be on vacation from August 14 to 21, 2003.

The Commissioners decided to have a mid-year budget review special meeting on August 22, 2003 at 9:00 a.m.

The Commissioners asked that Tom Aiello, Assessor and Eddie Young, Chief Tax Assessor, attend the meeting to discuss collection of dog taxes and ways to raise money regarding the cost of dogs.

The Commissioners asked that Tom Aiello, Assessor, Sheriff William Laird and Patti Payne meet on August 25<sup>th</sup> to discuss alternatives sources in going after money for services for the animal shelter. The Commissioners asked Ms. Holly to get the number of animals that are picked up by municipalities from Ms. Payne.

Commissioner Wender asked Ms. Holly to call Carl Harris, Assistant Prosecuting Attorney and asked him the status of the Mountain Laurel Bankruptcy if property been awarded and to check on Dempsey Bore Holl or other property near the Park.

Commissioner Wender informed the Commissioners that Dave Pollard, County Resource Coordinator wrote a letter to the West Virginia Housing Development Fund requesting \$75,000 for start-up of Building



Codes.

Commissioner Wender asked Ms. Holly to call Mr. Pollard and check on the status of the \$75,000.

Commissioner Wender asked that a follow-up letter be written regarding the appropriation of the \$10,000 to the Fayette County Historic Landmark Commission as a result of the necessitated change in scope of Legislative Digest Grant #00-390 to avoid the loss of the \$10,000 grant funds.

Commissioner Wender asked that this letter serve as the letter of commitment from the Fayette County Commission for \$10,000 to their organization as partial funding for a life-size statue on the Courthouse lawn of the Marquis de LaFayette; this commitment is contingent and payable upon the 100% successful funding by the Fayette County Historic Landmark Commission within the next two years, commitment will expire and be withdrawn on June 30, 2005 if the Fayette County Historic Landmark Commission has not secured the necessary funding to complete the project.

Commissioner Lopez informed the Commissioners he received from the Assessor's Office the response of his request to provide an appraised valuation on four tracts of land owned by Berwind Land Company.

Commissioner Lopez asked to schedule Tom Aiello, Assessor at 10:00 a.m. to attend the County Commission meeting on August 22<sup>nd</sup> to discuss reappraises of other property.

Ms. Holly informed the Commissioners that the estimates that Sheriff William Laird and Steve Cruikshank have down for work done at

the Shooting Range did not equal FEMA's estimates.

Commissioner Eskew asked if it was possible to plant trees and flowers as a sound barrier at the animal shelter.

The Commissioners asked Ms. Holly to ask Dave Pollard, County Resource Coordinator too follow-up on the letter to the West Virginia Development Office regarding Arbuckle Public Service District.

The Commissioners asked Ms. Holly to check with Earl Pauley, Park Superintendent regarding the status of the vehicle for the animal shelter. The Commissioners approved up to \$7,000 for vehicle on April 28<sup>th</sup>.

The Commissioners received and reviewed from Accordia of West Virginia and Jim Lively Insurance and Insurance Proposal.

Commissioner Wender suggested writing a letter to each of the Elected Officials asking for a status of each vehicle assigned to their department, asked what the vehicles are used for, and ask about the condition of each vehicle.

The Commissioners decided that the staff car remains as a vehicle under the Commissioners but Paul Blake, Prosecuting Attorney will have first access.

Commissioner Eskew made a motion that Allan Ballard, Custodian/Manager for the Memorial Building is paid a salary of \$22,500 plus benefits effective July 1, 2003. Commissioner Lopez seconded. Unanimous.

Commissioner Wender asked Ms. Holly to ask Larry Parsons about mowing the grass for a property owner at Whipple, if Mr. Parsons did not know where the property is located he will show him.

Ms. Holly presented to the Commissioners their request to write a letter to Steve Cruikshank, OES Director attaching for his review and immediate submission to FEMA reimbursements for the Animal Shelter and copies of invoices and checks issued to vendors from May 30, 2003 to June 30, 2003.

The Commissioners approved incorporated banking institution within the County to act as County depositories for the Fiscal Year beginning July 1, 2003 (Fayette County National Bank, Branch Banking & Trust, Bank of Mount Hope, and United National Bank).

The Commissioners signed a letter to the Federal Home Loan Bank of Pittsburgh (Bank of Mount Hope), SunTrust Banks, Inc. (Fayette County National Bank), and Wachovia Bank & Trust Co. (Branch Banking & Trust Co.) informing they have been designated as an incorporated banking institution in the County of Fayette as Depositories of Public Monies.

Commissioner Lopez made a motion to approve and accept securities and agreements from the United National Bank, Fayette County National Bank, Branch Banking and Trust and the Bank of Mount Hope. Commissioner Eskew seconded. Unanimous. Order signed.

Ms. Holly informed the Commissioners that the public hearing for the Central Appalachia Empowerment Zone (CAEZ) for Census Tract #206 has been scheduled for July 8, 2003 at the Kincaid United Methodist Church basement at 7:00 p.m.

The Commissioners received and reviewed a letter from the West Virginia Development Office regarding the Synthetic Fuel Non-Producing Counties Fund for Fiscal Year 2003 Allocation and Use (total Synthetic

Fuel Non-Producing Counties Fund \$2 million, amount granted to each 50 non-producing counties is \$40,000).

The Commissioners received and reviewed a letter from Senator Robert Byrd giving a status report from officials of the Internal Revenue Service regarding the Fayette County Housing and Economic Council's, Inc.'s 501(c)(3) application.

The Commissioners received and approved James Perdue, Maintenance Supervisor overtime.

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

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

The Commissioners received and reviewed checks from the West Virginia Development Office for Legislative Digest Grant #00-390 Roof, amount \$10,000, Legislative Digest Grant #02-470 Christians Helping Others Food Pantry, amount \$232.76, and Legislative Digest Grant #02-472 Fayette County Youth Soccer, amount \$1,222.44; Jail Fees-Town of Fayetteville (\$45.00); 911 Fees, amount \$3.92 and Alarm Fees, amount \$5,970.00.

The Commissioners received and reviewed from the Fayette County Animal Control Center Weekly Fees Collected for June 13 to June 19, 2003, amount \$75.00 and for June 20 to June 26, 2003, amount \$315.00.

The Commissioners received and reviewed from the Federal Emergency Management Agency reimbursement for Steve Cruikshank, OES Director salary, amount \$5,257.50.

The Commissioners received and reviewed the Memorial Building

Fiscal Year 2004 budget.

The Commissioners received and reviewed a notice from the Fayette County Chamber of Commerce inviting the Commission to attend the Alive After Five meeting being held June 26, 2003 from 5:00 p.m. to 7:00 p.m. at the Fayette County Courthouse.

The Commissioners received and signed from the West Virginia Department of Environmental Protection Agency application for Certificate to Operate the incinerator at the courthouse.

The Commissioners received and reviewed copies of letters from the Fayette County Board of Education to Fayetteville Municipal Water Works, American Electric Power, and Allegheny Power asking that their name be removed from these accounts effective July 1, 2003 and to bill the Fayette County Commission.

The Commissioners received and reviewed Certificate of Insurance from Verizon Select Services.

The Commissioners signed a letter to the West Virginia Disaster Recovery Board requesting they move forward with the scope of work provided by Parson, Brincherhoff, Quade and Douglas on the Preparation of Stormweather Management and Hazard Mitigation Plan.

The Commissioners received and signed from Randy Housh, Housing Consultant, consulting fee invoice for the month of June 2003, amount \$3,332.00.

The Commissioners suggested that Larry Parsons go to the Danese Volunteer Fire Department and get estimates on the cost of improvements to the Danese Magistrate Office (i.e., carpet ceiling steps and paving).

The Commissioners asked Ms. Holly to write a letter to the Danese Volunteer Fire Department and inform them that the Commissioners are contemplating their alternatives regarding the lease of office space at the Danese Volunteer Fire Department, a decision will be made by August 15, 2003.

The Commissioners signed Legislative Digest Grant contracts for the Food Pantries Serving Fayette County, Courtroom Chairs, New Haven Public Service District, Gauneka-Ruritan Club Fire Alarm System, the Upper Kanawha Valley Community Center, the Fayette County Health Department, and the Boomer Volunteer Fire Department.

Discussion was held regarding turning over the title of the Fayette County Ambulance over to Jan-Care Ambulance Service.

The Commissioners suggested asking Jan-Care Ambulance the value of the Fayette County Ambulance that's assigned to them before any decisions.

The Commissioners suggested asking Paul Blake, Prosecuting Attorney about this since County don't have any funds in the ambulance.

Ms. Holly told the Commissioners she would check the contract regarding the ambulance at Quinwood, and Ms. Holly told the Commissioners she thought that it was requested that the ambulance be stationed in Fayette County.

The Commissioners received and reviewed a fax regarding the Statewide Addressing and Mapping Board Progress.

The Commissioners asked Ms. Holly to have David Neal, E911 Coordinator provide applicable steps and documents that the Commission

must take to comply with the West Virginia Statewide Addressing and Mapping Board Emergency rules including but not limited to notification to the State-wide Mapping and Addressing Board prior to July 1, 2003 for Fayette County to participate.

Ms. Holly told the Commissioners that Mr. Neal sent an e-mail to Craig Nidig, Chairman of the Statewide Addressing and Mapping Board informing that Fayette County will be participating in the Statewide Addressing and Mapping Board Project.

The Commissioners signed a letter to Carey Vickers informing they had been advised of his retirement from employment as a Fayette County Deputy Sheriff effective June 30, 2003 and offered their appreciation for his nine years of service to Fayette County and our citizens.

The meeting was adjourned at 3:35 p.m. The next scheduled meeting is July 14, 2003.



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FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
JULY 14, 2003  
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 14<sup>th</sup> day of July 2003.

Commissioner Wender called the meeting to order at 9:15 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.

John Witt a representative for the American Legion and Charlie Jones, Commander McGraw, and Harold Bragg appeared before the Commission.

Mr. Witt informed the Commissioners that the Memorial Building needs immediate attention.

Mr. Witt told the Commissioners that the gutters, downspouts and the replacement of all doors should be priorities.

Mr. Witt presented a proposal from Charlie Atha (Fayette Awning and Glass, Inc.) giving an estimate on the entrance doors of the Memorial Building, amount \$43,795.12.

Mr. Witt told the Commissioners that he is here to encourage the Commission to do something before the end of the year to restore the Memorial Building.

Commissioner Wender asked Mr. Witt which would be the first priority, gutter and downspouts or the doors. Mr. Witt informed the Commissioners that the gutters and downspouts should be the first



priority.

Allan Ballard, Manger Memorial Building told the Commissioners that Tri-State Roofing and Sheet Metal Company had come to look at the gutters and downspouts were told the roof is in excellent shape, all the galvanized gutters joints are leaking, and they measured all the downspouts.

Harold Bragg told the Commissioners that the major problem is the flag and the torch they needed to be replaced.

Commissioner Wender asked Mr. Witt to get a cost from Tir-State Roofing.

Mr. Witt told the Commissioners that all the doors on the westside of the building needs to be replaced.

Commissioner Wender informed the Memorial Building Committee that the Commission will meet on 28<sup>th</sup> and asked that they get from Tri-State Roofing an estimate on the gutters and downspouts and coating of the roof.

Mr. Ballard presented to the Commissioners the keys to the Memorial Building and told the Commissioners they need to decide on how many extra keys are needed.

Commissioner Wender asked Mr. Ballard to check with the Memorial Building Committee and see how many they want made.

Commissioner Lopez made a motion that outstanding bills and payrolls be approved, payroll to be released today. Commissioner Eskew seconded. Unanimous.

The Commissioners and Carl Harris, Assistant Prosecuting Attorney discussed the Berwind Land Company Option Agreement.

Mr. Harris informed the Commissioners that he had reviewed the Option Agreement and suggested that an addendum to Page 3, Paragraph 3 be made and to draw line down Page 11 and to write balance of this page blank intentionally.

Commissioner Wender offered a motion to accept the Option Agreement with Berwind Land Company. Commissioner Eskew seconded.

Commissioner Lopez informed he had concerns about the property.

Commissioner Eskew made a motion to allow the President to sign Option Agreement on behalf of the Commission after the addendum is prepared. Commissioner Lopez seconded. Unanimous.

Ms. Holly informed the Commissioners that Berwind Land Company is requesting a certified check.

Commissioner Wender Offered a motion that the County apply the \$50,000 for Economic Development efforts, and request that the issuing bank certify the funds. Commissioner Eskew seconded.

John David, Southern Appalachian Labor School appeared before the Commission to request that the SALS dormitory be included in the Courthouse Elevator Small Cities Block Grant application.

Dr. David gave an update on the workcamp project.

Ms. Holly informed the Commissioners she had talked with W. D. Smith, Executive Director Region 4 Planning and Development about applying for two projects on the same application.

Mr. Smith told Ms. Holly to specify which project is the priority one the other project would be the secondary.

Commissioner Lopez made a motion that Fayette County Commission Small Cities Block Grant application would include the SALS dormitory

making the elevator project priority and SALS dorm secondary.

Commissioner Eskew seconded. Unanimous.

Dr. David told the Commissioners that the closing ceremony for the workcamp is scheduled for Friday, July 18 at 7:00 p.m. in the Tech gym.

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

Ms. Holly told the Commissioners she received the Legislative Digest Grant Contracts from the West Virginia Development Office for Judge John Hatcher, Jr. (\$12,000), Gauneka Ruritans (\$5,000), Upper Kanawha Valley Community Center (\$15,000), Boomer Volunteer Fire Department (\$10,000), New Haven Public Service District (\$13,250), and the Fayette County Health Department (\$10,000), but have not received the certificate of awards.

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 Commissioners and they will submit the request for reimbursement to the West Virginia Development Office as requested by the grant agreement. Letters signed.

The Commissioners signed a letter of support to Hospice of Southern West Virginia Inc. on the construction of a 12-bed hospice home to serve the needs of Southern West Virginia.

Commissioner Lopez made a motion subject to the approval of the State Auditor as ex officio chief inspector of public offices hereby

direct that the budget revisions for the Coal Severance Fund and the General County Fund are revised as shown on budget revision number one (1). Commissioner Eskew seconded. Unanimous.

Commissioner Lopez offered a motion that Dianna Smallwood, William Caudill, Jesse Bibb, George Smith, and James Painter are appointed as members of the Fayette County Planning Commission. Commissioner Eskew seconded. Unanimous. Orders and appointment letters signed.

The Commissioners recessed for the auction at 10:30 a.m.

The Commissioners signed a letter to Alison Chambers, Director, Family Law Masters requesting reimbursement for rent in the amount of \$2,025.00 for the month of July 2003.

The Commissioners signed a letter of commitment to the Fayette County Historic Landmark Commission for the \$10,000 to their organization as a partial funding for a life-size statue on the Courthouse lawn of the Marquis de LaFayette in whose honor Fayette County was named; the commitment is contingent and payable upon the 100% successful funding of the project by the Fayette County Historic Landmark Commission within the next two years; the commitment will expire and be withdrawn on June 30, 2005 if the Fayette County Historic Landmark Commission has not secured the necessary funding to complete the project.

The Commissioners signed Request for Reimbursement to the West Virginia Division of Criminal Justice Service for Court Security Grant Project #02-CS-06.

The Commissioners received and signed Fayette County Fire Levy

Protection Agreements for Ansted Certified Fire Department, Armstrong Creek Volunteer Fire Department, Gauley River Volunteer Fire Department, Gauley Bridge Volunteer Fire Department, Meadow Bridge Volunteer Fire Department, Montgomery Volunteer Fire Department, and Nuttall Volunteer Fire Department for fiscal year July 1, 2003 to June 30, 2004.

The Commissioners received and signed Fayette County Fire Levy Pumper Replacement Agreements for Ansted Certified Fire Department and Montgomery Volunteer Fire Department for fiscal year July 1, 2003 to June 30, 2004.

Sherry Syner with the Tom Syner Foundation appeared before the Commission to discuss the radio station at Lookout. The Commissioners suggested to Ms. Syner that this be tabled for July 28 at 10:45 a.m.

Alice King with Region 4 Planning and Development Council presented a request for payment for the New Haven Public Service District Water Extension Project-Saturday Road/Horseshoe Creek, Contract #12, amount \$224,524.02 and a request for payment for the New Haven Public Service District Water Extension Project-Paint Creek/Plum Orchard Water Extension, Contract #13, amount \$11,538.87.

Commissioner Lopez offered a motion to approve and authorize the payment of services for the New Haven Public Service District Water Extension Project-Saturday Road/Horseshoe Creek, contract #12, amount \$224,524.02. Commissioner Eskew seconded. Unanimous. Resolution signed.

Commissioner Eskew offered a motion to approve and authorize the payment of services for the New Haven Public Service District Water

Extension Project-paint Creek/Plum Orchard Water Extension, Contract #13, amount \$11,538.87. Commissioner Lopez seconded. Unanimous. Resolution signed.

The Commissioners asked Ms. Holly to call Dan Snead to see if he would give them estimates on the cost of repairs for the Memorial Building.

The Commissioners approved allotment for C-PAC for the month of July, amount \$10,087.13.

The Commissioners signed order appointing James Kincaid, Jr. to serve on the Board of Directors of the Central Appalachia Empowerment Zone of WV (CAEZ) representing Census Tract #206.

The Commissioners received/reviewed and discussed Judge John Hatcher letter regarding the increased number of incidents where roaches, other bugs of various descriptions and mice are seen in various office and restrooms and suggested scheduling treatments in and around buildings to avoid and eliminate any infestations by insets or rodents and a letter regarding the storm drain over the side porch of the Courthouse (Maple Avenue side) and over the front porch.

Commissioner Wender suggested writing a letter to Judge Hatcher informing him that the Commission have addressed his letter dated July 9 and July 11, 2003 and referred these matters to Maintenance Supervisor James Perdue for corrective action.

The Commissioners received and reviewed a complaint from ACE White water regarding the road going toward the Cunard landfill. Ms. Holly informed the Commissioners the Landfill has been closed since 1994.

The Commissioners adjourned for lunch at 12:30 a.m.

The Commissioners reconvened at 1:40 p.m.

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

The Commissioners received and reviewed a check from Z-Tel Communication, Inc., amount \$14.00 for 911 Fees.

Commissioner Lopez made a motion to approve minutes of February 21 and February 27, 2003. Commissioner Eskew seconded. Unanimous.

Ms. Holly presented to the Commissioners from Earl Pauley, Park Superintendent, a notice regarding charging 6% sales tax on shelter rentals, season passes, daily admission to the pool effective July 1, 2003 and a 3% Hotel Occupancy Tax for all over-night campers effective July 1, 2003.

Commissioner Eskew made a motion to approve implementing charging the 6% sales tax on shelter rentals, season passes, daily admission to the pool and implementing the 3% Hotel Occupancy Tax for all over-night campers effective immediately. Commissioner Lopez seconded.

The Commissioners discussed the Danese Volunteer Fire Department lease for the Danese Magistrate Office.

The Commissioners asked Ms. Holly to write a letter to the Danese Volunteer Fire Department and inform them that the Commission are contemplating their alternatives regarding the lease of office space and inform them that it is their intent to make a decision in this matter by August 15, 2003.

The Commissioners received and reviewed a copy of a letter to

Craig Neidig, Chair West Virginia Statewide Addressing Mapping Board from David Neal, E911 Coordinator informing that the Fayette County E911 Center has agreed to participate in any and all areas of the statewide mapping and addressing project.

Commissioner Eskew made a motion to proceed with G. E. Watkins and Associates to review our telephone statements in order to verify the validity of charges. Commissioner Wender seconded. Unanimous.

The Commissioners received and reviewed a letter from Sheriff Laird requesting that a check for \$300 be made payable to the West Virginia Division of Motor Vehicles for the changing of license plates on vehicles used by Uniformed Deputies, the standard red county plates will be changed to the new plates designed for law enforcement. The Commission approved.

Ms. Holly informed the Commissioners that Larry Parsons has cut the weeds behind the Courthouse Annex.

The commissioners discussed the Sun Mountain property and suggested asking Kelvin Holliday, County Clerk to check the liens on the property parcel by parcel, to get names and addresses of the lien owners and the liens that have been released, give to Tom Aiello, Assessor to check status of property tax size and see if the taxes are still being paid, check appraised assessed value on books.

Ms. Holly informed the commissioners that Larry Harding was in to ask about the plaque in Memory of James "Chick" Matthews in the Voter's Registration Office.

Ms. Holly told the Commissioners that Mr. Harding wanted to know if Mr. Matthew's daughter (Neva Jean) could have plaque.



The commissioners informed they have no problem in giving the plaque to Mr. Matthew's daughter.

Ms. Holly told the Commissioners she would check to see who presented the plaque.

The Commissioners asked to schedule Steve Cruikshank, OES Director to discuss FEMA claims at the August 11, 2003 meeting and to put on the agenda to discuss Danes Magistrate Office.

The Commissioners asked to schedule Tom Aiello and Eddie Young to discuss revaluing reappraisal of county properties for August 22 County Commission meeting.

The Commissioners received and reviewed a memorandum from Sheriff Laird informing that he received a letter from the legal counsel for the Regional Jail and Correctional Facility Authority indicating the approval of his request for a credit adjustment in the amount of \$8,100.00 invoice #51907.

The Commissioners received and reviewed a letter from St. Paul Fire and Marine Insurance Company acknowledging receipt of claim #GP09308546-09T004, assigned to Latrese Brontley.

The Commissioners received and reviewed a list of the computers received from Applied Card through 4-C Economic Development Authority.

The Commissioners received and reviewed a letter from SunTrust Bank confirming that SunTrust Bank Safekeeping Department is currently holding the enclosed list of pledged securities as of June 30, 2003.

The Commissioners received and reviewed a letter from Branch Banking and Trust Company (BB&T) informing that as of June 30, 2003 CATO-MERIDIAN NY SC securities were held as collateral to serve the

deposits of the Fayette County Commission.

The Commissioners received and reviewed the Certificate to Operate the Courthouse Incinerator from the West Virginia Department of Environmental Protection-Division of Air Quality.

The Commissioners received and reviewed a copy of a letter to Robert L. William from the West Virginia Department of Environment Protection responding to Mr. Williams recent correspondence concerning this agency's action on the objections received to the Tier 2.5 presumptive stream list.

The Commissioners received and reviewed a thank-you card from the Fayette County Chamber of Commerce thanking the Commission for hosting the Chambers meeting at the Courthouse.

The Commissioners received and reviewed Audit Report from Meadow Bridge Volunteer Fire Department for Fiscal Year 2001-2002.

The Commissioners received and reviewed from Thelma Kincaid, Circuit Clerk interest earned on checking account from July 2002 through June 2003.

The Commissioners received and reviewed a letter from Jim Lively Insurance informing he has ordered the renewal policy for the term July 1, 2003 to July 1, 2004 and enclosed a binder and some temporary ID cards.

The Commissioners received and reviewed from Sheriff William Laird and Tom Aiello, Assessor Budget Statements for Fiscal Year 2003-2004.

The Commissioners received and reviewed a copy of a letter to Debbie Aliff, Payroll clerk from Tom Aiello, Assessor informing that

effective July 7, 2003 Trista Marie boles will begin working as a temporary summer help, to be paid out of the Regular County Budget at \$5.50 per hour.

The Commissioners received and reviewed from the Fayette County Animal Control Center/C-PAC the Monthly Revenue Report, Activity Report for the month of June and the Weekly Fees Collected for the week of June 27 to June 30, 2003 (\$450), the week of July 1 to July 3, 2003 (\$445), and the week of July 4 to July 10, 2003 (\$230).

The Commissioners received and reviewed Quarterly Report from Stacy Workman, Dog Warden.

The Commissioners received and reviewed a thank-you letter from the Town of Gauley Bridge for the donation of the 1994 Chevy Caprice and the 1995 Ford Crown Victoria.

The Commissioners received and reviewed from Tri-State Roofing and Sheet Metal Company a letter informing of their New & Ideas, Summer 2003 projects.

The Commissioners received and reviewed a copy of a letter to David O. Wood from the Public Service Commission informing that effective July 1, 2003, Mr. Wood has been reappointed to serve as a member of the Board of Directors of the Fayette County Solid Waste Authority.

The Commissioners received and reviewed several correspondences from the County Commission Association.

The Commissioners received and reviewed a letter from Poterta and Associates, Inc. Engineers and Environmental Consultants informing the Commission that if they need any assistance in reviewing developers'

plans, performing flood way analyses, determining how to handle existing storm water runoff problems they would like the opportunity to discuss their capabilities. C copy was given to Dave Pollard, County Resource Coordinator, Steve Cruikhshank, OES Director, and Tim Richardson, Zoning Officer.

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

The Commissioners received and reviewed a copy of an Accident Report (Deputy Joseph Howell) from the Sheriff Department.

The Commissioners received and reviewed a copy of the basketball schedule for the Fayetteville Middle School and Fayetteville High School 2003-2004 season for the Memorial Building. A copy forwarded to Allan Ballard, Manager Fayette County Memorial Building.

The Commissioners received and reviewed Official Oath of Office's from Charles Walker Member of the Armstrong Public Service District and Howard Tyree, Member of the Arbuckle Public Service District.

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

The Commissioners received and reviewed Permit to Operate Recreational Water Facility for the Fayette County Park Pool.

The Commissioners received and reviewed a memorandum from the Department of Tax and Revenue regarding S. B. 2007 passed July 1, 2003, amending the Grant Committee statute and requiring persons who previously submitted grant application to, by July 11, 2003, amend those applications to properly reflect changes in facts and circumstances since the original application was filed last year: The

Commission scheduled a conference call to address this application to the West Virginia Economic Development Grant Committee on July 7, 2003 at 9:30 a.m.

The Commissioners received and reviewed an e-mail from David Neal, E911 Coordinator, regarding implementing an ordinance that would require elimination or at least the reduction of duplications of street names.

The Commissioners received and reviewed an e-mail from Ms. Holly informing that the Whipple Community Center did not have and had not had any damage to the roof. Annette Kadash talked with Larry Parsons he is going to pick up the approved materials today and Ms. Kadash said she will take the before and after pictures as requested.

The Commissioners received and reviewed an e-mail from Ms. Holly to Sheriff William Laird and Steve Cruikshank, OES Director requesting they review and compare FEMA claim and reimbursement for the Fayette County Shooting Range and advise the Commission whether all of the work has been completed as approved, submitted for payment to FEMA and reimbursement received and the Commission suggested a possible use of FEMA funds to plant trees as a sound barrier between the shooting range and the animal shelter.

The Commissioners received and reviewed an e-mail from Ms. Holly regarding combining the Southern Appalachian Labor School (SALS) dormitory into the courthouse elevator Small Cities Block Grant application.

The Commissioners received and reviewed an e-mail from Dave Pollard, County Resource Coordinator regarding the status of the

Fayette County Commission's commitment for the Arbuckle Public Service District (waiting on the engineer to conform if press from Kanawha Falls Public Service District is suitable, but Commission is committed to either the in-kind match of press or \$28,000).

The Commissioners received and reviewed an e-mail from Ms. Holly regarding the status of the application to the West Virginia Housing Development Fund for the \$75,00 start up costs for the building code.

The meeting was adjourned at 3:02 p.m. The next scheduled meeting is July 28, 2003.



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FAYETTE COUNTY COMMISSION

REGULAR SESSION

JULY 28, 2003

COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 28<sup>th</sup> day of July 2003.

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

Exonerations were approved and signed.

Angie Sleeth with Region 4 Planning and Development Council appeared before the Commission to conduct a public meeting for a Small Cities Community Development Block Grant (SCBG) for the Courthouse Elevator/SALS Dormitory.

Ms. Sleeth called the public meeting to order at 9:11 a.m.

Ms. Sleeth told the Commissioners the purpose of the public meeting is to discuss an application with the West Virginia Development Office for a Small Cities Community Development Block Grant for the Courthouse Elevator/SALS Dormitory.

Ms. Sleeth told the Commissioners that the grant application request is \$258,535 from the Small Cities Community Development Block Grant (\$108,535 for courthouse elevator and \$150,000 for SALS dorm).

No other comments were received, Commissioner Wender closed the public hearing at 9:13 a.m.

Ms. Sleeth presented three resolutions to be signed.

Commissioner Lopez offered a motion to adopt application for the Small Cities Community Development Block Grant for the Courthouse Elevator/SALS Dormitory. Commissioner Eskew seconded. Unanimous.

Resolution signed.

Commissioner Eskew offered a motion to adopt a Resolution for a Citizen Participation Plan for the Small Cities Community Development Block Grant for the Courthouse Elevator/SALS Dormitory. Commissioner Lopez seconded. Unanimous. Resolution signed.

Commissioner Lopez offered a motion to approve and authorize the Adoption of a Resolution Formalizing a Fair Housing Program for the Small Cities Community Development Block Grant for the Courthouse Elevator/SALS Dormitory. Commissioner Eskew seconded. Unanimous. Resolution signed.

Commissioner Lopez made a motion to approve payrolls and outstanding bills, payroll to be released on Wednesday. Commissioner Eskew Seconded. Unanimous.

Commissioner Lopez made a motion that effective July 31, 2003 Randall D. Redden, II will go from part-time to full-time as a park maintenance employee on a 6-month probationary basis at the Fayette County Park at \$6.15 per hour plus benefits (\$12,792). Commissioner Eskew seconded. Unanimous.

Commissioner Lopez informed the Commissioners Earl Pauley, Park Superintendent told him the pool will be closed August 4 and 5 and August 11 and 12 and possibly August 8 and 9 no lifeguards, pool closes August 17.

John Witt, member of the Memorial Building Committee appeared before the Commission to discuss the gutters and downspouts at the Memorial Building. Mr. Witt told the Commissioners he had contacted Tri-State Roofing and Sheet Metal Company and asked if they would come



and inspect the building. Mr. Witt presented Tri-State's proposal (copper gutters, amount \$20,728, Kynar 500 Finish Pre-painted metal Gutters, amount \$14,906 and Coat Existing Modified Bitumen Roof, amount \$8,545).

Mr. Witt told the Commissioners that Tri-State recommended coating the existing roof in order to extend warranty.

Mr. Witt recommended to the Commission to move quickly as possible.

Charlie Jones told the Commissioners he doesn't think no one in the local area can do the job. The Commissioners asked Mr. Jones to check in Beckley.

Commissioner Wender told Mr. Witt they would have to get bids.

Commissioner Wender asked Allan Ballard to get specs from Tri-State, advertise as a 2-part bid, 20 gauge pre-painted metal.

Allan Ballard informed the Commissioners that the Animal Shelter should be done by August 2.

Commissioner Wender asked Mr. Ballard to call Patti Payne and request that they (Patti, Earl and Allan) do a walk through the buildings.

Mr. Ballard told the Commissioners they might be able to move in by September 1.

Mr. Ballard told the Commissioners he would be on vacation from August 12 to 17 will be back at the Memorial Building on August 18.

The Commissioners received and reviewed a letter from Brian Parsons, Assistant Prosecuting Attorney asking the Commission if they wanted to protest the Workers' Compensation Division award to Robert

L. Williams.

The Commissioners asked that a letter be sent to Mr. Parsons requesting that he take the strongest action possible to protest the Workers' Compensation claim #2003042093 of Robert L. Williams.

Steve Cruikshank, OES Director appeared before the Commission to discuss the FEMA claims.

Mr. Cruikshank told the Commissioners he will be able to show them what has been submitted by next week.

Commissioner Wender asked that Mr. Cruikshank meet this afternoon with him and Ms. Holly to sit and discuss what has been submitted. Commissioner Wender suggested doing a sheet per project, look at what claims been paid and what claims are outstanding.

Commissioner Lopez asked Mr. Cruikshank the status of the demolition/mitigation buyouts. Commissioner Lopez asked Mr. Cruikshank if the Commission can lease the property. Mr. Cruikshank replied, possible if they get a use permit.

Tim Richardson, Zoning Officer appeared before the Commission to consider recommendations from the Planning Commission on amendments to the Unified Development Code. Also, present were Keith Richardson and Dave Pollard.

Mr. Richardson told the Commissioners that first order of business was: Article 9004 "Tower Ordinance," Section II "Applicability" adding Subsection H, Amateur Radio Antennas. This ordinance shall not govern any antenna less than one hundred (100) feet that are owned and operated, exclusively by a federally licensed non-profit radio station operator.

Mr. Richardson informed the Commission that the Planning Commission voted 7 to 1 to approve.

Commissioner Eskew made a motion to accept recommendation of the Planning Commission to amend Article 9004 "Tower Ordinance," Section II "Applicability" adding Subsection H, Amateur Radio Antennas. Commissioner Lopez seconded. Unanimous.

The next order: Article 1007 "Amendment and Hearing Procedure" Section III "Filing Procedures" C, "application for a Special Use Approval" add Subsection 9 Board of Zoning Appeals reserve the right to add conditions to special use permits as may be necessary to protect public health, safety, welfare, morals or convenience.

Mr. Richardson informed the Commissioners that the Planning Commission voted 8 to 0 to approve.

Commissioner Lopez made a motion to accept the recommendation of the Planning Commission to amend Article 1007 "Amendment and Hearing Procedure" Section III "Filing Procedures" C "application for a Special use Approval" add Subsection 9 Board of Zoning Appeal's reserve the right to add conditions to special use permits as may be necessary to protect public health, safety, welfare, morals or convenience. Commissioner Eskew seconded. Unanimous.

The next order: Article 6000 Section 6-6001 ADD, "Special Events/Mass Gathering" ordinance.

Mr. Richardson informed the Commissioners that the Planning Commission voted 8 to 0 to approve.

Commissioner Eskew made a motion to insert the ordinance "Special Events/Mass Gatherings" to the Unified Development Code. Commissioner

Lopez seconded. Unanimous.

There was no other business. The zoning hearings were adjourned.

Commissioner Eskew made 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.

Tom Syner appeared before the Commission to discuss the Radio Tower in the Lookout area.

Mr. Syner told the Commissioners that Arnold Whitlow expressed an interest in using the tower.

Mr. Syner informed the Commissioners he changed the size of the tower to one hundred (100) feet.

Mr. Syner informed the Commissioners the actual price of the tower is \$2,700 and requesting that the Commission donate \$2,000.

Commissioner Wender suggested to Mr. Syner to give the Commission something in writing saying that the Syner Foundation approve future use by the Commission, 911 Center, amateur radio association and other the use of the tower, 911 to install a repeater/antenna to the tower.

The Commissioners asked David Neal, E911 Coordinator to get antenna, cable and repeater.

Commissioner Lopez made a motion that the 911 Center share the use of the antenna and approved purchase of antenna, cable and repeater to cap at \$5,000 to be paid out of the 911 Fund.

Commissioner Eskew seconded. Unanimous.

Attorney Phil Tissue and Attorney James Billings appeared before the Commission to inform them that they have reached an agreement in the Estate of Lennie Richards.

Mr. Tissue told the Commissioners they agreed to admit will to probate, will to be contested in the Circuit Court, afterwards the will to presented in vacation, Attorney Billings will file an order contesting the will, a curator will be appointed to oversee property to prevent dissipation during the contest.

Attorney Tissue will submit order to include appointment of a curator.

Commissioner Eskew made a motion to donate \$2,000 to the Syner Foundation for tower with the condition to allow the Commission to use at bias amateur radio, 911 use antenna, and other county use, provided the tower will meet weight restriction. Commission Lopez seconded. Unanimous.

Commissioner Wender suggested to the Commissioners to request that Carl Harris, Assistant Prosecuting Attorney prepare a one-page agreement regarding the donation of \$2,000 for the tower between the Fayette County Commission and the Syner Foundation with three conditions-1) 911 to install the antenna at county expense, 2) Ham Amateurs at Ham Association expense and 3) others as may be requested by for County usage provided it doesn't exceed any weight limits.

Ms. Holly informed the Commissioners that the check has been prepared for the Upper Kanawha Valley Little League. Ms. Holly informed the Commissioners before releasing the check she would have to receive a request from the Upper Kanawha Valley Little League. Commissioner Lopez suggesting holding until a letter of request is received.

Ms. Holly informed the Commissioners she reviewed a request from

the Pax Regional Community Center for the Fiscal Year allotment of \$1,500 also included in the request was a request for allotment of \$500.00 for the Pax Watershed. The Commissioners approved allotment for the Pax Regional Community Center but told Ms. Holly the Pax Watershed would have to submit a separate request.

Ms. Holly asked the Commissioners for guidance regarding Keith Richardson. Ms. Holly asked the Commissioners who is his supervisor and who is he to report his sick and vacation leave to.

Commissioner Wender suggested asking Dave Pollard, County Resource Coordinator to prepare a job description and to discuss on August 25<sup>th</sup>. The Commissioners suggested asking Tim Richardson to make recommendations regarding Keith Richardson needs as Planning and Zoning Building Code Officer.

Commissioner Eskew informed the Commissioners that he had received a letter from the Southern West Virginia Convention Visitors Bureau regarding their proposal for funding but that he had misplaced the letter.

Commissioner Wender suggested asking Jackie Hickman or Debbie Berry to call the Southern West Virginia Convention Visitors Bureau and ask them to resubmit a copy of their request.

Commissioner Lopez suggested to the Commissioners to send a letter to the Danese Volunteer Fire Department offering to pay a monthly rental in the amount of \$100.00, a one year lease and not to commit to anything, look for another place to house the Magistrates.

Commissioner Wender informed the Commissioners that since the Commission has the long-standing precedent established in the Valley

area, the Commission should write a letter to the Danese Volunteer Fire Department informing them that effective September 1, 2003 the Commission will offer to pay a monthly rental in the amount of \$100.00 for a one-year commitment for the office space utilized by the Fayette County Magistrate Court and that the Commission will continue the payment of utilities as currently established. The Commission approved, a letter signed.

The Commissioners recessed for lunch at 12:25 p.m.

Upon reconvening from lunch at 1:40 p.m., Commissioner Lopez made a motion to reappoint James A. Kincaid, Jr. a member of the Page-Kincaid Public Service District. Commissioner Eskew seconded. Unanimous. Order and an appointment letter signed.

Commissioner Eskew made a motion to reappoint Alfred "Al" Lynch a member of the Kanawha Falls Public Service District. Commissioner Lopez seconded. Unanimous. Order and an appointment letter signed.

The Commissioners signed a letter to Debbie Aliff, Payroll Clerk informing that effective July 31, 2003, Randall D. Redden, III will be employed as a park maintenance employee on a 6-month probationary full-time basis at the Fayette County Park at an annual salary of \$12,792 plus benefits.

The Commissioners signed a response to Brian Parsons, Assistant Prosecuting Attorney's letter dated July 18, 2003 advising that the members of the Fayette County Commission request that he take the strongest action possible to protest the Workers' Compensation claim #2003042093 of Robert L. Williams.

The Commissioners asked Ms. Holly to hold the Syner Foundation

check until Carl Harris, Assistant Prosecuting Attorney prepare agreement.

The Commissioners received and reviewed overtime from James Perdue, Maintenance Supervisor, Allan Ballard, Manager Memorial Building, and Debbie Aliff, Payroll Clerk.

Commissioner Lopez made a motion to approve overtime for James Perdue, Allan Ballard, and Debbie Aliff. Commissioner Eskew seconded. Unanimous.

The Commissioners asked Ms. Holly to ask Mr. Perdue the number of days and the number of hours in which he have to clean the Prosecuting Attorney's Office.

The Commissioners received and reviewed letters of thanks for their donations from the Fayette County Chapter American Red Cross (\$3,000), and the Char-Rose Community, Inc. (\$1,000) and a letter of thanks for their support of the Hospice home project.

The Commissioners signed a letter to the Quinwood Emergency Ambulance Service, Inc. informing them of the on-going complaints from residents in the Meadow Bridge and Danese area regarding ambulance response time and requested that the county-owned ambulance assigned to Quinwood be located in the Meadow Bridge/Danese area and that Quinwood Emergency Ambulance Service, Inc. advise this office in writing prior to August 11, 2003 of the assigned location and a list of current drivers for said vehicles.

The Commissioners signed a letter to Judge John Hatcher, Jr. informing that the Commission has received and addressed his letters dated July 9 and July 11, 2003 and referred these matters to our



Maintenance Supervisor James Perdue for corrective action.

The Commissioners signed a letter to Alison Chambers, Director, Family Law Masters requesting reimbursement for rent in the amount of \$2,025.00 for the month of August 2003.

Ms. Holly informed the Commissioners that James Perdue did talk with Ray St. Clair regarding changing his schedule from the night shift to the day shift. Ms. Holly told the Commissioners that Mr. Perdue told her that Mr. St. Clair did not want to switch.

Commissioner Wender told the Commissioners he would talk with Mr. St. Clair to hold until August 11.

The Commissioners signed the Fire Lease Protection Agreement for Oak Hill Volunteer Fire Department for the period July 1, 2003 to June 30, 2004 and the Fire Levy Pumper Replacement agreement for Oak Hill Volunteer Fire Department for the period July 1, 2003 to June 30, 2004.

The Commissioners received and reviewed from the Secretary of State a letter regarding the County Clerk/Circuit Clerks' annual meeting being held September 24-26, 2003 at Mountaineer Race Track and Gaming Resort.

Ms. Holly informed the Commissioners that the County Commissioners Annual Training Session is scheduled for August 1, it's required that each County bring a door prize. Commissioner Wender informed he would ask Dave Pollard, County Resource Coordinator to see if he can get some rafting tickets.

The Commissioners received and reviewed a letter from the Statewide Addressing and Mapping Board thanking the Commission for

electing to participate in the West Virginia Statewide Addressing and Mapping Project.

The Commissioners received and reviewed letters from Congressman Nick Rahall, Senators Shirley Love and Randy White, Delegates, John Pino, David Perry, Tom Louisos and the SanShell Products informing they support and stand ready to work close with the County Commission to make the creation of a Wolf Creek business/industrial park project a reality.

The Commissioners signed a letter to Brian Kastick, Secretary of Tax and Revenue enclosing some bullet point descriptions of the Wolf Creek Park Project submitted to the Economic Development Grant Committee, as well as additional letters of support for their application.

Commissioner Lopez made a motion to increase cap for Mike Basile services to \$7,500 total. Commissioner Eskew seconded. Unanimous.

Ms. Holly informed the Commissioners she received a call from Diane Meadows requesting permission to use the Fayette County Commission Chambers from 1:00 p.m. to 3:00 p.m. on August 5, 2003 for interviews. The Commissioners approved.

Ms. Holly informed the Commissioners she received a call from Linda Turley, Human Rights Commission requesting permission to use the Fayette County Commission Chambers from 9:00 a.m. to 5:00 p.m. on August 21 and August 22. Ms. Holly told the Commissioners they have a meeting scheduled for August 22.

The Commissioners received and reviewed a letter from the West Virginia Development Office verifying that Stafford Consultants, Inc.,

does not appear on the current "List of Parties Excluded from Federal Procurement or Non procurement Programs" and is, therefore, an eligible firm for contracting associated with a Small Cities Block Grant.

The Commissioners received and reviewed a letter and maps from the Division of Highways regarding Senate Bill 583 which directs the Commissioner of Highways to designate an interim Coal Resource Transportation Systems (CRTS) any public comments are to be written to John T. Lancaster, Sr., P. E. Director, Planning and Research Division in Charleston no later than September 5, 2003.

Ms. Holly informed the Commissioners she will be attending a Workers' Compensation Seminar tomorrow in Charleston.

The Commissioners received and reviewed from Casto Technical Services a notice informing that September 1, 2003 is the renewal date of the Heating, Ventilation and air-conditioning maintenance agreement, no change in the rates, amounts \$4,588.00 per year, payable at the rate of \$1,147.00 per quarter. The Commissioners approved.

Ms. Holly presented the minutes of May 16, May 27 and June 9 to the Commissioners. The Commissioners asked to hold.

The Commissioners received and reviewed an e-mail from Patti Payne informing that Stacy Workman, Dog Warden passed Level I and Level II of the NACA training.

The Commissioners received and reviewed a letter from the West Virginia Development Office enclosing the Annual Program Income (PI) Activity Reporting Forms regarding the New Haven Public Service District Water Project. A copy of this letter was forwarded to Angie

Sleeth, with Region 4 Planning and Development Council to complete and submit reports for the Small Cities Block Grant project.

The Commissioners received and reviewed a copy of a letter from the New Haven Public Service District to the West Virginia Public Service Commission regarding the New Haven Public Service District-North Fayette County Regional Water Projects Contracts 13 and 14-Paint Creek/Plum Orchard/Jenkins Fork Waterline extension project.

The Commissioners received and reviewed a letter from the Department of Tax and Revenue thanking the Commission for their update regarding the application for Fayette County Commission-Business/Industrial Park Project No. 157 submitted to the West Virginia Economic Development Grant Committee. A copy forwarded to Dave Pollard, County Resource Coordinator.

The Commissioners received and reviewed the Official Oath of Office from Donald White a member of the Deepwater Public Service District.

The Commissioners received and reviewed an Audit Report from the Gauley River Public Service District for the Fiscal Year ended June 30, 2002 and minutes from July 2002 to June 2003.

The Commissioners received and reviewed from several counties Restricting Exotic Dancing Ordinance.

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

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

The Commissioners received and reviewed correspondence from the

Unemployment Compensation Division.

The Commissioners received and reviewed a letter from Steptoe and Johnson regarding Gary Skaggs lawsuit.

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 from the 911 Center response status from January 2003 to June 2003.

The Commissioners received and reviewed a letter from Beaver Creek Environmental Services submitting a Community Impact Statement for SMA-No. 3010-03. Original given to Tim Richardson, Zoning Officer.

The Commissioners received and reviewed a letter from the West Virginia Division of Labor informing that during the 2003 regular session of the West Virginia Legislative, Senate Bill 353 (WV Code 21-1C et. Seq.) was passed. This bill extends the duration of the current West Virginia Job Act until March 15, 2006 and significantly expands the coverage of the ACTS's reporting requirements.

The Commissioners received and reviewed a letter from Eddie Long informing that effective 12:00 a.m. Monday, July 25, 2003 he resigned as a member of the 911 Advisory Board.

The Commissioners received and reviewed from Attorney James Blankenship an Order Directing Clerk to Issue a Subpoena Duces Tecum in the Estate of Rosa L. Luster. The Commissioners approved and signed.

The Commissioners received and reviewed a letter to Steve Cruikshank, OES Director requesting that he review and immediate

submit to FEMA for reimbursement invoices for the Animal Shelter.

The Commissioners received and reviewed checks from the Supreme Court of Appeals in the amount of \$2,025 for Family Law Master rent for the month of July.

The Commissioners received and reviewed from the Fayette County Animal Control Center Weekly Fees Collected for the week of July 11, 2003 to July 17, 2003, amount \$362.00 and the week of July 18, 2003 to July 24, 2003, amount \$120.00.

The Commissioners received and reviewed Franchise Fees from Bradley Communications, Inc. for the month of June, amount \$455.09.

The Commissioners received and reviewed 911 Fees from Business Telecom, Inc. (\$3.92), Public Service Commission (\$39,458.41), Verizon (\$40,949.43), Citizens Communication (\$62.28), Fibernet (\$2,781.96), Metro-Teleconnect Co., (\$35.28).

The Commissioners approved to pay New River Convention Visitors Bureau Hotel Occupancy Tax for Apr-May-June, amount \$4,179.38.

The Commissioners received and reviewed check from the Fayette County Board of Education for contribution to the West Virginia University Extension Office in the amount of \$19,237.00.

The Commissioners received and reviewed a check from the State Emergency Services for FEMA Hazard Mitigation 322 Plan, amount \$6,818.00.

The Commissioners received and reviewed a check from TRIDENT for \$655.52 for deputies overtime.

The Commissioners received and reviewed Jail Fees from the City of Oak Hill (\$1,305.00) and the Town of Fayetteville (\$90.00).

The Commissioners received and reviewed a list of securities pledged as of June 30, 2003 from SunTrust Bank.

The Commissioners received and reviewed a check from the West Virginia Development Office Legislative Digest Grant #00-7000-City of Oak Hill (Fire Hydrant), amount \$5,000.00 and Legislative Digest #02-470 Christians Helping Others Food Pantry, amount \$500.00.

The Commissioners approved payment of \$1,662.15 to Dunbar Printing for Policy manual for the Fayette County Sheriff's Department.

The Commissioners signed letter of support for the Landmark Commission's effort to gain funding for the LaFayette Statue.

The Commissioners received and reviewed an e-mail from Commissioner Wender informing he received a call from Evelyn Hanshew requesting that the Commission alter some of the wording in the letter dated June 17 (Last sentence first paragraph-construction cost to be provided by the West Virginia Horseshoe Pitcher Association (WVHPA) instead construction costs to be provided by members of the Fayette County Horseshoe Club).

The Commissioners received and reviewed an e-mail from David Neal to Commissioner Wender asking that James Perdue cut the grass at the Memorial Building.

The meeting was adjourned at 3:03 p.m. The next schedule meeting is August 11, 2003.



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FAYETTE COUNTY COMMISSION

REGULAR SESSION

AUGUST 11, 2003

COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 11<sup>th</sup> day of August 2003.

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

Commissioner Lopez made a motion to exonerate three tax tickets (Donald Riley \$128.95, Joseph Williams \$124.78 and Mildred Rosenecker \$379.70). Commissioner Eskew seconded. Unanimous.

Exonerations were approved and signed.

Commissioner Lopez made a motion to approve outstanding bills and payrolls, payrolls to be released on August 15. Commissioner Eskew seconded. Unanimous.

The Commissioners approved for Earl Pauley, Park Superintendent to dig up bushes at the Memorial Building.

Tim Richardson, Zoning Officer discussed with the Commissioners the option that the State passed where the Fire Departments can charge a service charge on the calls they respond to.

Mr. Richardson told the Commissioners it was up to each Fire Department to decide whether they wanted to participate.

Mr. Richardson told the Commissioners he is waiting to get a copy of the ordinance from Raleigh County.

Commissioner Wender asked Mr. Richardson that once he receive the ordinance, give a copy to Carl Harris, Assistant Prosecuting Attorney to review and get back with the Commission.



Commissioner Eskew offered a motion to designate the Family Resource Network of Greenbrier County as the eligible Local Council for the County of Fayette for the purpose of applying for a discretionary grant under the Earl Learning Opportunities Act (ELOA) program. Commissioner Lopez seconded. Unanimous.

Carol Jones, Minden Community appeared before the Commission to ask for assistance in getting several dilapidated houses torn down in her area and getting the weeds and bushes cut.

Commissioner Wender asked Ms. Jones to get a list of all the houses that needed to be torn down and submit to the Commission by August 25<sup>th</sup> and they will discuss with Tim Hannah, Chairman of the Fayette County Solid Waste Authority.

Larry Parsons informed the Commissioners that if Steve Cruishank, OES Director would request permits to burn the State would approve the permits.

The Commissioners received/reviewed and approved contract agreement with The Syner Foundation. The Commissioners asked that Carl Harris, Assistant Prosecuting Attorney issue the check to Tom Syner.

Alice King with Region 4 Planning and Development Council presented a request for payment for the New Haven Public Service Water Extension Project-Saturday Road/Horseshoe Creek, Contract #12, amount \$23,079.06.

Commissioner Lopez offered a motion to approve and authorize the payment of services for the New Haven Public Service District Water Extension Project-Saturday Road/Horseshoe Creek, Contract #12, amount

\$23,079.06. Commissioner Eskew seconded. Unanimous. Resolution signed.

Ms. King presented a request for payment for the New Haven Public Service District Water Extension Project-Paint Creek/Plum Orchard Water Extension, Contract #13, amount \$1,398.04.

Commissioner Eskew offered a motion to approve and authorize the payment of services for the New Haven Public Service District Water Extension Project-Paint Creek/Plum Orchard Water Extension, Contract #13, amount \$1,398.04. Commissioner Lopez seconded. Unanimous. Resolution signed.

Ms. King presented the Courthouse 504 Compliance and Southern Appalachian Labor School (SALS) submitted to the West Virginia Development Office to the Commissioners.

Ms. King informed the Commissioners that Kelvin Holliday, County Clerk was not available to sign Resolutions, and asked the Commissioners if they would authorize Linda Johnson, Chief Deputy to sign Kelvin Holliday by Linda Johnson.

Commissioner Eskew offered a motion to authorize Linda Johnson, Chief Deputy to sign Resolutions. Commissioner Lopez seconded. Unanimous.

Commissioners Eskew offered a motion for David Neal, E911 Coordinator to purchase the CDR 700 40 Watt UHF Repeater from Two-Way Radio, Inc. at a cost of \$4,645.00. Commissioner Lopez seconded. Unanimous.

Commissioner Wender asked that a letter of appreciation be sent to William Webb for his services as a Prisoner Transporter.

Commissioner Eskew offered a motion to send a letter to Kenneth Ferguson, Byways & Backways Program Manager requesting support from their office to help the Paint Creek Scenic Byways Steering Committee in its efforts to achieve Scenic Byways status. Commissioner Wender seconded. Unanimous.

The Commissioners reviewed a letter sent to Brian M. Kastick, Chairman, West Virginia Economic Development Grant Committee giving an update on the status of other funding sources that will be utilized for the completion of the Wolf Creek Park project.

The Commissioners signed a letter to Governor Bob Wise, voicing their strong support for the Small Cities Block Grant application made by the City of Mount Hope for wastewater treatment improvements.

Commissioner Wender asked that Steve Cruikshank, OES Director attend the August 22 County Commission meeting at 1:00 a.m. to discuss FEMA claim updates.

Commissioner Lopez made a motion to approve Jackie Hickman's overtime. Commissioner Eskew seconded. Unanimous.

The Commissioners received and reviewed official Oaths of Offices from Alfred "Al" Lynch a member of the Kanawha Falls Public Service District, James Painter and Diana Smallwood members of the Fayette County Planning Commission.

Commissioner Eskew made a motion to pay a one time stipend fee of \$1,000 to the Southern West Virginia Convention and Visitors Bureau to offset the costs to house their operation. Commissioner Lopez seconded. Unanimous.

The Commissioners approved payment of \$3,500.00 to the New River

Convention and Visitors Bureau for Fayette County Brochures.

The Commissioners received and reviewed a letter from the State Auditor's Office informing that the Internal Revenue Service (IRS) will join with the Social Security Administration to offer training in federal employment tax issues. Commissioner Wender asked that a copy be forwarded to Charlotte Holly, County Administrator and Debbie Alif, Payroll Clerk.

The Commissioners received and reviewed a letter from the Federal Home Loan Bank of Pittsburgh on behalf of the Bank of Mount Hope request to provide the Fayette County Commission evidence that \$500,000 FHLMC Gold PC #M80800 CUSIP #31282R3H5 security has been segregated.

The Commissioners signed Fire Levy Protection Agreements for the Danese Volunteer Fire Department and Loup Creek Volunteer Fire Department for the period July 1, 2003 to June 30, 2004.

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

The Commissioners asked to hold minutes of May 16, May 27, June 9, and June 23, 2003.

The Commissioners received and reviewed notice from Tim Hannah, Chairman, Dilapidated Building Committee requesting guidance on several matters. Commissioner Wender asked that Mr. Hannah be scheduled to attend the August 25<sup>th</sup> County Commission meeting at 10:00 a.m. to discuss.

The Commissioners received and reviewed an e-mail from Ms. Holly informing that James Perdue, Maintenance Supervisor has talked with

Raymond St. Clair about moving from the night shift to day shift. Mr. St. Clair does not want to move to day shift.

Mr. Perdue has talked with Danny Jackson and he would like to move to day shift but he does not have the skills that Mr. St. Clair has. Mr. Perdue has talked with Meredith Davis and she is still interested in the vacant position.

The Commissioners approved to hire Meredith Davis effective August 12, 2003 as a custodian on a 6-month probationary full-time basis at the Courthouse at an annual salary of \$13,200 plus benefits.

The Commissioners signed an invoice from Randy Housh, Housing Consultant for the month of July, amount \$2,500.00.

The Commissioners received and reviewed trash agreement from Oak Hill Garbage Disposal, Inc. for the Fayette County Memorial Building, monthly rate \$92.44.

Commissioner Wender suggested having Allan Ballard check with the Library and the 911 Center to see how much trash is accumulated in a week and Mr. Ballard to check with other haulers for a better price.

The Commissioners received and reviewed Audit Reports from Danese Volunteer Fire Department and Rescue Squad, Inc. for the calendar years ending December 31, 1998, 1999, 2000, 2001 and 2002.

The Commissioners reviewed notice to Charlotte Holly, County Administrator from James Perdue, Maintenance Supervisor requesting permission to replace the handicap water fountain on the Magistrate floor of the Courthouse Annex.

The Commissioners approved allotment for the month of August to C-PAC, amount \$11,787.11.

The Commissioners received and reviewed Activity Report, Monthly Revenue Report and Weekly Fees Collected the week of July 25, 2003 to July 31, 2003, amount \$355.00 from the Fayette County Animal Control Center/C-PAC for the month of July 2003.

The Commissioners received and reviewed a letter from Southern Appalachian Labor School inviting the Commission to attend meeting with the Affordable Housing Advisory Council of the Federal Home Loan Bank on Thursday, August, 21, 2003.

The Commissioners received and reviewed minutes from Page-Kincaid Public Service District.

The Commissioners received and reviewed e-mail from Ms. Holly regarding verification of employment for Randy Housh.

The Commissioners received and reviewed a letter from Judge John Hatcher requesting that employers in the County Clerk, Probation Department and County Administrator's Office for security reasons do not accept responsibility of keeping handbags, purses, back packs and fanny packs for anyone that has to report to the court room, because it is a breach of security.

The Commissioners received and reviewed notice from William Webb informing that effective August 15, 2003 he will be resigning as Transporter.

The Commissioner received and reviewed an e-mail from Ms. Holly informing that Randall Redden, II declined to sign up for PEIA coverage.

The Commissioners received and reviewed a letter from the West Virginia Economic Development Grant Committee requesting update on the

status of other funding sources that will be utilized for completion of the Business/Industrial Park.

The Commissioners received and reviewed a letter from the West Virginia Economic Grant Committee informing that a public hearing is scheduled for Monday, August 4, 2003 at 4:00 p.m. to provide the public with an opportunity to speak for or against a particular Lead Applicants project.

The Commissioners received and reviewed an order from the Division of Highways ordering rescinding the Commissioners Order dated May 1, 1998 and orders the addition of (1)-Fayette County Route 85/16 (Shelton Rd.)-Rescind (2)-Shelton Road-Addition from the Local Service System.

The Commissioners received and reviewed an order from the Division of Highways, ordering the addition of Clark and Foster Streets-Oak Hill area to the State Local Service System.

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

The Commissioners received and reviewed application for refund of contributions from Barbara Hull Pritt to the Public Employees Retirement System.

The Commissioners received and reviewed franchise fees check from Charter Communications, amount \$23,651.62, 911 Fees check from Z-Tel Communication, Inc.(\$24.00), a check from the West Virginia Development Office for ARC Grant Saturday Road Water Extension (\$224,524.02) SCBG Grant Paint Creek/Plum Orchard Water Extension (\$11,538.87), a check from the West Virginia Development Office for

Synfuel Tax (\$40,000).

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

The Commissioners received and reviewed from the West Virginia Development Office executed grant awards, state/local contracts for Caring Hands Food Pantry, Inc. Project #03LEDA0048, Upper Kanawha Valley Community Center, Project #03LEDA0057, Courtroom Chairs, Project #03LEDA0053, Gauneka Ruritan Club, Project #03LEDA0056, Health Department, Project #03LEDA0055, Boomer Volunteer Fire Department, Project #03LEDA0047, and New Haven Public Service District, Project #03LEDA0054.

The Commissioners received and reviewed from the County Commission Association August Legislative Interim Schedule and other correspondence.

The Commissioners received and reviewed a notice from the Federal Licensing, Inc. Publication Division informing that an updated version of the Fayette County Rules and Regulations governing the Private Land Mobile Radio Services is available. Original forwarded to David Neal, E911 Coordinator.

The Commissioners received and reviewed e-mail from Ms. Holly regarding the Governor's office use of the Courthouse property on September 30, 2003.

The Commissioners received and reviewed an invoice from Gauneka Ruritan Club for a new fire alarm system for the Gauneka Ruritan Community Center.

The meeting was adjourned at 10:55 a.m. The next scheduled



meeting is August 22, 2003.

A handwritten signature in blue ink, reading "Matthew Wolf", is positioned above a solid horizontal line. The signature is written in a cursive style with a large initial 'M'.

FAYETTE COUNTY COMMISSION  
SPECIAL SESSION  
AUGUST 22, 2003  
COURTHOUSE

FAYETTEVILLE, WV 25840  
MEMBERS Present: Matthew D. Wender, John H. Lopez, Kenneth L. Eskew

The Fayette County Commission met in a special session on this 22<sup>nd</sup> day of August 2003.

Commissioner Wender called the meeting to order at 9:11 a.m.

Commissioner Wender informed that this is just a work session meeting to discuss alternate sources of funding for the Animal Shelter, revaluing the appraisal of county properties and to discuss mid-year budget review.

Present for the discussion were Tom Aiello, Assessor, Paul Blake, Prosecuting Attorney, Carl Harris, Assistant Prosecuting Attorney, William Laird, Sheriff and Patti Payne, Manager C-PAC.

Tom Aiello, Assessor informed the commissioners that they cannot force anyone to pay dog taxes.

Mr. Aiello told the Commissioners that the Assessor's office will continue to notify people that they owe dog taxes and suggested getting the municipalities to get involved.

Mr. Aiello told the Commissioners that the municipalities suppose to send to the County \$3 for each dog they collected, after 15 days if taxes not paid they would send a list to the Dog Warden to have the dog picked up.

Commissioner Wender asked if there was any way they could use the summer part-time employees to help canvass.

Paul Blake, Prosecuting Attorney suggested reviewing each of the municipalities' ordinances to see if the Commission can come up with a similar ordinance.

Mr. Aiello suggested sitting down with each municipality to discuss a solution regarding the dogs in Fayette County.

Commissioner Wender asked Mr. Aiello about letting the summer help assist in putting letters in with assessment forms and suggested doing door to door surveys.

Mr. Aiello suggested trying to establish some kind of time line and get some kind of ideal by the end of the year and send surveys out.

Mr. Aiello suggested setting a date to invite the municipalities within the next month. Mr. Aiello suggested scheduling for mid-October.

Commissioner Wender asked that a meeting be scheduled for the first Friday, October 3 at 10:00 a.m. to discuss alternate sources of funding for the Animal Shelter.

Commissioner Wender asked Ms. Holly to prepare a history of the expenditures for housing fees, dog warden, vehicles and any insurance payments for the animal shelter.

The Commissioners received and reviewed one bid for the purchase and installation of a new commercial grade box gutter and downspouts for the Fayette County Soldiers and Sailors Memorial Building from Tri-State Roofing and Sheet Metal Company, base bid \$14,906.00, optional bid \$8,545.00 work to be completed in 90 days.

Commissioner Wender suggested approving bid subject to the

approval of the Memorial Building Committee.

Commissioner Lopez offered a motion to approve base (\$14,906.00) and optional bid (\$8,545.00) pending approval of the Memorial Building Committee. Commissioner Eskew seconded. Unanimous.

Tom Aiello and Eddie Young appeared before the Commissioners to discuss revaluing the appraisal of county properties.

Mr. Aiello informed the Commissioners that the West Virginia Law identifies the property, and the Assessor has no control. The Assessor do not have the authority to designate an individual property owner to be revalued.

Mr. Aiello told the Commissioners that if any changes are made to an individual property owner, it would affect everyone's value.

Commissioner Wender asked Mr. Aiello to tell the Commissioners how many managed timberland are in Fayette County.

Ms. Holly informed the Commissioners that the carry over balance for June 30, 2003 \$1,080,459 and as of July 1, 2003 the balance is \$115,668,459.

The Commissioners asked Ms. Holy to put Steve Cruikshank, OES Director on the agenda for August 25<sup>th</sup> to give an update on the FEMA claims and the collection efforts.

The Commissioners received and reviewed a letter from Songer Whitewater, Inc. requesting permission to use the courthouse lawn for the Third Annual All Military Wilderness Challenge being held October 2-4, 2003.

Commissioner Eskew offered a motion to give permission to Songer Whitewater, Inc. to end the 20K hike for the 3<sup>rd</sup> Annual All Military

Wilderness Challenge on the courthouse lawn. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from Sheriff William Laird explaining the Workers' Compensation claim filed by Deputy Sheriff Eddie Gilkerson, II.

The Commissioners received and reviewed from the Fayette Animal Control Center Weekly Fees Collected the week of August 1 to August 7, 2003, amount \$650.00, August 8 to August 14, 2003, amount \$225.00, and August 15 to August 21, 2003, amount \$430.00.

The Commissioners received and reviewed a check from the Supreme Court of Appeals for \$2,0025.00 reimbursement for Family Law Master rent for the month of August.

The Commissioners received and reviewed a check from the Criminal Justice Services for \$400.00 for Court Security Grant #01-05-06.

The Commissioners received and reviewed 911 Fees checks from Verizon for \$38,323.17, from Metro-Teleconnect Co., for \$52.92, and from Citizens Communication Company for \$64.21.

The Commissioners received and reviewed a check from the Sheriff of Raleigh County for \$1,464.02 for reimbursement for TRIDENT overtime.

The Commissioners received and reviewed a check from the West Virginia Development Office for \$23,079.06 for ARC Saturday Road Water Extension Grant and for \$1,398.04 for Small Cities Block Grant Paint Creek/Plum Orchard Water Extension Grant.

The Commissioners received and reviewed a refund check from the Division of Motor Vehicles for \$35.00.

The Commissioners received and reviewed a check from the St. Paul Fire and Marine Insurance Company for \$9,292.63 for claim #GP09308546-09T004.

The Commissioners received and reviewed a Franchise Fee check from Bradley Communications, Inc. for \$460.86.

The Commissioners received and reviewed rebate refunds from Staples, Inc., amount \$30.00.

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

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

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

The Commissioners received and reviewed a letter and some literature from Philip Kincaid, Senior Inspector with HNTB Architects Engineers Planners introducing the Commissioners to his engineering firm.

The Commissioners received and reviewed from the Branch Banking and Trust Company report of investments and transaction for the period from February 1, 2003 to July 31, 2003 for Branch Banking and Trustee Fayette County West Virginia Lease Revenue Bonds (WV American Water Company). A copy forwarded to Dave Pollard, County Resource Coordinator.

The Commissioners received and reviewed from SunTrust Bank a list of securities pledged as of July 31, 2003.

The Commissioners received and reviewed from the Sheriff a list of the Fayette County Sheriff's Department employees who are on leave as of June 30, 2003.

The Commissioners received and reviewed from Branch Banking and Trust a statement informing that as of July 31, 2003 CATO-MERIDIAN NYSC securities were held as collateral to secure the deposits of the Fayette County Commission.

The Commissioners approved invoice from Hamilton, Burgess, Young and Pollard, PLLC for \$1,000.00 for a title search of the Berwind Land Property.

The Commissioners received and reviewed correspondence from Steptoe and Johnson regarding Gary K. Skaggs lawsuit.

The Commissioners received and reviewed Audit Report from Loup Creek Volunteer Fire Department, Inc. for Fiscal Year ending June 30, 1999, 2000, 2001 and 2002.

The Commissioners received and reviewed a notice from the Fayette County Deputy Sheriff's Office informing that a dental insurance agent will be here on Monday, August 25 at 4:00 p.m. to explain the plan and an invitation inviting the employees of Fayette County to attend.

The Commissioners received/reviewed and signed invoices to the City of Oak Hill for \$630.00 and the City of Mount Hope for \$90.00 for the confinement of prisoners at the Southern Regional Jail.

The Commissioners received and reviewed a letter from the West Virginia Legislature Joint Committee on Government and Finance informing that the West Virginia Geographic Information System (WVGIS) is currently in the process of remapping the State. This remapping

process will be used to update the Federal Topographically Integrated Geographic Encoding and Referencing (TIGER) maps.

The WVGIS is requesting that any ridge lines to be added to the TIGER maps, the Legislature's Redistricting Office needs each county to determine which ridge lines within their county are needed for Magisterial District or Voting Precinct boundaries.

Ms. Holly told the Commissioners she would like to forward this information to Leon Spencer for him to review. The Commissioners approved.

The Commissioners received and reviewed a thank-you letter from the West Virginia Prosecuting Attorney's Institute thanking the Commissioners for their prompt payment of the special prosecution premium.

The Commissioners received and reviewed funds for deposits to the Fire Levy Fund.

The Commissioners received/reviewed and approved a request for disbursement of the \$500.00 for the 2003 Oak Leak Festival.

The Commissioners received and reviewed a letter from the State Office of Emergency Services reminding Steve Cruikshank, OES Director that he has approximately 45 days left in Federal Fiscal Year 2003 (Oct. 1, 2002-September 30, 2003) to complete the training and exercise requirements of the Emergency Mitigation Plan Grant Program for Fiscal Year 2003.

The Commissioners received and reviewed a notice from the West Virginia Division of Culture and History informing that Historic Preservation Survey and Planning Grants are available through the



State Historic Preservation Office (SHPO) of the West Virginia Division of Culture and Historic.

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

The Commissioners received and reviewed the Audit Report of Fayette County for the Fiscal Year ended June 30, 2002.

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 the Federal Audit Clearinghouse.

Commissioner Eskew made a motion to approve and sign the Data Collection form to the Federal Audit Clearing house. Commissioner Lopez seconded. Unanimous.

The Commissioners signed letters to the West Virginia Development Office requesting first and final drawdown for Gauneka Ruritan Club Grant #04-031, amount \$5,000.00, first drawdown Gauneka Ruritan Community Center Grant #01-220, amount \$4,169.00 and first drawdown for the Upper Kanawha Valley Community Center Grant #04-034, amount 41,492.50.

The Commissioners signed application for refund of gasoline and special fuel taxes to the West Virginia Department of Tax and Revenue.

The Commissioners signed invoices to the Fayette County Board of Education for the Fayette County Soldiers and Sailors Memorial Building for rent per lease Agreement for the months of July, August, September, amount \$13,750.03.

The Commissioners signed letters to the Upper Kanawha Valley

Little League, Upper Kanawha Valley Community Center, Southern Appalachian Labor School, Fayette County REACT informing that attached is a Legislative Digest Information Sheet for Fiscal Year 2004 for their project, they are to complete the information sheet and return to this office no later than September 15, 2003 to be signed and an authorizing resolution. The Commissioner will forward complete information sheets to the West Virginia Development Office.

The Commissioners signed Local Economic Development Assistance Program Fiscal Year 2004 Legislative Digest Information Sheet for the Sheriff's Department Roof.

Commissioner Lopez offered a motion to approve and authorize the adoption of a Resolution. Commissioner Eskew seconded. Unanimous.

The Commissioners signed Local Economic Development Assistance Program Fiscal Year 2004 Legislature Digest Information Sheet for the ramp at the Courthouse.

Commissioner Eskew offered a motion directing and authorizing Commissioner Wender, President to act in connection with the contract for its proper execution and implementation. Commissioner Lopez seconded. Unanimous.

The Commissioners approved invoice from the Fayette County Board of Education for cost of electricity at the Memorial Building due to the E911 Communication Center, amount \$2,385.19.

The Commissioners received and reviewed a letter from Sheriff William Laird informing that William Webb has chosen to amend his retirement date from August employment with the Sheriff Department until September 4, 2003.

The Commissioners received and reviewed a letter from Paul Blake, Prosecuting Attorney requesting another PC for his office.

Commissioner Eskew made a motion to approve purchase of another PC for the Prosecuting Attorney's Office. Commissioner Lopez seconded. Unanimous.

The Commissioners approved overtime for James Perdue, Maintenance Supervisor and Allen Ballard, Manager Fayette County Memorial Building.

Commissioner Eskew offered a motion to approve outstanding vouchers. Commissioner Lopez seconded. Unanimous.

The Commissioner received and reviewed a letter from the West Virginia Development Office informing that on September 11, 2003 their office will conduct an application workshop for the West Virginia Flex-E-Grant program. A copy was forwarded to Dave Pollard, County Resource Coordinator and Commissioner Wender.

The Commissioners received and reviewed a memorandum from the West Virginia Development Office informing they will be conducting the Small Cities Block Grant Training at the Science and Cultural Center on October 14 and 15, 2003.

The Commissioners received and reviewed a letter from Sheriff William Laird informing of the forms to be used for the monthly remittance to the Courthouse Facilities Improvement Fund.

The Commissioners received and reviewed a thank-you letter from the Secretary of State thanking everyone who assisted with and participated in the Help America Vote Act meeting held in Flatwoods on Monday, June 23, 2003.

The Commissioners received and reviewed a copy of the most recent version of the Special Election for Excess Levies and Bond Issues Election Guide.

The Commissioners received and reviewed a letter from the West Virginia Development Office confirming contract extension for June 30, 2004 for grants awarded through the Governor's Community Partnership Program, Local Economic Development Assistance Program and the Industrial Park Assistance Program during Fiscal Years 2001, 2002 and 2003 for Fayette County Youth Soccer, Food Pantry, REACT, Gauneka Ruritan Center and the Sheriff's Renovation.

The Commissioners received and reviewed Certificate of Membership from the County Commissioners' Association of West Virginia 2003-2004.

The meeting was adjourned at 12:40 p.m. The next scheduled meeting is August 25, 2003.



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FAYETTE COUNTY COMMISSION

REGULAR SESSION

SEPTEMBER 15, 2003

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present Matthew D. Wender, John H. Lopez, Kenneth L. Eskew

The Fayette County Commission met in a regular session on this 15<sup>th</sup> day of September 2003.

Commissioner Wender called the meeting to order at 9:10 a.m.

Exonerations were approved and signed.

Randy Housh, Fayette County Housing and Economic Opportunity Council appeared before the Commission to present a slate of prospective board members for the Commissioners to consider and approve.

Mr. Housh told the Commissioners that according to the Fayette County Housing Economic Opportunity Council by-laws, one third of the governing board must be occupied by duly elected officials or their designees.

Mr. Housh told the Commissioners that the Fayette County Housing and Economic Opportunity Council received corporate certification by the West Virginia Secretary of State's office this year and are currently awaiting certification by Internal Revenue Service (IRS) regarding a 501c-3 non-profit status.

Mr. Housh submitted a list of names the Fayette County Housing Economic Opportunity Council would like the Commissioners to consider as their designees which will represent the interest of the Commission regarding housing issues in Fayette County.

Mr. Housh told the Commissioners that if they choose to fill the

board position this would be fine.

Mr. Housh told the Commissioners that once the selections have been made, the Fayette County Housing Opportunity Council incorporators will begin the final confirmation process as outlined in the corporate by-laws.

Commissioner Eskew offered a motion to approve Randy Housh and Selina Vickers as their designees as members of the Fayette County Economic Opportunity County board. Commissioner Lopez seconded.

The Commissioners told Mr. Housh that they still have one slot to fill.

Commissioner Wender asked Mr. Housh who make the selection for the community members. Mr. Housh replied, the Board members.

Commissioners Lopez offered a motion to approve outstanding bills and payrolls, the payroll to be released today. Commissioner Eskew seconded.

Commissioner Wender told the Commissioners per Neal Clark the 4-C Economic Development Authority is preparing brochures for Fayette County.

Commissioner Wender suggested to the Commissioners to earmark a marketing fund of \$5,000.00 from the Industrial Park Fund to help offset the cost of the brochures.

Commissioner Eskew made a motion to earmark \$5,000.00 as a marketing fund to be paid out of the Industrial Park Fund. Commissioner Lopez seconded. Unanimous.

Ronald Swyers appeared before the Commissioners to present a

petition seeking a feasible solution to the many deaths due to drowning along the Kanawha Falls.

Mr. Swyers suggested to the Commissioners placing a life preserve with rope, an alarm whistle, call box, and a 14' rescue boat equipped with motor, oars, throw bags, personal floatation devices, and first aid kit this would be some solution to the problem.

Mr. Swyers informed the Commissioners that he would donate a portion of his property nearest to the Falls to house a rescue boat and anything else that may save lives.

The Commissioners told Mr. Swyers they would discuss the petition with Steve Cruikshank, OES Director and have him contact Mr. Swyers.

Angie Sleeth with Region 4 Planning and Development Council presented a request for payment for the New Haven Public Service District Water Extension Project-Saturday Road/Horseshoe Creek-Contract #12, amount \$157,618.25.

Commissioner Lopez offered a motion to approve and authorize the payment of services for the New Haven Public Service District Water Extension Project-Saturday Road/Horseshoe Creek, Contract #12, amount \$157,618.25. Commissioner Eskew seconded. Unanimous. Resolution signed.

Ms. Sleeth presented a request for payment for the New Haven Public Service District Water Extension Project-Paint Creek/Plum Orchard Water Extension, Contract #13, amount \$6,167.16.

Commissioner Eskew offered a motion to approve and authorize the payment of services for the New Haven Public Service District Water Extension Project-Paint Creek/Plum Orchard Water Extension, Contract

#13, amount \$6,167.16. Commissioner Lopez seconded. Unanimous.  
Resolution signed.

Ms. Holly presented to the Commissioners several petitions to combine or divide and segregate land as submitted by the Assessor's Office.

Commissioner Lopez offered a motion to approve and sign several requests to combine or divide and segregate land as submitted by the Assessor's Office. Commissioner Eskew seconded. Unanimous.

The Commissioners received and reviewed a letter from Jeffrey and Linda Emery regarding a complaint of the Board of Zoning Appeals hearing held on September 8, 2003.

Commissioner Wender informed they would review and let them know of their decision.

Commissioner Lopez made a motion to change the County Commission meeting of September 29<sup>th</sup> to September 26. Commissioner Eskew seconded. Unanimous.

The Commissioner received and reviewed Agreement from the Syner Foundation to operate a non-profit radio station.

Commissioner Eskew made motion to approve and sign Agreement of the Syner Foundation with the Fayette County Commission to operate a non-profit radio station (WQAZ FM 98.5). Commissioner Lopez seconded. Unanimous.

The Commissioners signed letters to the City of Oak Hill, the City of Montgomery, the City of Mount Hope, the City of Smithers, the Town of Fayetteville, the Town of Pax, the Town of Thurmond, the Town of Meadow Bridge, the Town of Ansted and the Town of Gauley Bridge



informing them of the funds spent each year for the management and operation of the Fayette County Animal Shelter and funding for animal control services throughout the County and invited the municipalities to attend a meeting in the office of the Fayette County Commission at 10:00 a.m. on Friday, October 3, 2003 to discuss animal control services, and ask that prior to the meeting they complete a survey.

The Commissioners received and reviewed from Senator Shirley Love a list of the 2003 Budget Digest Requests approved for Fayette County a total of \$339,250.00.

Senator Shirley Love, Susan Chernenko, Director West Virginia Aeronautics Commission, Larry Clark, Federal Aeronautics Commission and Charles Tanner appeared before the Commission to give status of possible funding relating to a Regional Airport.

Ms. Chernenko told the Commissioners that the Aeronautics Commission is planning a statewide system plan update study.

Larry Clark told the Commissioners that the County has to be in the state system plan and that they need to do a study within the County to show there's a need for an airport and to get letters of intent from rafting companies saying they would use the airport.

Commissioner Wender asked Ms. Chernenko what would be the cost for the County. Ms. Chernenko replied she would have to check don't have figures with her.

Commissioner Wender asked Ms. Chernenko to schedule a meeting with the Commission around mid-October to show what's available.

Dr. Donald Newell gave reasons to the Commissioners why a Public Airport would be useful for Fayette County (See attached).

# **The Importance of a Public Airport for Fayette County**

- 1. General Aviation: There are 635,000 pilots in the US and 500,000 of these pilots fly general aviation aircraft.  
General aviation includes all flying except passenger airline service and military.**

**The following are examples of general aviation activities:**

- 1. Pleasure**
- 2. Education and training**
- 3. Firefighting**
- 4. Rescue and medivac**
- 5. Transporting goods such as flowers, fish, food, medicines and vaccines**
- 6. Law enforcement**
- 7. Business (65% of GA is for business and public services)**
  - a. Executive travel (ex. Long Airdox)**
  - b. Sales trips**
  - c. Parts delivery**

**All of the above examples are being done now from Beckley Airport and Charleston airport.**

**An airport in Fayette County would serve business, medical needs (vaccine/medication shipments and medivac), and Tourism. We think of flying tourists in on charter aircraft for Fayette County activities, but there is another dimension:**

**Pilots are required to keep proficient. Many combine this proficiency training with travel to new destinations. A local example is Rainelle Airport. On any Friday, Saturday or Sunday (the only days open) there will be 10-50 airplanes parked at**

Rainelle "International" Airport with their pilots getting one of their famous hamburgers. These pilots fly to Rainelle from many states and land on this grass runway just for the food and comraderie. Think how many GA planes would fly into Fayette County for the many activities that we offer?

Flying magazines monthly, run articles about fly-in destinations for their readers. Rainelle, to my knowledge, Has been the only WV airport profiled by these articles.

The Commissioners signed letters to the West Virginia Development Office for second drawdown for the Upper Kanawha Valley Community Center, amount \$11,200.00, second and final drawdown for Gauneka Ruritan Community Center, amount \$831.00, and first drawdown for the Courtroom Chairs, amount \$9,765.00.

Ms. Holly informed the Commissioners she sent out letters too various agency's that received the 2004 Legislative Digest Grant asking that they complete information sheet and return back to the office no later than October 10, 2003.

Ms. Holly presented to the Commissioners Resolutions to be signed for the Southern Appalachian Labor School, the Upper Kanawha Valley Little league Ballfield Lights, the Fayette County REACT Communication System and the Upper Kanawha Valley Community Center.

Commissioner Lopez made a motion to approve and authorize the adoption of the Resolutions for Southern Appalachian Labor School, the Upper Kanawha Valley Little League Ballfield Lights, the Fayette County REACT Communication System and the Upper Kanawha Valley Community Center. Commissioner Eskew seconded. Unanimous. Resolutions signed.

Carol Harris, Assistant Prosecuting Attorney, Earl Pauley, Park Superintendent, Paul Thurston, Allegheny Power appeared before the Commission to discuss Agreement for gas service at the Fayette County Park.

Paul Thurston told the Commissioners of Option I Agreement-if Allegheny owned there would be meter charges (\$6 for the smaller bldgs. and \$15 for the larger bldgs. a month), Allegheny would

maintain it; the county to open and close ditch and lay pipe; Allegheny to make all necessary fusions; Allegheny to install station.

Commissioner Wender asked Mr. Pauley how many buildings are at the Fayette County Park. Mr. Pauley replied 23 buildings.

Commissioner Wender suggested going with Option I contingent that Ms. Holly talk with Mr. Tipton of Equitable Gas Company.

Commissioner Lopez offered a motion to accept Option I with Allegheny Power three year option contingent upon Ms. Holly conversation with Equitable Gas Company. Commissioner Eskew seconded. Unanimous.

Mr. Thurston to verify cost of meters.

The Commissioners received and reviewed notice asking the Commission appoints a Special Fiduciary Commissioner in the Lennie F. Richards Estate due to the fact that Attorneys James C. Blankenship, III and Philip Tissue, Fiduciary Commissioners were unable to handle the Estate due to conflicts of interest and that the Special Fiduciary Commissioner Carl Harris was unable to serve due to conflict.

Commissioner Lopez offered a motion that Frederick Jesser, III be appointed as Special Fiduciary Commissioner in the Estate of Lennie F. Richards. Commissioner Eskew seconded. Unanimous.

Commissioner Eskew offered a motion that Commissioner Wender sign the Allegheny Power Agreement once the new one is received. Commissioner Lopez seconded.

Patti Payne, Manger C-PAC and Earl Pauley, Park Superintendent appeared before the Commission to give an update on the Animal Shelter and to discuss an incinerator for the Animal Shelter.

Ms. Payne told the Commissioners the new shelter would hold 106-

110 animals.

Commissioner Lopez offered a motion to purchase two stainless steel tables for the Animal Shelter, the two items not to exceed \$4,000.00. Commissioner Eskew seconded. Unanimous.

Commissioner Wender informed Mr. Pauley and Ms. Payne that there are a lot of pros and cons regarding the incinerator. Commissioner Wender asked Mr. Pauley what the cost would be to get the incinerator. Mr. Pauley replied \$1,540.00.

Commissioner Lopez offered a motion to accept the incinerator from the City of Charleston and authorize Fayette County personnel to pick up. Commissioner Eskew seconded. All approved.

The Commissioners told Mr. Pauley and Ms. Payne that the Commission decided against installing the incinerator at the Park but they approved storing it at the Park.

Commissioner Wender suggested asking Larry Parsons and his crew to clean the temporary shelter.

The Commissioner recessed for lunch at 1:15 p.m.

The Commissioners reconvened at 2:15 p.m.

The Commissioners signed 2004 Legislative Digest Information Sheet for the Upper Kanawha Valley Community Center, Inc. and the Upper Kanawha Valley Little League Ballfield Lights.

The Commissioners recess at 2:35 p.m. for a Work Session with Senators Shirley Love and Randy White to discuss Multi-Cap matter.

The Commissioners reconvened at 4:06 p.m.

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 2003-2004.

Commissioner Lopez offered a motion that the Commission approves and authorizes the adoption of the Resolution for the Local Economic Development Grant Fiscal year 2003-2004. Commissioner Eskew seconded. Unanimous.

The Commissioners approved and signed a Letter of Credit Payment Request for the third phase of funding for the Hazard Mitigation 322 Plan. The total authorized payment amount is \$2,272.00.

The Commissioners received and reviewed a letter from Sheriff William Laird regarding the Asset Forfeiture Donation from TRIDENT Task Force to help offset the increased costs associated with the Calloway murder investigation.

Sheriff Laird submitted to the Commissioners a copy of the breakdown of overtime expenses that occurred during the investigation, amount \$7,192.07.

Sheriff Laird informed the Commissioners that since this particular crime occurred on June 22<sup>nd</sup>, a portion of this expense was incurred in Fiscal Year 2003, Sheriff Laird is recommending seeking reimbursement approval for only \$5,000 of the total overtime expenses incurred and apply the remaining balance of funds for the purchase of law enforcement equipment.

Sheriff Laird recommended holding these funds until such time as approval may be given for the planned use of these funds.

Sheriff Laird asked the Commissioners to send a letter of

appreciation to the TRIDENT Task Force.

The Commissioners signed a letter to the TRIDENT Drug Task Force thanking them for their generous donation and financial assistance.

The Commissioners signed an Agreement with Oak Hill Garbage Disposal, Inc. for \$92.44 per month to pick up trash at the Fayette County Memorial Building.

The Commissioners signed maintenance support with the ACS Governmental Systems for ACS400 for a 12-month period beginning October 1, 2003.

The Commissioners signed Fayette County Fire Levy Pumper Replacement Agreements for Pax Volunteer Fire Department, Inc. and Mount Hope Volunteer Fire Department for the period July 1, 2003 to June 30, 2004 and Fire Levy Protection Agreement for Mount Hope Volunteer Fire Department and Pax Volunteer Fire Department, Inc.

Ms. Holly presented minutes to the Commissioners to approve. The Commissioners asked to hold until next meeting.

The Commissioners signed invoices for the confinement of prisoners at the Southern Regional Jail for the City of Mount Hope (\$90.00), the City of Oak Hill (\$270.00), and the Town of Fayetteville (\$45.00) for the month of August.

The Commissioners received and reviewed a letter from Stacy Workman, Dog Warden to Sheriff Laird regarding her July 2003 overtime pay and bounty pay checks.

The Commissioners received/reviewed and approved request from Gauneka Ruritan Club for allotments for Fiscal Year 2003 (\$1,500.00) and Fiscal Year 2004 (\$1,500.000).



The Commissioners approved invoice from Spillman, Thomas and Battle, PLL (Michael Basile) for legal fees, amount \$5,983.70.

Commissioner Wender asked to set a cap of \$12,500 for legal fees in conjunction for the Business Park Project.

Commissioner Eskew made a motion to set a copy for legal fees of \$12,500.00 in conjunction with the Business Park Project.

Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed response from John David, Director Southern Appalachian Labor School regarding the complaint of Teresa Angius to her house.

The Commissioners approved to send to John David his request for funds.

Ms. Holly informed the Commissioners that James Perdue, Maintenance Supervisor told her that the compressor in the Prosecuting Attorney's office needed to be replaced, he had gotten two estimates from Camco.

Commissioner Lopez made a motion to approve replacing the whole compressor unit at the Prosecuting Attorney's Office, cost \$1,975.00. Commissioner Eskew seconded. Unanimous.

The Commissioners received and reviewed an e-mail from Eric Gillespie informing that the cost to complete the Vita Project would be \$2,900.00. Mr. Gillespie told the Commissioners this will be an engineering expense and the cost to complete the lack is reasonable.

The Commissioners approved to pay the \$2,900.00 from allocations for Engineering fees previously approved.

The Commissioners received and reviewed a memorandum from Diane

Meadows, Extension Agent informing that Brent Clark, Fayette County 4-H Program Coordinator has resigned his position effective September 3, 2003.

Commissioner Wender suggested writing a letter to the Division of Highways requesting assistance in correcting the problem at the old stone church in Glen Jean.

The Commissioners received and reviewed a Notice of Projects Certification from the West Virginia Economic Development Grant Committee informing that the Fayette County Commission-Business/Industrial Park Project has been awarded funding in the form of a grant in the amount of \$2,000,000.00.

Ms. Holly informed the Commissioners she talked with Michael Martin they have scheduled a Central Appalachia Empowerment Zone (CAEZ) public hearing on Tuesday, September 16, 2003 at 6:30 p.m. at the Mount Hope Housing Authority Community Room to elect one Board Member in the Census Tract of 205 of Fayette County.

The Commissioners received and reviewed a Certificate of Liability Insurance from the Fayette County Board of Education.

The Commissioners received and reviewed several Applications of Employment.

The Commissioners received and reviewed remittances by the County Clerk and the Assessor to the West Virginia State Treasurer's office for the Courthouse Facilities Improvement Fund.

The Commissioners received and reviewed a memo from the West Virginia Culture and History Preservation regarding grant guidelines.

Ms. Holly informed the Commissioners she talked with Debbie

Rinehart, Secretary for Prosecuting Attorney Paul Blake regarding having the evening janitors clean his office. Mr. Blake informed he would prefer that James Perdue, Ruth Thomas and Danny Jackson continue to clean his office.

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

The Commissioners received and reviewed a letter from Shirley Jones requesting assistance in getting a house on Minden Road grass needed to be cut, house needed to be boarded up or torn down.

The Commissioners suggested sending a copy of the letter to the Fayette County Beautification Committee for their review.

The Commissioners received and reviewed letters from Sheriff William Laird informing that effective September 15, 2003, Sally George resigns here position as a Tax Deputy and effective September 19, 2003 Nora G. Bostic resigns her position as secretary with the Fayette County Sheriff's Department.

The Commissioners received and reviewed a letter from David Neal, E911 Coordinator informing Debbie Aliff, Payroll Clerk that William Dempsey was not paid for 40 hours he worked during the week of September 8-14, 2003, as a part-time employee at the rate of \$6.50 and he was not paid for 20 hours overtime he worked on August 31, 2003 as a full time employee. Ms. Holly informed the Commissioners that the check has been prepared.

Ms. Holly reminded the Commissioners that on September 30, 2003 they would be having breakfast with the Governor.

The Commissioners received and reviewed a letter to Steve

Cruikshank, OES Director regarding the FEMA Animal Shelter invoices for Flood 2001.

The Commissioners received and reviewed checks from the Fayette County Board of Education for rent for the Memorial Building for the months of July, August, September, amount \$13,750.03; from the West Virginia Development Office for Legislature Digest #04-031-Gauneka Ruritan Club, amount \$5,000.00; Jail Fees-City of Oak Hill, amount \$630.00, City of Mount Hope, amount \$90.00; Alarm Fees, amount \$1,380.00.

The Commissioners signed a letter to the West Virginia Division of Tourism informing they fully support the nomination of Leadership Fayette County for this prestigious award.

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

The Commissioner received and reviewed correspondence from the Workers' Compensation Division and the Unemployment Compensation Division.

The Commissioners received and reviewed checks for 911 Fees from Nos Communications, Inc. (\$4.00), Z-Tel Communications, Inc. (\$12.00), Fibernet (\$3,856.72), Citizen Communications (\$64.19), Verizon (\$38,826.06), Business Telecom, Inc. (\$3.92), checks for Alarm Fees, amount (\$340,00).

The Commissioners received/reviewed and approved allotment to C-Pac for the month of September, amount \$12,064.58.

The Commissioners received and reviewed Activity Report, Revenue Report for the month of August and Weekly Fees Collected for August

22, 2003 to August 28, 2003, amount \$23.00, August 29, 2003 to August 31, 2003, amount \$60.00, September 1, 2003 to September 4, 2003, amount 475.00, amount September 5, 2003 to September 11, 2003, amount \$65.00.

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

The Commissioners received and reviewed a letter from the Division of Highways expressing their support for the Paint Creek Scenic Byways Committee's effort to achieve Byway Status. However, the Commissioners informed that as of this date an application for Byways designation has not been received. A copy of the letter and application has been forwarded to Dave Pollard, County Resource Coordinator.

The Commissioners received and approved an invoice from Randy Housh (\$2,023.80) and Chris Dyer (\$476.20), Housing Consultants for the month of August.

The Commissioners received and reviewed a letter from Charleston Building and Construction Trades Council, AFL-CIO, expressing their concerns regarding the attempt by the Associated Builders and Contractors of West Virginia (ABC) to abolish the Prevailing Wage in West Virginia.

The Commissioners received and reviewed a letter from Governor Bob Wise thanking the Commissioners for their letter regarding the City of Mount Hope, Small Cities Block Grant application for the wastewater treatment improvement projects.

The Commissioners received and reviewed a copy of a memorandum

from Sheriff Bill Laird to Christina Girardi informing that he forwarded a Final Financial Status Report for Grant #2001CMWX0047 to the COPS Office.

The Commissioners received and reviewed a copy of a memorandum from Sheriff Laird to Caroline Dingess informing that he forwarded a revised Federal Annual Certification Report to the U. S. Department of Justice/ACA Program.

The Commissioners received and reviewed from the U. S. Bankruptcy Court a notice that there is assets from which a dividend might possibly be paid to creditors regarding Americomm Direct Marketing, Inc. Original forwarded to Tom Woodrum, Chief Tax Deputy.

The Commissioners received and reviewed a notice informing that Congressman Nick Rahall's mobile office will be here on September 1, 2003 from 2:00 p.m. to 4:30 p.m.

The Commissioners received and reviewed letters from the Department of Tax and Revenue informing of the recommended mineral appraisal changes on Samuel T. Haynes etux and Joseph Cook properties.

The Commissioners received and reviewed a letter from the Public Service District inviting the Commissioners to attend the Public Service District Board Member Mandatory Training Seminar, being held September 18-20, 2003 at the Days Inn in Flatwood.

The Commissioners received/reviewed and approved invoices from Judy D. Cottle, CCR regarding Robert L. Williams claimant.

The Commissioners signed a letter to Michael Martin, Mayor, City of Mount Hope requesting that they contact Rufus Wallace to inform him what Mount Hope can or cannot do in regard to water service for seven

residents in the Derryhale area.

The Commissioners received and reviewed letters from the West Virginia Development Office informing that they received application for funding for the Courthouse Elevator (\$97,600) Grant #-2CPP0183 and Business Incubator (\$150,000) Grant #02CPGP0220, but at this time, all funds available in fiscal year 2002 have been committed.

The Commissioners received and reviewed from the West Virginia Department of Transportation application to apply for the Recreational Trails Program. A copy forwarded to Dave Pollard, County Resource Coordinator

The Commissioners received and reviewed from the State Office of Emergency Services a Notice of Intent Form for the Hazard Mitigation Grant Program. Original forwarded to Steve Cruikshank, OES Director.

The Commissioners received and reviewed a letter from Branch Banking and Trust Company informing that as of August 31, 2003 CATO-MERIDIAN NY SC securities were held by Branch Banking and Trust Company as collateral to secure the deposits of Fayette County Commission. Original to County Clerk.

The Commissioners received and reviewed a letter to Sheila Withrow from Dave Pollard, County Resource Coordinator regarding funding for water service to the Hawver Road area.

The Commissioners received and reviewed correspondence from the County Commissioners Association.

The Commissioners received and reviewed a copy of a letter from Region 4 Planning and Development Council to Mike Browning, Community Development Representative, West Virginia Development Office regarding

the Technical Review letter dated August 22, 2003, Fiscal Year 2003 Small Cities Block Grant-Fayette County Commission-Page Kincaid Public Service District-Ingram Branch Wastewater Extension Project.

The Commissioners received and reviewed from Sun Trust Bank securities pledged as of August 29, 2003.

The Commissioners received and reviewed a group Dental Plan from North Star Marketing.

The Commissioners received and reviewed from CareLink material regarding their group health coverage.

The Commissioners received and reviewed a copy of the letter the Fayette County Solid Waste Authority is sending out for the Mandatory Garbage Project.

The Commissioners received and reviewed a letter from the Fayette County Health Department requesting that the Commission ask the Division of Highways for their assistance in eliminating the water problem at a trailer in Glen Jean owned by Loretta Crist.

The Commissioners received and reviewed a notice from the Federal Energy Regulating Commission informing of a fifth workshop being held October 2, 2003 at the Holiday Inn-Tanglewood.

The Commissioners received and reviewed from Attorney Paul Clay, Jr. pleading which William Booker has filed in the Multi-Cap bankruptcy case. A copy forwarded to Randy Housh, Housing Consultant.

The Commissioners received and reviewed a letter from the Division of Criminal Justice Service a copy of the amended West Virginia Code 6-3-1a.

The Commissioners received and reviewed from the Fayette County



Health Department a Sanitation Inspection Report on Boomer Ball Park.  
A copy forwarded to Larry Parsons to review.

The Commissioners received and reviewed response from David Neal, E911 Coordinator informing he had talked with Craig Niedig. Chairman WVSTAMB and WVGIS Coordinator regarding the ridgeline information for voting precinct redistricting. Mr. Neal told the Commissioners that this information will be shared with all other GIS related offices and the Commission do not need to provide political boundary information at this time.

The Commissioners received and reviewed notice from the United States Bankruptcy Court regarding Dimac Corporation, 03-10038 informing that any correspondence for this case is to be directed to the trustee. Original forward to Tom Woodrum, Chief Tax Deputy.

The Commissioners received and reviewed a copy of a letter to Glen B. Gainer, III, Auditor, from Kelvin Holliday, County Clerk informing of the arrangements for the Chuck Kinder two-day presentation plans for officials' staff at the Fayette County Courthouse and the Fayette County Board of Education Office.

The Commissioners received and reviewed a letter from Kelvin Holliday, County Clerk approving overtime pay for Sherry Davis during Linda Johnson's compensation leave.

The Commissioners received and reviewed an e-mail from Commissioner Wender regarding the Arbuckle Creek (Minden) Watershed.

The Commissioners received and reviewed an e-mail from Commissioner Wender informing of an article from the New York Time (9-10-03) regarding health care.

The Commissioners received and reviewed an e-mail from Ms. Holly informing that Larry Parsons has boarded up all of the flood related houses in Minden.

The Commissioners received and reviewed an invitation from the West Virginia Department of Health and Human Resources to attend a 911 Memorial Service on September 11, 2003 at 11:00 a.m.

The Commissioners approved changing the September 29<sup>th</sup> Commissioners meeting.

The Commissioners received and reviewed a summary of the FEMA Animal Shelter invoices that have been forward to Steve Cruikshank, OES Director.

Commissioner Eskew made a motion that the meeting is adjourned at 5:11 p.m. Commissioner Lopez seconded.

The meeting was adjourned at 5:11 p.m. The next scheduled meeting is September 26, 2003.



FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
SEPTEMBER 26, 2003  
COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS PRESENT: Matthew D. Wender, John H. Lopez, Kenneth L. Eskew

The Fayette County Commission met in a regular session on this 26<sup>th</sup> day of September 26, 2003.

Commissioner Wender called the meeting to order at 9:10 a.m.

Commissioner Lopez made a motion to approve outstanding bills and payrolls. Payrolls to be released today. Commissioner Eskew seconded. All approved.

Ms. Holly presented an application for the Flex-E-Grant fund to the Commissioners. Ms. Holly told the Commissioners that this grant requires a \$300.00 match to the Comprehensive Plan.

Commissioner Eskew offered a motion to approve the \$300.00 match for the Flex-E-Grant. Commissioner Lopez seconded.

Dave Hofstetter with West Virginia Route 35 Improvement Committee appeared before the Commission to ask that they support the federal and state funding of a modern four lane Route 35 connecting Point Pleasant to I-64 at the Crooked Creek interchange. Mr. Hofstetter asked the Commissioners if they would sign a Resolution.

Commissioner Eskew offered a motion to prepare a Resolution to support funding of a modern four lane Route 35 connecting Point Pleasant WV to Interstate 64 at the Crooked Creek Interchange. Commissioner Lopez seconded. Unanimous. Resolution signed.

Sheriff William Laird informed the Commissioners that as of today he has received only one response to the Animal Control Survey sent

out to the municipalities and that was from the City of Montgomery informing that their service is provided by the Humane Officer through the Kanawha County Animal Shelter, annual cost \$3,000.00.

Sheriff Laird suggested making a call to the other municipalities to see if they received the survey.

Commissioner Wender asked that a letter be sent to the municipalities informing them that the meeting on October 3, 2003 to discuss animal control services has been rescheduled for 1:00 p.m. on Monday, October 27, 2003 and that prior to that meeting, the Commission is asking that they take a few minutes to complete the survey. Letters to the municipalities signed.

Sheriff Laird told the Commissioners he would like to commend Kelvin Holliday, County Clerk for his work on the County Records and Preservation Committee.

Bill Caudill appeared before the Commissioners to complain about all the trucks and old mobile homes on the construction site at Page Bottom where Southern Appalachian Labor School is working. Mr. Caudill told the Commissioners that this is really an eyesore.

Commissioner Wender asked Tim Richardson, Zoning Officer to write a letter to John David to inform him that it has been brought to our attention that there is some concern with their operation in the Page-Kincaid area and asks that Mr. David schedule a time in which the Commission could discuss these matters.

Tim Hannah, Chairman Fayette County Solid Waste Authority and Larry Parsons, Litter Control Officer had to cancel appointment for today.

Steve Cruikshank, OES Director appeared before the Commission to discuss the removal of structures condemned in the flood.

Mr. Cruikshank gave a list to Tim Hannah and Larry Parsons of all the houses that the Fire Marshal had condemned.

Mr. Cruikshank informed the Commissioners that there are no condemned houses on the buy-out.

Mr. Cruikshank told the Commissioners that the Division of Highways told him that they removed all they could, if houses are still there that's because the property owners refused to let the Division of Highways tear down.

The Commissioners received and reviewed a copy of the Marshall County Abandoned Building Ordinance.

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

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

The Commissioners received and reviewed 911 Fees from Verizon, amount \$38,826.06, VarTec Telecom, Inc., amount \$9.70, Franchise Fees from Bradley Communications, Inc., amount \$461.81, Jail Fees from the Town of Fayetteville, amount \$45.00.

The Commissioners received and reviewed a check from the West Virginia Development Office for Legislative Digest Grant 04-034-Upper Kanawha Valley Community Center, amount \$1,492.50.

The Commissioners received and reviewed a check from The St. Paul Fire and Marine Insurance Company for Deputy Joe Howell 2001 Crown Victoria vehicle (total loss), amount \$1,760.00 salvage parts.

The Commissioners received and reviewed Weekly Fees Collected for the Fayette County Animal Control Center/C-PAC for the week September 12, 2003 to September 18, 2003, amount \$360.00.

The Commissioners received and reviewed a check from the Supreme Court for \$2,025.00 for reimbursement for Family Law Master rent for the month of September.

The Commissioners received and reviewed the 2002-03 Annual Audit Report from White Oak Public Service District.

The Commissioners received and reviewed a letter from Steptoe and Johnson to the Page-Kincaid Public Service District Board Members concerning the possibility of refinancing the District's outstanding Sewer Revenue Bonds, Series 1988 A (WV Water Development Authority).

The Commissioners received and reviewed a letter from Sheriff William Laird informing that Deputy Sheriff Mark Webb has received notification from the West Virginia Army National Guard that his unit has been activated for active military duty effective September 22, 2003.

Sheriff Laird is requesting that a payroll adjustment be made to place Deputy Sheriff Mark Webb on military leave from his employment with the department in accordance with the standards and requirements of the Military Leave of Absence and Reemployment Rights Policy.

The Commissioners received and reviewed a copy of a letter from Sheriff William Laird to Debbie Aliff, Payroll Clerk informing that since the recent retirement of William Webb from his prior employment as a Transportation Officer, the Sheriff is advising of his decision to increase the salary level paid to Gayle Koone to the salary level

previously paid to Mr. Webb effective October 1, 2003, salary \$2,023.00 per month, annual salary \$24,276.00.

The Commissioners received and reviewed a copy of a letter from Sheriff William Laird informing that Deputy Sheriff Charles Bryant will be retiring as a Fayette County Deputy Sheriff effective September 30, 2003 and will be re-employed as a Transportation Officer effective October 1, 2003, salary \$1,760.00 a month, annual salary \$21,120.00.

The Commissioners received and reviewed a copy of a memorandum to Debbie Alliff, Payroll Clerk asking that Nora Bostic be paid for a total of 32 hours vacation time accrued.

The Commissioners signed an invoice to the Fayette County Board of Education for rental of the Fayette County Soldiers and Sailors Memorial Building for the month of October, amount \$4,583.33.

Ms. Holly presented a copy of the vendor list paid for the period of July 1, 2002 to June 30, 2003 to the Commissioners. Ms. Holly told the Commissioners that she was working on the financial statement. Commissioner Wender signed Certification.

The Commissioners signed letters to Danese Improvement Association and the Fayette County Emergency Food Assistance Center attaching their Legislative Digest Information Sheet for Fiscal Year 2004 for their project and asking that they complete and return to the Fayette County Commission no later than October 10, 2003.

Ms. Holly informed the Commissioners she sent a reminder to Fayette County REACT and Southern Appalachian Labor School informing they have not returned their Legislative Digest Grant contracts.

Ms. Holly informed the Commissioners she received a fax from Vivian Parsons, County Commissioners Association asking that the Commission send letters to their Senators and Congressman to request assistance to include and approve \$1.86 million in emergency funding for the election improvements required by the Help America Vote Act (HAVA) as part of their Congressional deliberations on the \$87 billion spending bill requested by President Bush.

The Commissioners signed letters to Senators Robert C. Byrd and John D. Rockefeller and Congressman Nick J. Rahall, III.

Commissioner Lopez made motion to approve and authorize the adoption of the Resolutions for the Fayette County Emergency Food Assistance Center and the Danese Improvement Association.

Commissioner Eskew seconded. Unanimous. Resolutions signed.

The Commissioners signed a letter to David Snively, Assistant Director County Operations, WVU Extension Services informing that the Commission has been notified of the resignation effective September 3, 2003 of Brent Clark as the Fayette County 4-H Program Coordinator and informed that in order to continue the excellent 4-H Program efforts of Mr. Clark, the Commission is requesting that this position be filled immediately.

The Commissioners signed Salvage Certificate title for Deputy Sheriff Joe Howell cruiser.

Tim Richardson and Keith Richardson, Zoning Officers appeared before the Commission to inform them of their recommendations of the Fayette County Planning Commission of the amendments to the Fayette County Unified Development Code for adoption.



First Order: Section Two, Article 2001.4, "R-R Rural Residential Districts" Subsection VI, B, Bulk Regulations: Change to Minimum yard requirements: Front yard-25 ft., Side yard-8 ft (residential)-5 ft. (accessory), Rear yard-25 ft. (residential)-5 ft. (accessory)

Commissioner Eskew made a motion to adopt the above amendment into the Fayette County Unified Development Code as recommended by the Fayette County Planning Commission. Commissioner Lopez seconded. Vote passed 3-0. Order signed.

Second Order: Section1, Article 1006 "Permitting procedures" Subsection IV, F, I: Change to \$3.00 per 100 sq. ft. or \$50.00 whichever is greater.

Commissioner Lopez made a motion to adopt the above amendment into the Fayette County Unified Development Code as recommended by the Fayette County Planning Commission. Commissioner Eskew seconded. Vote passed 3-0. Order signed.

Third Order: Section 1, Article 1006 "Permitting Procedure" Subsection IV, E, 1 and 2, Delete "1", Change "2" to read, Residential and Nonresidential Uses.

Commissioner Lopez made a motion to adopt the above amendment into the Fayette County Unified Development Code as recommended by the Fayette County Planning Commission. Commissioner Eskew seconded. Vote passed 3-0. Order signed.

Fourth Order: Section 1, Article 1006 "Permitting procedures" Add subsection V. "Certificate of Compliance"

To read as: it is required that in order to obtain electrical service in the county, all must obtain a Certificate of Compliance

from the Zoning Office. The electric public utility shall deny a final hook-up unless a said certificate is issued.

Commissioner Eskew made a motion to adopt the above amendment into the Fayette County Unified Development Code as recommended by the Fayette County Planning Commission. Commissioner Lopez seconded. Vote passed 3-0. Order signed.

Steve Cruikshank, OES Director appeared before the Commissioners to give a status update on the FEMA claims.

Mr. Cruikshank presented a chart of the expenditures for the Shelter clean-up and removal, the temporary animal shelter and the permanent animal shelter to the Commissioners.

Mark Ehrnschwender and Steve Cruikshank appeared before the Commission to give an update on the Pre-Disaster Mitigation Plan.

Mr. Ehrnschwender told the Commissioners that the plan was going well, teams have been formed, collected all the creditable information and at this stage now need to get adoption of the plan by the municipalities.

Mr. Ehrnschwender told the Commissioners he has contacted the municipalities, will hold public meeting starting in January.

Mr. Ehrnschwender told the Commissioners that the Resolution needed to be adopted.

Commissioner Wender suggested scheduling Mr. Ehrnschwender on the agenda for October 14 to adopt the Resolution to the Pre-Disaster Mitigation Plan.

Ms. Holly presented copies of the check from FEMA for the temporary animal shelter for the 6-month rent, amount \$8,892.81 to the

Commissioners.

Ms. Holly informed the Commissioners that the balance of the building and improvement fund as of this date is \$137,000 and that the Commission still has to pay for the guttering at the Memorial Building.

Commissioners Wender asked Ms. Holly to have Steve Cruikshank invite Vicki Chamber to attend the inspection of the Animal Shelter.

Ms. Holly presented to the Commissioners a copy of repairs the Pennington's are requesting to be done after C-PAC vacate their building.

Earl Pauley, Park Superintendent sent up a proposal on how the Fayette County Animal Shelter could work with just two lines.

Commissioner Lopez informed the Commissioners that John Witt told him that someone in the Oak Hill area wanted to donate a flag pole to the Fayette County Memorial Building.

Ms. Holly informed the Commissioners she received a call from Jennifer with the County Commissioners' Association asking that the Commission host the Regional Legislative Roundtable. The Commissioners asked Ms. Holly to follow-up on.

Ms. Holly told the Commissioners that she called Equitable Gas twice regarding gas to the Fayette County Park they have not returned her calls.

The Commissioners received and reviewed letters from the GFWC Fayetteville Junior Women's Club and the Fayetteville Midget League Football Cheerleading Competition requesting the use of the Fayette County Memorial Building.

Commissioner Lopez made a motion to waive the rental fee and approve the use of the Memorial Building for the Fayetteville Midget League Football Cheerleading Competition. Commissioner Eskew seconded. Unanimous.

Commissioner Eskew made a motion to waive the rental fee and approve the use of the Memorial Building for the GWFC Fayetteville Junior Women's Club for their 11<sup>th</sup> Annual Christmas Arts and Crafts Bazaar. Commissioner Lopez seconded. Unanimous.

Ms. Holly told the Commissioners she prepared a new Rental Lease Agreement. Will send a copy to the Memorial Advisory Board to review.

Commissioner Eskew made a motion to approve the Rental Lease Agreement to reflect the owner's agreement of the County Commission fee structure. Commissioner Lopez seconded. Unanimous.

The Commissioners signed a letter to Allen Ballard, Manager Fayette County Memorial Building with a schedule of fees, detailed insurance and indemnity requirements and rules for the rental of the Memorial Building.

Mr. Ballard presented twelve keys to the Memorial Building to the Commissioners.

The Commissioners told Mr. Ballard that anyone issued a key to the Memorial Building must sign a letter stating the purpose for which she/he is being issued a key, assume the responsibility for securing/locking building, making sure building is vacant, turning off all lights, key is the property of the Fayette County Commission and is not transferrable to any other party.

The Commissioners received and reviewed a letter from the

Auditor's office regarding the audit for Fiscal Year ended June 30, 2003.

Ms. Holly told the Commissioners she asked Dave Pollard, County Resource Coordinator about the \$10,000.00 from the Economic Development Authority. Mr. Pollard told her that this has been approved. The money has been spent up-front using the \$10,000 for the Environmental Study. Ms. Holly told the Commissioners that Mr. Pollard asked that she continue to hold the \$14,000.00 Thrasher invoice. Ms. Holly told the Commissioners she asked Mr. Pollard if he received the contract.

Commissioner Wender suggested increasing the line item for Mike Basile, legal services to \$15,000.00.

Commissioner Lopez made a motion to set a limit for legal fees for the Grant Committee Application to \$15,000.00. Commissioner Eskew seconded. Unanimous.

The Commissioners received and reviewed returned cash on hand of \$500.00 from the Fayette County Park.

The Commissioners approved overtime for James Perdue, Maintenance Supervisor.

The Commissioners received and reviewed a letter from David Neal, E911 Coordinator informing that Jason Hager has resigned as a Full-time Shift Supervisor, Mr. Hager has requested and will remain employed in a part-time capacity.

Mr. Neal asked that Michael Myers and William Watts be removed from their part-time Communication Specialist position.

The Commissioners received and reviewed a letter from David Neal,

E911 Coordinator informing of the following changes to the E-911 Staff Payroll effective October 1, 2003: Jason Hager resigned from Shift Supervisor, changed to part-time at \$8.42 per hour, Charles Bennett assigned as Shift Supervisor change to \$10.16 per hour, Terry McGuire probationary full-time change to \$7.50 per hour, Emma Kelly probationary full-time, change to \$7.50 per hour, and Tonja McMullen regular part-time change to \$7.25 per hour.

Ms. Holly informed the Commissioners she would talk with Mr. Neal regarding the changes.

Ms. Holly reminded the Commissioners that breakfast has been arranged with the Fayette County Solid Waste Authority on October 1, 2003.

Ms. Holly informed the Commissioners that the West Virginia Manufactured Housing Association had requested of the Zoning Office all documentation and records pertaining to the zoning office and mobile home permits. Ms. Holly told the Commissioners that the West Virginia Manufactured Housing Association wants to know if its okay to bring their own copier.

Mr. Richardson had forwarded a copy of the request to Carl Harris, Assistant Prosecuting Attorney. Mr. Harris reviewed and told Mr. Richardson to deny their request to bring their own copier.

The Commissioners received and reviewed a copy of a letter sent to the West Virginia Manufactured Housing Association denying their request to bring a copier onto the premises of the Fayette County Courthouse.

The Commissioners approved request from Kelvin Holliday, County

Clerk for \$140.00 to Data Design for repairs to his laptop.

Ms. Holly informed the Commissioners she received a request from Kelvin Holliday, County Clerk for a 19" flat screen monitor. The Commissioners suggested leaving the decision up to Ms. Holly regarding Data Design.

Commissioner Wender made a motion to approve and adopt as written minutes of May 16, May 27, June 9, June 23, June 30, July 14, July 28 and August 11, 2003. Commissioner Lopez seconded. Unanimous.

Commissioner Eskew offered a motion to approve invoices for the Loup Creek Fire Department, Boomer Volunteer Fire Department, Montgomery Fire Department, Mount Hope Fire Department, and Pax Fire Department. Commissioner Wender seconded. Unanimous.

Discussion was held regarding extending Chris Dyer's, Housing Consultant with Fayette County Housing Economic Development Council salary until December.

The Commissioners discussed paying on month to month basis at \$1,250.00 half of what Randy Housh was making.

Commissioner Lopez suggested banning the position after December 31, 2003, County can't afford to keep paying.

Commissioner Lopez offered a motion to continue the present contract to modify the contract to pay \$1,250.00 to Chris Dyer and extending to December. Commissioner Eskew seconded. Unanimous.

The Commissioners received and reviewed a letter from the West Virginia Development Office informing that the Small Cities Block Grant Fall Training scheduled for October 14-15 has been cancelled. A copy was forwarded to Commissioner Wender and Dave Pollard, County

Resource Coordinator.

The Commissioners received and reviewed a fax from Mountain CAD informing that a seminar featuring Autodesk Architectural Desktop 2004, and Autodesk's Infrastructure/GIS Solution has been scheduled for October 3, 2003. A copy forwarded to Dave Pollard, County Resource Coordinator and Tom Aiello, Assessor.

The Commissioners received and reviewed a letter from the Fayette County Housing and Economic Opportunity Council, Inc. informing that the Sustainable Communities Training Program is having a two-day workshop throughout West Virginia focusing on helping communities like Fayette County reach goals through good leadership, networking, collaboration, effective resources, and innovative execution of planning. Commissioner Wender asked to have Chris Dyer discuss this letter at the next County Commission meeting.

The Commissioners received/reviewed and approved request of the Fayette County Senior Programs appropriation fund for their program, amount \$1,500.00.

The Commissioners received and reviewed a letter from the State Office of Emergency Services informing that the Local Hazard Mitigation Draft plan has been pre-approved.

Commissioner Wender asked that Mark Ehrnschwender be scheduled to give an update at the next County Commission meeting on the Pre-Disaster Mitigation Plan.

The Commissioners received and reviewed a thank-you letter from Christians Endeavor of Pennsylvania thanking the Commissioners for their support during the four weeks of Mission Work Camp in Fayette



County.

The Commissioners received and reviewed a letter from the Fayette County Board of Education listing items needed by the Fayette County Commission as required in the lease agreement between the Fayette County Board of Education and the Fayette County Commission regarding the Memorial Building.

The Commissioners received and reviewed a fax from the County Commissioners' Association informing they are during a survey regarding using civilians in the county courtrooms. A copy forwarded to Sheriff Bill Laird.

The Commissioners received/reviewed and approved payment to the Upper Kanawha Valley Economic Development Corporation for 2003 Membership Investment, amount \$5,000.00.

Commissioner Eskew made a motion to adjourn the County Commission meeting. Commissioner Lopez seconded.

The meeting was adjourned at 2:20 p.m. The next scheduled meeting is October 14, 2003.



FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
OCTOBER 14, 2003  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS Present: Matthew D. Wender, John H. Lopez, Kenneth L. Eskew

The Fayette County Commission met in regular session on this 14<sup>th</sup> day of October 2003.

Commissioner Wender called the meeting to order at 9:10 a.m.

Exonerations were approved and signed.

John Witt appeared before the Commission to present a proposal from Townside Construction for repairs and paint exterior fascia and soffit of the Fayette County Memorial Building, amount \$8,400.00.

Commissioner Lopez offered a motion to accept the bid from Townside Construction (\$8,400) limit not to exceed \$10,000.

Commissioner Eskew seconded. Unanimous.

The commissioners approved bid proposal pending receipt of a copy of the contractors license, proof of workers' compensation and proof of liability insurance coverage.

Ms. Holly informed the Commissioners that this bid proposal was not based on the prevailing wages, any Government proposals has to include the prevailing wages.

The Commissioners asked Townside Construction to resubmit bid to include prevailing wage cost.

Commissioner Lopez offered a motion to approve vouchers and payroll, payroll to be released today. Commissioner Eskew seconded. Unanimous.

Commissioner Lopez offered a motion that Brian Parsons be

appointed Special Fiduciary Commissioner in the Mary Richards Estate. Commissioner Eskew seconded. Carl Harris, Assistant Prosecuting Attorney to prepare order.

The Commissioner asked Carl Harris to review proposal for equipment from the Town of Fayetteville.

Commissioner Eskew made 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 Eskew offered a motion to sign and approve order appointing Malcolm Parker a member of the Central Appalachian Empowerment Zone, Census Tract 205. Commissioner Lopez seconded. Unanimous.

Ms. Holly presented to the Commissioners for their approval a draft of a form from Allen Ballard that has to be signed before issuing keys to the Fayette County Memorial Building.

Commissioner Eskew suggested to the Commissioners to waive the insurance fee for the non-profit organization who ask permission to use the Memorial Building.

Commissioner Wender suggested asking Carl Harris, Assistant Prosecuting Attorney to address this matter.

Mr. Harris told the Commissioners they need to find out if there insurance coverage will cover the non-profit organization or if there is an exclusion in there insurance coverage.

The Commissioners asked Ms. Holly to call jim Lively, Sr. and schedule him to come to the County Commission meeting on October 27 to discuss waiving the liability insurance coverage for the non-profit

organizations that use the Memorial Building.

Commissioner Eskew made a motion to exempt the non-profit organization for insurance fee charges to the end of the year and review at the end of the year. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from Governor Bob Wise informing that the 2004 application to the Local Economic Development Assistance Program to replace the roof at the Fayette County Sheriff's Office has been approved, amount \$10,000.00. Contract signed.

The Commissioners received and reviewed a letter from Governor Bob Wise informing that the 2004 application to the Governor's Community Partnership Grant program to purchase office equipment, install doors, and complete additional capital improvements at the Upper Kanawha Valley Community Center, amount \$5,000. Contract signed.

The Commissioners received and reviewed a letter from the West Virginia Development Office informing that the 2004 application to purchase and install at the Upper Kanawha Valley Little League's Cannelton Ballfield has been approved for \$5,000.00. Contract signed.

The Commissioners received and reviewed from Bob Wise a Small Cities Block Grant Award for \$258,535 for the Fayette County Courthouse elevator (\$108,535) and Southern Appalachian Labor School (\$150,000).

The Commissioners received and reviewed a letter from the Ben Argento Basketball League requesting use of the Memorial Building from

December 6, 2003 until February 14, 2004.

Commissioner Lopez offered a motion to approve the use of the Memorial Building for the Ben Argento Basketball League from December 6, 2003 to February 14, 2004 and to waive the \$1,000 rental fee and insurance requirement. Commissioner Eskew seconded. Letter signed.

The Commissioners received and reviewed a letter from Plateau Medical Center requesting use of the Memorial Building for their Annual Employees Christmas part on December 6, 2003.

Commissioner Eskew offered a motion to approve request for Plateau Medical Center to use the Memorial Building for their Annual Employee Christmas Party on December 6, 2003 all rules are applicable, including the \$200 rental fee, custodial and trash services fees, \$1,000,000 public liability insurance, also required is proof of \$1,000,000 liquor liability insurance coverage for this event. Commissioner Lopez seconded. Unanimous.

The Commissioners signed letters of appreciation to Governor Wise and members of his cabinet for their visit to Fayette County on September 30, 2003 regarding approval of grants in excess of \$2.2 million for projects to extend sewer service to 150 households along Dunloup Creek in the Kilsyth area, replace sidewalk and lighting in Mount Hope, to remove and reconfigure sidewalks in Montgomery, repair the roof of the Fayette County Sheriff's Office, install lights for the Upper Kanawha Valley Little League ballfields, purchase office equipment for the Upper Kanawha Valley Community Center, construct a dorm annex at the Southern Appalachian Labor School and complete the installation of the elevator at the Fayette County Courthouse.

The Commissioners signed Quarterly State Tax Report for the Fayette County Park.

The Commissioners approved and signed invoice from Randy Housh (\$1,916.62) and Chris Dyer (\$583.38), Housing Consultants for the month of September, amount \$2,500.00.

The Commissioners signed a letter to Alison Chambers, Director, Family Law Masters for reimbursement for rent in the amount of \$2,025.00 for the month of October.

The Commissioners signed a letter of thanks to the Fayette County Health Department for their donation of surplus equipment, including but not limited to a desk, credenza, miscellaneous tables, chairs and cabinet.

The Commissioners signed letters to Senators Shirley Love, Randy White, Delegates John Pino, David Perry, and Tom Louissos informing them that on Friday, November 7, 2003 from 1:00 p.m. until 3:00 p.m. the Fayette County Commission will be hosting the West Virginia County Commissioners Association Regional Legislature Roundtable meeting for Pocahontas, Braxton, Clay, Nicholas, Webster, Greenbrier and Fayette Counties and invited them to attend the Legislature Roundtable meeting to participate in these discussions.

Ms. Holly informed the Commissioners she received a letter from the West Virginia Division of Labor informing during the annual elevator inspection on February 20, 2003 the County was to repair and/or install a keyed stop switch for the elevator in the Courthouse Annex.

Ms. Holly informed the Commissioners that this installation has

been done.

The Commissioners signed a letter to the West Virginia Division of Labor attaching a copy of the paid invoice dated April 7, 2003 for the purchase and installation of a keyed stop switch for the elevator in the Courthouse Annex.

The Commissioners signed Fiscal Year 2004 Legislative Digest Grant for the Fayette County REACT.

Ms. Holly presented to the Commissioners a request for payment for the New Haven Public Service District Water Extension Project-Saturday Road/Horseshoe Creek-Contract 12, amount \$83,650.30 and New Haven Public Service District Water Extension Project-Paint Creek/Plum Orchard Water Extension, Contract 13, amount \$12,907.56.

Commissioner Lopez offered a motion to approve and authorize the payment of services for the New Haven Public Service District Water Extension Project-Saturday Road/Horseshoe Creek, Contract 12, amount \$83,650.30 and the New Haven Public Service District Water Extension Project-Paint Creek/Plum Orchard Water Extension, Contract 13, amount \$12,907.56. Commissioner Eskew seconded. Unanimous. Resolutions signed.

Tim Richardson, Zoning Officer appeared before the Commission to discuss the complaint filed by Jeffrey and Linda Emery against the Board of Zoning Appeals.

Gary Davis, Chairman of the Board of Zoning Appeals, Keith Richardson and Clifford Ramsey were present.

Mr. Davis told the Commissioners he wasn't at the meeting and that he could not comment directly, but told the Commissioners that

Clifford Ramsey goes out and investigate every case before the meeting. Mr. Davis told the Commissioners they strive to treat everyone fair.

Commissioner Lopez moved to go into Executive Session at 11:20 a.m. to discuss this matter, upon returning from the Executive Session the Commissioners asked that the Board of Zoning Appeals and Tim Richardson, Zoning Officer write a letter to the Commission responding to the complaint for their next meeting.

Theresa White appeared before the Commission on behalf of Steve Cruikshank, OES Director to give status of FEMA claims.

Ms. White informed the Commissioners that a claim has been submitted, waiting on FEMA to confirm that claim has been submitted properly.

The Commissioners received and reviewed a letter to Steve Cruikshank requesting that he review and immediate submit to FEMA for reimbursement for the animal shelter copies of invoices and checks issued to vendors from August 31, 2003 to September 26, 2003.

Commissioner Wender asked that a letter be written to the West Virginia Office of Emergency Services enclosing a check in the amount of \$37,75053 to close the Immediate Needs Grant account as directed by their office and enclosed a copy of the three outstanding invoices that was approved and paid as compensable claims to Raleigh County Landfill for disposal of flood debris (\$279.27), West Virginia Division of Highways (\$708.40) for hauling water and \$3,00 to the Fayette County Commission for administrative cost.

Commissioner Wender asked to inform the West Virginia Office of



Emergency Services that this check is solely to facilitate the payment and release of funds due.

Commissioner Wender asked that this letter be sent to John Hayden, FEMA and Steve Cruikshank, OES Director.

Mark Ehrnschwender appeared before the Commission to give summary and update of the Fayette County Pre-Disaster Mitigation Plan.

Mr. Ehrnschwender informed the Commissioners that all ten municipalities have adopted the Plan.

Mr. Ehrnschwender told the Commissioners that the biggest issue is power outage.

Mr. Ehrnschwender presented a Resolution to the Commissioners that need to be signed

Commissioner Eskew offered a motion to sign Resolution adopting the Fayette County and Municipalities Pre-Disaster Mitigation Plan (Including the Plans of Ansted, Fayetteville, Gauley Bridge, Meadow Bridge, Montgomery, Mount Hope, Oak Hill, Pax, Smithers and Thurmond). Commissioner Lopez seconded. Unanimous. (See attached Plan Adoption Overview and Resolution).

Debrin Jenkins, Executive Director, Hospice of Southern West Virginia appeared before the Commission to request funding for 12-bed hospice facility, amount \$10,000.

Ms. Jenkins told the Commissioners that Raleigh County Commission has donated \$15,000.00.

Ms. Jenkins told the Commissioners she would be asking the other counties.

Commissioner Wender asked Ms. Jenkins if this would be contingent

upon Hospice receiving the \$1.5 million.

Commissioner Wender suggested that this be addressed at the next County Commission meeting.

Kelvin Holliday, Chairman of the County records management and Preservation Grant Committee appeared before the Commission to give an update.

Mr. Holliday told the Commissioners he had invited Frederick Armstrong down to speak with the Committee presentation was wonderful.

Sheriff Laird presented his application to the Commissioners.

Sheriff Laird told the Commissioners he had gotten in touch with a vendor in Charleston and got a preliminary estimate on how much it would cost to store 139,860 records, amount \$11,319.85, the Commission match would be \$1,319.85.

Commissioner Wender asked if the County could combine the County Clerk, Circuit Clerk, County Commission applications.

Commissioner Wender informed the Commissioners they need to set a priority as to the most important.

Commissioner Wender made a motion to submit two application-1) set priority for funding County Clerk, Circuit Clerk, Sheriff and County Commission, 2) umbrella application. Commissioner Lopez seconded. Unanimous.

The Commissioners suggested to Ms. Holly to discuss with Frederick Armstrong how the application should be submitted.

Commissioner Lopez made a motion to authorize Commissioner Wender to sign on behalf of the Commission both application when completed. Commissioner Eskew seconded. All approved.

Commissioner Eskew offered a motion to submit the Sheriff's application to the County Records Management and Preservation Grant Committee. Commissioner Lopez seconded. All approved.

Susan Williams, reporter for the Charleston Gazette questioned the Commission about Randy Housh and Chris Dyers, Housing Consultants invoice that was submitted for the month of September.

Ms. Williams asked about the Training Options at the top of the invoice.

Commissioner Wender told Ms. Williams that the Training Option was a part of their letterhead.

Chirs Dyer, Housing Consultant for the Fayette County Housing and Economic Opportunity Council, gave an update of what was going on with the organization.

Mr. Dyer discussed the Sustainable Communities Training Program with the Commission.

Mr. Dyer told the Commissioners that an annual series of six, two-day workshop will be held throughout West Virginia focusing on helping communities like Fayette County reach goals through good leadership, networking collaboration, effective resources, and innovative execution of planning.

Mr. Dyer informed the Commissioners that the vast majority of the cost associated with this training will be paid for by the Flex-E-Grant.

Mr. Dyer told the Commissioners that the grant will require a small funding match and asked the Commissioners if they would provide the funding match of \$1,000.00.

Mr. Dyer informed he would like for someone from the Commission to attend.

Commissioner Eskew offered a motion that the Commission pay the \$1,000 match for the Sustainable Communities Training Program. Commissioner Lopez seconded. All approved.

Ron Skaggs, Townside Construction appeared before the Commissioners to present revised proposal to include prevailing wage rate to repair and paint exterior fascia and soffit of the Fayette County Memorial Building, amount \$16,765.00.

Ms. Holly informed the Commissioners that Mr. Skaggs need to submit a copy of his contractor's license, proof of liability insurance coverage.

Commissioner Eskew made a motion to approve proposal of \$14,893.00 to repair and paint exterior of the Fayette County Memorial building pending receipt of Mr. Skaggs contractor's license, proof of workers' compensation coverage and proof of liability insurance coverage. Commissioner Lopez seconded.

The Commissioners received and reviewed a letter and documents from the Division of Highways informing that one requirement of Senate Bill 583 directs the Commissioner of Highways to designate an interim Coal Resource Transportation system (CRTS) of 120, 000 lb routes in 15 counties of southern WV believed to now handle 50,000 tons of coal per year and to establish a process for the receipt and evaluation of public comments on these designations; the Division of Highway is requesting assistance, that if anyone comes to this office and wish to review the documents make them available until November 7, 2003 and if

anyone wants to comment instruct them to write to John T. Lancaster, Sr. P.E. Director with the Division of Highways.

Ms. Holly informed the Commissioners that John Hayden, FEMA will get back with her to confirm a date to meet with the Commission to discuss FEMA claims.

Discussion was held regarding the telephone lines at the Fayette County Animal Control Center.

Ms. Holly told the Commissioners that at the temporary shelter C-PAC paid for their own telephone line.

Commissioner Eskew told Ms. Holly to tell C-PAC to continue paying for the C-PAC line and have Verizon to bill C-PAC for their telephone line.

Ms. Holly informed the Commissioners that Immogene Pennington called last week about being paid pro-rated.

Ms. Holly told the Commissioners that she has not heard back from Allegheny Gas.

The Commissioners approved to pay allotment for C-PAC for \$10,174.07 for the month of October.

The Commissioners received and reviewed from the Fayette County Animal Control Center/C-PAC the Monthly Revenue Report, and Activity Report for the month of September and the Weekly Fees Collected for October 1 to October 2, 2003, amount \$30.00 and Weekly Fees Collected for October 3, 2003 to October 9, 2003, amount \$190.00.

The Commissioners received and reviewed a letter from the Department of Agriculture informing that Thomas E. Aiello, Assessor has completed the Farm Census of 2003 and has satisfactorily complied

with the requirement of the Farm Statistics Law. The Commissioners approved to pay supplemental salary of \$3,630.00.

The Commissioners received and reviewed a request from Vicky Mullins for funding on playground equipment. The Commissioners asked to hold until the next meeting.

The Commissioners received and reviewed a letter from Thelma Kincaid, Circuit Clerk requesting that the Commission approve to pay application for notary public for her chief deputy, Cathy Jarrett. The Commissioners approved.

The Commissioner approved to pay Dianne Meadows travel vouchers.

The Commissioners signed a sympathy card to Commissioner Donnie Tenney of Upshur County and get well and thinking of you cards to Tom Aiello, Aubrey Riner and Cling Gallaher.

The Commissioners received and reviewed several of the Animal Control Surveys back from the municipalities.

The Commissioners received and reviewed a copy of a letter from Soft Ware Computer Group, Inc. to Thelma Kincaid, Circuit Clerk informing that fees for support calls will increase.

The Commissioners received and reviewed a note from James Perdue, Maintenance Supervisor to Debbie Aliff, Payroll Clerk asking to deduct one-day wages from Raymond St. Clair did not work on September 30, 2003 and Meredith Davis did not work on October 1, 2003 they do not have any sick leave or vacation leave to take tat this time.

The Commissioners approved to pay invoice from IQ Media for Wolf Creek Park, amount \$3,475.00.

Commissioner Eskew offered a motion to increase fees for the

Memorial Building. Commissioner Lopez seconded. All approved. (See attached).

The Commissioners received and reviewed a letter from the Assessor's Office informing they received a letter from the State Tax Department in reference to mineral properties owned by J. H. Dews recommending several changes to mineral values for J. H. Dews.

Commissioner Lopez offered a motion to accept the Assessor's recommendation to change the mineral value for j. h. Dews.

Commissioner Eskew seconded. Unanimous.

The Commissioners asked to hold the request from Upper Paint Creek until the next Commission meeting.

The Commissioners received and reviewed invitation from the Southern Conservation District inviting them to attend the Annual Awards Banquet being held October 23, 2003 at the Raleigh County Armory.

The Commissioners received and reviewed a letter from Charter Communications informing that effective January 2004 the Basic Service Tier rate will increase from \$15.90 to \$17.14.

The Commissioners asked Ms. Holly to hold quarterly invoice from the West Virginia University Extension Office.

The Commissioners received and reviewed from Roy Bell Wanted Notices to be posted on the bulletin board. Copies forwarded to Sheriff Bill Laird and Paul Blake, Prosecuting Attorney.

The Commissioners signed revised rental letters to Allen Ballard, Manager Fayette County Memorial Building informing that the \$1,000 rental fees and the insurance required have been waived for the

Fayetteville Midget League Football Cheerleading Competition, the Fayette County Chapter, American Red Cross 10<sup>th</sup> Annual Christmas Festival and Craft Show and the GFWC Fayetteville Junior Woman's Club 11<sup>th</sup> Annual Christmas Arts and Crafts Bazaar.

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

The Commissioners received/reviewed and signed invoices for the confinement of inmates at the Southern Regional Jail for the City of Oak Hill, amount \$1,755.00 and the Town of Fayetteville, amount \$45.00.

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

The Commissioners received and reviewed from the Secretary of State the 2003 Cumulative Supplement WV Election laws and Reference Manual.

The Commissioners received and reviewed checks from the West Virginia Development Office for Legislative digest Grant #034-Upper Kanawha Valley Community Center, amount \$11,200.00, Legislative Digest Grant #01-220-Gauneka-Ruritan, amount \$831.00, SCBG/HUD New Haven Public Service District, amount \$157,618.25, Legislative Digest Grant-Courtroom Chairs, amount \$9,765.00.

The Commissioners received and reviewed Jail Fees check from the City of Mount Hope, amount \$90.00, City of Oak Hill, amount \$270.00; Alarm Fees, amount \$120.00.

The Commissioners received and reviewed 911 Fees checks from



Verizon, amount \$38,500.63; Public Service Commission, amount \$45,529.40, VarTec, amount \$7.76, Nos Communications, Inc, amount \$4.00, Z-Tel Communications, Inc. amount \$8.00, Metro-Teleconnect Company, amount \$35.28, Business Telecom, Inc., amount \$3.92.

The Commissioners received and reviewed a check from the Sheriff of Raleigh County for reimbursement for July, 2003 TRIDENT overtime, amount \$1,141.13.

The Commissioners received and reviewed a check from the Fayette County Board of Education for rent in the amount of \$4,583.33 for the month of October.

The Commissioners received and reviewed a letter from the Branch Banking and Trust Company informing that as of September 30, 2003 CATO-MERIDIAN NY SC securities were held as collateral to secure the deposit for Fayette County Commission.

The Commissioners received and reviewed from SunTrust Bank a list of securities pledged as of September 30, 2003.

The Commissioners received and reviewed the publication of the Coordinated Plan for Preventing and Reducing Juvenile Crime in WV for 2003-2006 from the Division of Criminal Justice Services.

The Commissioners received and reviewed from the Division of Criminal Justice Services a report of the WV Children and Families Preliminary Funding Report.

The Commissioners received and reviewed from the Bureau of Business and Economics Research informing of their 10<sup>th</sup> Annual WV Economic Outlook Conference being held Thursday, November 13, 2003 at the Charleston Marriott.

The Commissioners received and reviewed copies of letters to Debbie Aliff, Payroll Clerk from Sheriff William Laird informing that effective October 1, 2003 Judy Treadway and Lisa Tignor will be employed by the Fayette County Sheriff's Department at an annual salary of \$18,000.00.

The Commissioners received and reviewed a letter from Judge John Hatcher, Jr. voicing his opinion regarding the managerial policy to access the evidence tapes at the 911 Center.

The Commissioners received and reviewed several correspondence from the County Commissioners Association.

The Commissioners received and reviewed an e-mail from Jim Reed informing that the next meeting of the Paint Creek Restoration Team will be held on Tuesday October 21<sup>st</sup> at 10:00 a.m. at the Pax Community Center (Old Pax School) and at 1:00 the Steering Committee for the proposed "Paint Creek Scenic Byway" will meet at this same location.

The Commissioners received and reviewed a copy of a remittance to the State Treasurer's Office from the County Assessor's Fiscal Year 2004 for the Courthouse Facilities Improvement Fund for the month of September, amount \$159.00.

The Commissioners approved request from James Perdue, Maintenance Supervisor to replace the leaf blower at the Courthouse.

The Commissioners received and reviewed a letter from the West Virginia Office of Emergency Services informing of the Fiscal Year 2004 Emergency Management Performance Grant (EMPG) application.

The Commissioners received and reviewed a thank you letter from Dave Hofstetter, Co-chairman Route 35 Improvement Council thanking the

Commissioners for their courteous and professional manners during his presentation on the criterial for an improved Route 35.

The Commissioners received and reviewed a letter from the Secretary of State informing that West Virginia is beginning the Help America Vote Act (HAVA) and they would need to make an on-site inspection by a representative of AbleSoft Solutions.

Th Commissioners received and reviewed from the U. S. Bankruptcy Court Notice of Chapter 11 by Comm South Companies, Inc. Original forwarded to Tom Woodrum, Chief Tax Deputy.

The Commissioners received and reviewed from the U. S. Bankruptcy Court a notice that a hearing will be held regarding the Multi-County Community Action at the Bankruptcy Court on October 8, 2003 at 2:30 p.m. Copy forwarded to Carl Harris, Assistant Prosecuting Attorney and Randy Housh, Housing Consultant.

The Commissioners received and reviewed a letter from St. Paul Fire and Marine Insurance Company acknowledging receipt of Claim Number GP09310942-09T001. The claim has been assigned to Diana Stewart for handling.

The Commissioners approved for Earl Pauley, Park Superintendent to take the kettle guarding gates to the Southside of bridge for Bridge Day.

The meeting was adjourned at 3:00 p.m. The next scheduled meeting is October 27, 2003.



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FAYETTE COUNTY COMMISSION  
SPECIAL SESSION  
DECEMBER 1, 2003  
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a special session on this 1<sup>st</sup> day of December 2003.

Commissioner Wender called the meeting to order at 9:10 a.m.

Steve Cruikshank, OES Director appeared before the Commission to discuss the Hazard Mitigation buy-out grant, to give status of FEMA animal shelter reimbursement, to give an update of the November 19<sup>th</sup> flooding, to discuss the purchasing practices and to discuss how much longer Theresa White's help would be needed.

Mr. Cruikshank told the Commissioners that a pre-bid demolition conference was held on November 20th, and the goal is to try to finish up by the end of February hoping the money left over can be used to tear down more houses.

Mr. Cruikshank told the Commissioners that eight contractors showed up for the bid.

Commissioner Eskew asked Mr. Cruikshank how many houses.

Mr. Cruikshank replied that there are twenty-two properties involved at this point some don't have houses on them.

Mr. Cruikshank told the Commissioners of several problems they are having with some of the properties.

Commissioner Wender asked Mr. Cruikshank if he could give the Commissioners a time line on how many are left by December 15<sup>th</sup>.

Mr. Cruikshank presented a check for \$86,202.91 from FEMA for the

animal shelter to the Commissioners.

Commissioner Wender asked Mr. Cruikshank the remaining 10% when will FEMA come down to make the final inspection.

Commissioner Wender suggested to Mr. Cruikshank to be persistent about getting FEMA down her to get the 10% remaining balance on the animal shelter.

Commissioner Wender asked Mr. Cruikshank how long would he be needing Theresa White.

Mr. Cruikshank replied he would need her as long as the money hold out.

Commissioner Eskew asked Mr. Cruikshank to get the balance of the funds that are left to pay Ms. White.

Dave Pollard, County Resource Coordinator presented an Engineering Agreement from Thrasher Engineering to the Commissioners. The Commissioners signed Agreement.

The Commissioners presented a check in the amount of \$3,000 to Ruth Hayes and Bert Gross for the North Fayette Food Pantry.

David Neal, E911 Coordinator appeared before the Commission to discuss purchasing practices, emergency alert call button necklaces, and to discuss ambulance service to the Meadow Bridge area.

Commissioner Lopez suggested that Steve Cruikshank and David Neal be allowed to make purchases up to \$600.00 anything over that amount they would have to get the approval from the Commissioners or if it's an emergency try to call at least one of the Commissioners.

Commissioner Wender told Mr. Neal that about two or three weeks ago he received a call regarding the ambulance service in the Danese

area.

Commissioner Wender told Mr. Neal Quinnwood Ambulance has withdrawn their services

Commissioner Wender told Mr. Neal that he's been working with the Fire Chief at Danese on every angle to try and get service in the area don't have an answer.

Commissioner Wender told the Commissioners that Chris Campbell would like an ambulance to be placed at the Danese Volunteer Fire Department.

Commissioner Wender asked Mr. Neal to contact the State Office of Emergency Services Board to see if the Commission could move an ambulance in the Danese area and to look into the Commission charging a franchise fee for providing service.

Commissioner Wender asked Mr. Neal to give a status report on December 15<sup>th</sup> regarding this matter.

Ms. Holly told the Commissioners she never received a response from Quinnwood Emergency Ambulance Service on the letter the Commission sent July 28, 2003 regarding the numerous on-going complaints from residents in the Meadow Bridge and Danese area. The Commissioners asked Ms. Holly to send a second request.

Mr. Neal told the Commissioners that the transmitter at Meadow Bridge needed to be replaced. Mr. Neal recommended a low tier repeater for about \$8,000.00. Mr. Neal informed the Commissioners that funding issues still exist, don't know what to do.

Commissioner Lopez said he would talk with the Sheriff about the repeater.

Commissioner Wender suggested to the Commissioners to discuss appointing someone to the 911 Advisory Board on December 15<sup>th</sup>.

Commissioner Wender asked Mr. Neal for recommendations.

Commissioners Lopez suggested asking the 911 Advisory Board for recommendations.

Mr. Neal told the Commissioners that March Network will no longer handle the call button necklaces. Mr. Neal told the Commissioners they had to change to the Home Technology Systems, Inc.

Mr. Neal told the Commissioners that this Company wants the County to purchase the equipment and the individuals would have to purchase the equipment from the 911 Center were as with March Network the individuals would have to purchase the equipment from March Network.

Mr. Neal told the Commissioners that Home Technology Systems, Inc. did not want to do this.

The Commissioners asked Mr. Neal to write a letter on the Fayette County Commission letterhead asking the Company if they could have the same arrangement they had with March Network and submit a letter to the Commission for review by December 15<sup>th</sup>.

The Commissioners asked Mr. Neal to see if there was another company out there that can handle the equipment.

The Commissioners asked Mr. Neal to return the call button necklace monitor.

Mr. Neal informed the Commissioners he talked with Paul Blake, Prosecuting Attorney and he said that they could do a public service announcement regarding the call button necklace.

Commissioner Wender asked Mr. Neal to write an editorial regarding the status of the addressing/mapping project to let the citizens know what's going on.

The Commissioners asked Mr. Neal about the status of the written policy regarding modification designating a second authorized employee in the chain of custody to have access to and the ability to copy 9-1-1 tapes so they can give something to Judge John Hatcher.

Commissioner Wender asked Chris Dyer, Housing Consultant to sort out for the Commission where all the Food Pantries in Fayette County get their food from, how many families each one serve and who refer the families to the food pantries.

Commissioner Eskew offered a motion to approve payment of vouchers. Commissioner Lopez seconded. Unanimous.

The Commissioners approved for Steve Cruikshank, OES Director and David Neal, E911 Coordinator to purchase up to \$600.00 any amount over has to be approved by the Commission.

The Commissioners discussed increasing Ms. Holly purchasing from \$600.00 to \$1,200.00 or more. It was decided by the Commission to leave as is.

The Commissioners approved January 5<sup>th</sup>, January 12<sup>th</sup>, and January 30<sup>th</sup> dates for County Commission meetings.

Gene Kistler, a member of PAN appeared before the Commission to request a letter of support and ask that the Commission be the sponsor for the Brownsville Assistance Grant, PAN would be the applicant.

Commissioner Eskew offered a motion that Commissioner Wender sign on behalf of the Commission the letter of support for PAN (Brownsville



Assistance Grant). Commissioner Lopez seconded. All approved.

The Commissioners received and reviewed a letter from the Courthouse Facilities Improvement Authority informing of the questions and answers that were discussed during the recent Funding Application Workshops.

Ms. Holly told the Commissioners that David Jolliffe, Executive Director is to be here Wednesday.

The Commissioners received and reviewed from the Economic Development Administration an application for the Wolf Creek Park Project.

The Commissioners received/reviewed and approved funds in the amount of \$800.00 for the Fayette County Business brochures.

The Commissioners signed a letter to Alison Chambers, Director, Family Law Masters requesting reimbursement for rent in the amount of \$2,025.00 for the month of December 2003.

Ms. Holly told the Commissioners that Carl Harris, Assistant Prosecuting Attorney is working on a contract for the Fayette County Memorial Building.

Commissioner Lopez informed the Commissioners that on the 25<sup>th</sup> he called Mike Cobb, Division of Highways regarding the street signing, was connected with Joe Donnally. Mr. Donnally told him he would call the sign department in Lewisburg and get signs removed. Commissioner Lopez said he talked with Mr. Cobb this morning was told it would need a culvert and Mr. Cobb would contact the Engineer Department and have an engineer to come down to review and give the Commission some kind of cost estimation.

The Commissioners received and reviewed a flier from FEMA informing where to apply for assistance.

The Commissioners approved invoice from D & D Computers, Inc., amount \$439.96 for a replacement server for the Fayette County 911 Center.

The Commissioners received and reviewed Weekly Fees Collected from the Fayette County Animal Shelter/C-PAC for the week of November 21 to November 27, 2003, amount \$5.00 and the week of November 28 to November 30, 2003, amount \$20.00.

The Commissioners received and reviewed a check from the West Virginia Office of Emergency Services, Federal Government Grants FEMA, amount \$86,202.91 for the animal shelter.

The Commissioners received and reviewed checks for 911 Fees from Z-Tel Communication, Inc., amount \$8.00 and Nos Communications, Inc., amount \$4.00.

The Commissioners received and reviewed Franchise Fee check from Bradley Communications, Inc., amount \$561.69.

The Commissioners received and reviewed a check from the West Virginia Development Office for Federal Grants SCBG-Paint Creek/Plum Orchard Water Extension, amount \$7,424.76.

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

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

The Commissioners received and reviewed a letter from Stafford Consultants, Inc. regarding New Haven Public Service District

Contracts 13 and 14 Re-Bid Tabulations.

The Commissioners received and reviewed a letter from Steptoe and Johnson regarding Gary K. Skaggs lawsuit.

The Commissioners received and reviewed a letter from Senator John D. Rockefeller thanking the Commission for writing him to request more funding for the Help America Vote Act (AHAVA).

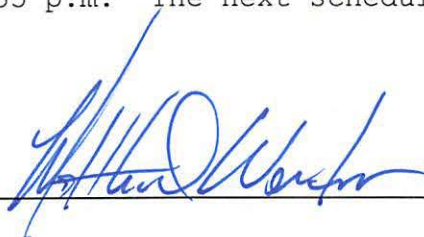
The Commissioners received and reviewed a letter from Congressman Nick Rahall enclosing a copy of the response he recently received from the Appalachian Regional Commission in regard to his letter of support on behalf of the ARC proposal that Fayette County Commission submitted requesting \$1,716,466 for its water extension project to the communities of Stringtown Road, Sunday Road, Hawver Road, Power Plant Road and Miller Ridge Road.

The Commissioners received and reviewed an e-mail from Ms. Holly to David Neal, E911 Coordinator asking the status of the modified policy for 9-1-1 tapes.

The Commissioners received and reviewed an e-mail from Steve Cruikshank, OES Director regarding the November 19, 2003 Flooding in Pax.

The Commissioners received and reviewed a fax from Chris Dyer, Housing Consultant informing that Fayette County Housing Economic Opportunity Council is now designated as a 501c3, tax exempt, non-profit organization.

The meeting was adjourned at 3:55 p.m. The next scheduled meeting is December 8, 2003.



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FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
OCTOBER 27, 2003  
COURTHOUSE

FAYETTEVILLE, WV 25840  
MEMBERS Present: Matthew D. Wender, John H. Lopez, Kenneth L. Eskew

The Fayette County Commission met in regular session on this 27<sup>th</sup> day of October 2003.

Commissioner Wender called the meeting to order at 9:10 a.m.

Eddie Young presented to the Commissioners exonerations and refunds to be approved and signed.

Commissioner Eskew made a motion to approve the refund to Andrew and Deanna Asbury for \$232.01. Commissioner Lopez seconded. All approved.

Commissioner Lopez made a motion to approve exonerations. Commissioner Eskew seconded. All approved.

Commissioner Lopez offered a motion to approve vouchers, outstanding bills, and payroll, payroll to be released October 30. Commissioner Eskew seconded.

The Commissioners received and reviewed a letter from the West Virginia Economic Development Grant Committee informing of the documents needed for the meeting tomorrow.

Commissioner Wender informed the Commissioners that he, Commissioner Eskew, W. D. Smith, Region 4 Planning and Development Council, Carl Harris, Assistant Prosecuting Attorney will be attending the meeting being held October 28, 2003 to begin working on the Memorandum of Understanding for Project #157-Fayette County Commission Business/Industrial Park Wolf Creek.

Commissioner Wender told the Commissioners they need to call a special meeting to approve the Memorandum of Understanding and Grant Agreement regarding Project No. 157 Wolf Creek Park.

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

The Commissioners received and reviewed checks for 911 Fees from Metro-Teleconnect Companies, amount \$37.24, Operating Account, amount \$1,387.10, Alarm Fees, amount \$60.00, Jail Fees City of Oak Hill, amount \$1,755.00, Town of Fayetteville, amount \$45.00, Franchise Fee Bradley Communications, Inc. amount \$458.04.

The Commissioners received and reviewed a check from State Farm Mutual Automobile Insurance Company for insurance claim for Earl Pauley, Park Superintendent vehicle, amount \$557.80.

The Commissioners received and reviewed a notice from the West Virginia Association of Counties informing that the West Virginia Statewide Addressing and Mapping Board will hold a series of seven regional public meetings throughout the state to discuss development in their project.

The Commissioners received and reviewed from the U. S. Bankruptcy Court an order regarding Multi-County Community Action Against Poverty, Inc. Copies forwarded to Randy Housh, Chris Dyer, Housing Consultants, Carl Harris, Assistant Prosecuting Attorney.

The Commissioners received and reviewed a letter from the Federal Emergency Management Agency thanking the Commission for their community participation in the National Flood Insurance Program and for their commitment to reduce future flood losses. Original forwarded to

Tim Richardson, Zoning Officer.

The Commissioners received and reviewed year to date 2003 calls to the 911 Center.

The Commissioners received and reviewed a letter from Steptoe and Johnson regarding the Gary Skaggs lawsuit.

The Commissioners received and reviewed minutes from Page-Kincaid Public Service District for the months of August and September.

The Commissioners received and reviewed a letter from 4-C Economic Development Authority informing that their auditors, Smith, Cochran and Hicks, PLLC are conducting an audit of their financial statements and for the purpose of independent verification they asked the Commission to confirm their contribution to the 4-C Economic Development Authority as of June 30, 2003.

The Commissioners signed application for the Recor4d Management Grant.

Ms. Holly informed the Commissioners that she received a call from Chris Dyer, Housing Consultant requesting his check for the month of October.

Ms. Holly informed the Commissioners that she authorized Debbie Berry, Bookkeeper to prepare check.

Commissioner Wender informed the Commissioners he had received a copy of a fax from Chris Dyer requesting that the Commission revisit the issue of funding of his position.

Commissioner Wender asked to get Mr. Dyer on the telephone.

Mr. Dyer gave the Commissions an update on the Fayette County Housing Economic Opportunity Council.

Mr. Dyer told the Commissioners they would be meeting with the Benedum Foundation Board to submit an application for the Enterprise Foundation Fund.

Commissioner Wender suggested to the Commissioners to honor the \$1,250.00 monthly salary for the Housing Consultant, raise to \$2,500.00 for the month of November.

Commissioner Wender asked Mr. Dyer if the Commission keep him on until December what all will have to be done and how much.

Mr. Dyer informed the Commissioners he will finish the four houses that work been started on, and he would still have the six houses loan agreements that no work has been started on.

Commissioner Wender informed the Commissioners will pay the \$1,250.00 for the month of October, raise the month of November to \$2,500 making no commitment for the month of December.

Commissioner Eskew seconded. Unanimous.

Commissioner Eskew made a motion to approve and authorize Commissioner Wender to sign letter to the Preservation Grant Committee after the adjustments are made. Commissioner Lopez seconded. Unanimous.

The Commissioners signed a letter to the West Virginia Development Office requesting second and final drawdown for the Fayette County REACT Grant, amount \$1,836.00. Certification of Grant Completion signed.

Ms. Holly informed the Commissioners that the West Virginia Development Office approved the request made by Senator Shirley Love for a change of scope from Caring Hands Food Pantry, nc. To Christians

Helping Others Food Pantry. The amount of the grant is \$8,000.00.

The Commissioners signed letters to Christians Helping Others Food pantry, Upper Kanawha Valley Community Center and the Upper Kanawha Valley little League Ballfield informing they are required to abide by all of the terms of the Agreement, must submit copies of checks payable to the Vendors and paid invoices signed by authorized agent of the organization dated and marked "Approved for Payment" to the Commission.

Commissioner Eskew made a motion to sign Proclamation, proclaiming November 15, 2003 as America Recycles Day in Fayette County and encourage all citizens to join the nationwide effort to make more efficient use of natural resources by maximizing recycling buying recycled products and preventing waste. Commissioner Lopez seconded. Proclamation signed.

Ms. Holly informed the Commissioners she received a letter from the West Virginia Association of Counties informing that the edition of West Virginia Code Chapter 7, County Commissioners and Officers will be available for ordering.

Ms. Holly informed the Commissioners she ordered four at \$45.00 each. The Commissioners approved.

The Commissioners received and reviewed a request for a drawdown from the Upper Paint Creek Watershed Association, amount \$1,500.00.

The Commissioners approved the request for \$500 for office expenses.

Commissioner Wender suggested that Ms. Holly write a letter informing the Upper Paint Creek Watershed Association that the intent



of the Commission's allocation of \$1,000.00 was for a specific broad-based community improvement project and to advise us of their next project meeting this criteria.

Ms. Holly informed the Commissioners that she received a response from Tim Richardson, Zoning Officer regarding the complaint filed by Jerry and Linda Emery against the Board of Zoning Appeals.

Ms. Holly told the Commissioners that she is still waiting for a response from the Board of Zoning Appeals.

Commissioner Wender suggested writing a letter to Jeffrey and Linda Emery saying following the receipt of their letter dated September 12, 2003, the Commission has asked that Tim Richardson, Zoning Officer respond in writing to them the concerns of the Emery's letter regarding the meeting with him and suggest that the members of the Fayette County Board of Zoning Appeals respond in writing and submit to the Commission at their next Commission meeting.

Ms. Holly informed the Commissioners she received a letter from David Snively, Assistant Director, WVU Extension Service informing that the WVU Extension Budget and Personnel committee met on October 15 and approved the creation of a 4-H Agent position for Fayette County.

Ms. Holly informed the Commissioners that she disagree with WVU asking that the position require that a person has to have a master's degree.

Commissioner Wender suggested that a letter be written to Mr. Snively informing that the Commission is not in agreement with the job qualification they are instituting for this position, i.e. master's degree required and that the Commission feel that these

strict qualification far exceed the job skills necessary for the 4-H position and this will eliminate the hiring of any local applicant.

Commissioner Wender suggested including in the letter that the Commission intend to reduce the funding for the Fiscal Year 2005 on a pro-rata basis of the Fiscal Year 2004 4-H program coordinator position allocation for the entire period of the vacancy.

Ms. Holly informed the Commissioners that the clean-up and repairs at the temporary animal shelter has been completed and Ms. Immogene Pennington has approved and signed off on the work.

Ms. Holly told the Commissioners that she didn't know if the telephone lines are restricted for long distance calls at the animal shelter.

Commissioner Wender asked Ms. Holly to have Patti Payne meet with the Commission and give them an update on the new animal shelter. Commissioner Wender asked that Earl Pauley, Park Superintendent attend.

The Commissioners received and reviewed a letter from Sheriff William Laird informing that Gary W. Reed, has been promoted to the rank of Sergeant and that Michael A. Fridley has been promoted to the rank of Corporal effective October 15, 2003.

The Commissioners asked that a letter on congratulations be sent to each Deputy.

Ms. Holly informed the Commissioners that Everette Steele is planning on retiring the end of December.

The Commissioners received and reviewed a fax from the County Commissioners Association informing of the increase in the Regional

Jail fees from \$45.00 to \$48.00.

Ms. Holly presented to the Commissioners James Perdue, Maintenance Supervisor overtime.

Commissioner Eskew made a motion to approve James Perdue overtime. Commissioner Wender seconded. Vote passed 2-0. Commissioner Lopez was not available when vote was taken.

Ms. Holly informed the Commissioners she had talked with Data Design regarding the voter's registration long term fix for services, cost would be \$900.00. Ms. Holly informed the Commissioners that they installed a hub at no charge for the County.

Ms. Holly confirmed to the Commissioners that they will host the West Virginia County Commissioners Association Regional Legislative Roundtable on November 7, 2003 at 1:00 to 3:00. The Commissioners asked that cookies and coffee be served.

The Commissioners received and reviewed a letter from Sheriff Bill Laird requesting the approval of a purchase order for the purchase of an updated Computer Voice Stress Analyzer (CVSA) for the use by the Fayette County Sheriff's Department, amount \$9,760.00. The Sheriff informed the Commissioners that the funds requested for this expenditure are from the Equitable Sharing and Asset Forfeiture Fund which has been earmarked for the purchase of law enforcement equipment.

Commissioner Lopez made a motion to approve the \$9,760.00 for the purchase of the CVSA for the Fayette County Sheriff Department. Commissioner Eskew seconded. Vote passed 2-0. Commissioner Wender absent when vote was taken.

The Commissioners received and reviewed a letter from General Allen Tackett, Office of the Adjutant General informing that the Okey L. Patterson Armory will be vacated approximately October 2004 and asking the Commissioners if they would be interested in purchasing.

The Commissioners received and reviewed David Neal, E911 Coordinator response to Judge John Hatcher's regarding the chain of custody of 9-1-1 evidence tapes. Copy of the letter forwarded to Sheriff Bill Laird and Paul Blake, Prosecuting Attorney.

The Commissioners received and reviewed Sheriff Bill Laird response to David Neal letter dated October 23, 2003 regarding custody of 9-1-1 evidence tapes.

Ms. Holly informed the Commissioners that she received a fax from Steve Cruikshank, OES Director requesting clearing out of the immediate needs funding account.

Ms. Holly informed the Commissioners that she sent a letter to John Hayden, FEMA office informing that the Commission would like to meet with him to discuss FEMA reimbursement for the temporary shelter, cleaning and replacement of the animal shelter, and the Immediate Needs Grant.

Ms. Holly informed the Commissioners that she received an e-mail saying they could release the 90% drawdown of the \$95,000 for the Fayette County Animal Shelter.

Ms. Holly told the Commissioners that the balance of the account is \$41,078.20 and that they have two outstanding bills-Division of Highways for hauling water, \$708.40 and the Raleigh County Landfill for disposal of flood debris, \$279.29.

The Commissioners asked Ms. Holly to include the \$3,000.00 for administrative cost.

Commissioner Lopez made a motion to approve check to the West Virginia Emergency Office Service to close the Immediate Needs Grants and to pay the outstanding invoices for the Division of Highways and the Raleigh County Landfill. Commissioner Eskew seconded. Check would only be released in exchange for a check for the initial 90% drawdown of the \$95,000 for the Fayette County Animal Shelter.

The Commissioners received an e-mail from Steve Cruikshank, OES Director informing that the Homeland Security Fund has authorized the OES Director to administer. Mr. Cruikshank told the Commissioners the expenditures for Bridge Day are to be in his office and he is to submit one invoice to the Homeland Security Fund.

Ms. Holly told the Commissioners that they need invoices prior to approval of the Bridge Day checks.

The Commissioners received and reviewed a letter from Sheriff William Laird forwarding invoices for Bridge Day Overtime to Steve Cruikshank, OES Director.

Chris Callas of Jackson-Kelly, PLLC representative for the West Virginia American Water Company, Steve Chambers, General Council and Bill Hardy, Operations with the West Virginia American Water Company appeared before the Commission to present a Resolution regarding a Partial Redemption of an Industrial Development Bond, the Commission will transfer the Ansted property to the West Virginia American Water Company, and the principal of the bond will be reduced by the value of the property conveyed. Also present was Carl Harris, Assistant

Prosecuting Attorney.

Mr. Callas presented to the Commissioners the proposed Resolution, Order and the Deed.

Mr. Harris informed the Commissioners he has reviewed okay to sign.

Commissioner Eskew offered a motion to approve and sign Resolution, Order and Deed. Commissioner Lopez seconded. Unanimous.

Jim Lively, Sr. with Jim Lively Insurance appeared before the Commission to discuss liability insurance coverage for the Fayette County Memorial Building.

Mr. Lively told the Commissioners they should require each organization to have a Certificate of Coverage and that the Commission should require a minimum of \$1 million coverage.

Commissioner Eskew offered a motion that the Commission implement that all non-profit organizations are required to have Certificate of Insurance when renting the Memorial Building. Commissioner Lopez seconded. Unanimous.

Carl Harris, Assistant Prosecuting Attorney informed the Commissioners he had drafted an agreement for the rental of the Memorial Building.

Mr. Harris told the Commissioners he had talked with Allen Ballard, Manager and told him he needed to meet with the contractor (Townside Construction) to see what repairs he anticipate making and suggested drafting a new contract.

Commissioner Eskew made a motion to rescind existing contract with Townside Construction signed at last meeting. Commissioner Lopez

seconded. Unanimous.

Commissioner Lopez offered a motion that contingent upon the contract Carl Harris will work with the contractor to work out any additional language that needed to be added.

Commissioner Wender asked if there was a question on the motion.

Commissioner Lopez informed before we vote regarding additional language, include work not to exceed \$15,000. Commissioner Lopez seconded. Unanimous.

Debrin Jenkins, Executive Director, Hospice of Southern West Virginia, Inc. appeared before the Commission to request funding for construction of a 12-bed hospice home to serve the needs of Southern West Virginia.

Ms. Jenkins told the Commissioners she would like to have ½ million to start construction.

Ms. Jenkins told the Commissioners they plan on opening the building by December 31, 2005.

Commissioner Wender told Ms. Jenkins that the Fayette County Commission could fund \$5,000.00 contingent upon the actual commencement of the physical construction of the facility.

Commissioner Wender told Ms. Jenkins if construction does not begin in the current Fiscal Year, the Commission will reconsider your request during their Fiscal year 2005 budget process in March, 2004.

Commissioner Eskew offered a motion to approve for Fiscal year 2004 this project in the amount of \$5,000.00 contingent upon the actual commencement of the physical construction of the facility. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a request from Allen Ballard, Manager Fayette County Memorial Building requesting replacement of stage border lights. The Commission approved to takeout of the existing supplies, cost \$456.00.

The Commissioners received and reviewed a letter from the Southern Baptist Association requesting permission to use the Memorial Building for a Youth Jam on November 21, 2003.

Commissioner Lopez offered a motion to approve the request of the Southern Baptist Association the use of the Memorial Building for a Youth Jam, rental fee waived, all other rules are applicable, including insurance and custodial fees. Commissioner Eskew seconded. All approved.

Commissioner Wender informed the Commissioners he received an e-mail from Virgil Berry, Fayette County Chapter American Red Cross informing that for years they have been responsible for locking, unlocking and cleaning up the Memorial Building and grounds after their event. Mr. Berry is requesting permission to continue to do this.

Commissioner Eskew offered a motion that the American Red Cross be allowed the use of the building for the 10<sup>th</sup> Annual Christmas Festival and Craft on November 1, 2003; Virgil Berry is to be authorized to lock and unlock the building; the organization is responsible for the clean-up of the building and grounds after the event, the \$10.00 trash fee be waived. Commissioner Lopez seconded. All approved.

The Commissioners scheduled a meeting with the Municipalities to



discuss the Animal Control Services at 1:00 p.m.

Commissioner Wender informed no mayors or representatives from the municipalities attended. Russell Parker representing the Town of Ansted was present.

Russell Parker, Dog Warden for the Town of Ansted requested permission to use two cages for animal control use by the Town.

Commissioner Wender suggested sending a letter to the Town of Ansted informing they would loan the two cages on a temporary basis only and they are to be returned to the Commission when a drop off location is setup at the Fayette County Animal Shelter.

Commissioner Lopez made a motion to loan the two cages to the Town of Ansted on a temporary basis only and which are to be returned to the Commission when a drop off location is setup at the Fayette County Animal Shelter. Commissioner Eskew seconded. Unanimous.

Commissioner Wender told Mr. Parker that a representative of the Town of Ansted is to pick up, sign for, and return the cages. Commissioner Wender asked Mr. Parker to call Earl Pauley, Park Superintendent to arrange a time to pick up the cages.

Ms. Holly presented to the Commissioners a Summary of Fical Years 2001-2004 Expenditures, Summary of Fiscal Year 2002-2004 Revenue, Summary of the Monthly reimbursements to C-PAC and Summary of the Monthly Annual Shelter expenditures. (See attached)

Sheriff Laird informed the Commissioners he reviewed the surveys none of the Cities are willing to participate.

Paul Blake, Prosecuting Attorney told the Commissioners that there was no easy answer, Mr. Blake told the Commissioner she would

continue to work with them regarding this matter.

Commissioners Lopez and Commissioner Eskew approved buffer for the Memorial Building, cost \$800.00.

Commissioner Wender asked that a copy of the Resolution to support funding of a modern four lane Route 35 connecting Point Pleasant, WV to Interstate 64 at the crooked Creek Interchange and a letter be written to Congressman Nick Rahall informing that the Commission support the early completion of the 30 mile "Missing Link."

Commissioner Wender asked that a copy of the letter be sent to David Hofstetter.

The Commissioners asked that a letter be written to Beards Fork Community Organization informing them that funding is not available during the current Fiscal Year and that the Commission would consider their request during the budget process in March for Fiscal Year 2005.

The Commissioners asked Ms. Holly to hold Beards For Community Organization request for anew playground until March. The Commissioners suggested telling Vicky Mullins to contact the Fayette County Board of Education to see if they had anything available for donating.

Commissioner Eskew made a motion to allocate \$1,500.00 to Mike Basile for legal fees. Commissioner Lopez seconded. Unanimous.

Commissioner Wender asked Ms. Holly to check with Carl Harris, Assistant Prosecuting Attorney regarding the contract on the equipment from the Town of Fayetteville.

The Commissioners received and reviewed a letter from the West Virginia Emergency Medical Services Technical Support Network

informing that David Neal Fayette County's representative on the Board of Directors have not been attending the meetings and they are asking that the Commission encourage Mr. Neal to attend or appoint someone who may be more readily available to attend.

Commissioner Wender asked that David Neal respond to the letter to the Commission regarding this matter.

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

Ms. Holly informed the Commissioners she needed to ask Dave Pollard, County Resource Coordinator about the last check written to Mike Basile. Ms. Holly told the Commissioners the invoices amount total \$5,983.70.

Commissioner Wender asked Ms. Holly to e-mail Dae and have him forward the request for the invoices to Mike Basile.

The Commissioners received and reviewed e-mail from Ms. Holly to Dave Pollard regarding the Trasher invoices.

The Commissioners received and reviewed a thank you letter from David Hofstetter for their resolution in support of a early completion of the 30 mile "Missing Link" four lane section.

The Commissioners received and reviewed a notice from the West Virginia Association of Counties informing that a Economic Development Summit III is being held on Wednesday, November 19, 2003 at the Days Inn in Flatwood.

The Commissioners received and reviewed a notice from the Secretary of State Joe Manchin informing he will be joining Kelvin Holliday, County Clerk at the Valley High School and Gauley Bridge for

assemblies and Voter Registration.

The Commissioners received and reviewed an e-mail from Steve Cruikshank, OES Director informing that the firefighters are purchasing Thermal Imaging Cameras for each department, amount of purchase \$200,000.

Mr. Cruikshank informed the Commissioners that the Oak Hill Fire Department and the Mount Hope Fire Department had already purchased cameras and will opt for the cash equivalent for other equipment. The total amount will come out of the main fire levy (surplus) not each individual account.

The Commissioners received and reviewed Weekly fees collected for the week of October 10 to October 16, 2003, amount \$460.00 and October 17 to October 23, 2003, amount \$135.00.

The Commissioners received and reviewed a letter from the West Virginia Development Office verifying contractor eligibility for Fiscal Year 2001 SCBG-Fayette County Commission-Paint Creek/Plum Orchard Water Extension, Project 01SCBG0041X. Copy forwarded to Dave Pollard, County Resource Coordinator.

The Commissioners received and reviewed a letter from LaBelle Melesky regarding the vacant house next door to her that was in the flood buyout program. Commissioner Wender asked that a letter be forwarded to Larry Parsons to see if he can do anything for Ms. Melesky.

The Commissioners received and reviewed a letter from Senator John Rockefeller informing that he is co-sponsoring on November 9-10, 2003 the West Virginia Summit on Homeland Security. The Summit will

be held at the U. S. Fish and Wildlife Service National Conservation Training Center in Shepherdstown.

The Commissioner received and reviewed letters from the Secretary of State regarding the Help America Vote Act project.

The Commissioners received and reviewed a letter from Stafford Consultants Incorporated regarding the New Haven Public Service District Contract Nos. 13/14-Paint Creek/Plum Orchard/Jenkins Fork Water Meter Bon Location informing that the bids for continuation of the waterlines have been received. Construction is anticipated to begin during November 2003.

The Commissioners received and reviewed a letter from Stafford Construction informing of New Haven Public Service District contract 13/14 Project Payment Schedule.

The Commissioners received and reviewed Certificate of Insurance from the American Red Cross.

The Commissioners received and reviewed a thank you letter from Senator Robert Byrd for contacting his office with regard to funding for the Help America Vote Act.

The Commissioners received and reviewed a letter to Steve Cruikshank, OES Director requesting he review and immediately submit to FEMA for reimbursement for the Animal Shelter copies of invoices and checks issued to vendors from September 26 to October 14, 2003, amount \$2,212.19.

The Commissioners received and reviewed a request from Chris Dyer, Housing Consultant for \$1,000 to attend the Sustainable Communities Training Program. The Commissioners approved.

The meeting was adjourned at 3:00 p.m. The next scheduled meeting is November 7, 2003.

A handwritten signature in blue ink is written over a solid horizontal black line. The signature is stylized and appears to be the initials 'M. A. M.' followed by a flourish.

FAYETTE COUNTY COMMISSION

REGULAR SESSION

NOVEMBER 7, 2003

COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in regular session on this 7<sup>th</sup> day of November 2003.

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

Beth Gardner, Chairman Oak Hill Rail Trail Committee appeared before the Commission to request a letter of support for the Transportation Enhancement Program project for the Oak Hill Rail-Trail Committee to allow for the acquisition of 5.9 miles of rail corridor to be used as a rail trail.

Ms. Gardner is also asking that the Commissioners allocate the 20% match of \$8,500.00 for the grant.

Commissioner Eskew offered a motion that the Commission send a letter of support for the Transportation Enhancement Program project for the Oak Hill Rail Trail Committee and allocate an amount from the current fiscal year up to \$8,500.00 as matching funds for the project with the understanding that this amount will be offset by other matching funds received for this purpose. Commissioner Lopez seconded. Unanimous.

Commissioner Eskew offered a motion to approve and sign exonerations. Commissioner Lopez seconded.

Commissioner Lopez offered a motion to approve the three refunds received by the Assessor's Office. Commissioner Eskew seconded.

Commissioner Lopez made a motion to approve vendor list and

payrolls, payroll to be released on the 14<sup>th</sup>. Commissioner Eskew.

The Commissioners approve<sup>3d</sup> payment of vouchers from the voucher list.

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

The Commissioners received and reviewed from the Workers' Compensation Division the Field Audit Payroll Record Review Summary/Invoice reflecting the field audit changes, amount \$225.78.

The Commissioners received and reviewed from the Workers' Compensation Division the Employer Loss Activity Statement for the period July 1, 2000 to September 30, 2003.

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

The Commissioners received and reviewed from the Activity Report, Revenue Report for the Month of October and Weekly Fees Collected for the week October 24 to October 30, 2003, amount \$210.00 and for the wee November 1 to November 6, 2003, amount \$29.00 from the Fayette County Animal Control Center/C-PAC.

The Commissioners received and reviewed franchise fees from Charter Communications, amount \$19,900.82, Buriners Telecom, Inc. amount \$3.92.

The Commissioners received and reviewed a check from the West Virginia Development Office for the New Have Public Service District ARC #6-Saturday Road/Horseshoe Creek, amount \$83,650.30 and SCBG #10 New Haven Public Service District Paint Creek/Plum Orchard, amount



\$12,907.56.

The Commissioners received and reviewed from the State Farm Insurance Companies a Notice of privacy Policy to the Consumer.

The Commissioners received and reviewed a letter from the West Virginia Development Office regarding Fiscal Year 2004 Land and Water Conservation Fund Appalachian Process. A copy forwarded to Dave Pollard, County Resource Coordinator.

The Commissioners received and reviewed a letter from Steptoe and Johnson regarding Gary K. Skaggs lawsuit.

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

The Commissioners received and reviewed a copy of a letter from the Public Service Commission to Sheila Withrow regarding her request for water service on Hawver Road near Ansted in Fayette County.

The Commissioners received and reviewed Status Report of calls made to the 911 Center from January to October.

The Commissioners signed letters to Corporal Michael A. Fridley and Sergeant Gary W. Reed congratulating them on their recent promotion in the Fayette County Sheriff's Department.

The Commissioners signed a letter to the West Virginia Development Office requesting first and final drawdown for the Sheriff's roof, Grant #04-229, amount \$10,000.00. Certificate of Grant Completion signed.

The Commissioners signed a letter to the West Virginia Development Office requesting third drawdown for the Upper Kanawha Valley Community Center, Grant #04-034, amount \$878.93.

The Commissioners received/reviewed and signed Local Economic Development Assistance Program Fiscal Year 2004 Legislative Digest Information Sheet for the Southern Appalachian Labor School.

The Commissioners signed invoices to the Fayette County Board of Education for rent for the Fayette County Soldiers & Sailors Memorial Building for the month of November, amount \$4,583.33.

The Commissioners received and reviewed from the West Virginia Courthouse Facilities Improvement Authority funding application for courthouse improvements. Ms. Holly informed the Commissioners that the application is due by January 31, 2004.

Commissioner Wender suggested to the Commission to have Dan Snead with Dan Snead and Associates come to the next Commission meeting with recommendation for windows (replacement, capping woodwork, painting and caulking) for the Courthouse.

Commissioner Lopez offered a motion to set aside up to \$5,000 for consulting recommendations if need for the meeting on November 24, 2003. Commissioner Eskew seconded. Unanimous.

Carl Harris, Assistant Prosecuting Attorney informed the Commissioners he has reviewed the West Virginia Economic Development Grant Committee Memorandum of Understanding and authorize the Commission to sign once they receive it.

Commissioner Eskew offer a motion to release to the Fayette County Toy Fund their allotment of \$500.00 for this Fiscal Year 2004. Commissioner Lopez seconded. Unanimous.

Ms. Holly informed he Commissioners she received a letter from the Workers' Compensation Division informing they will be doing a

field audit, and that she had scheduled October 29, 2003.

Commissioner Eskew offered a motion to release to the Fayette County Emergency Food Assistant Program their allotment of \$3,000.00 for Fiscal Year 2004 and review needs of other food pantries in the County. Commissioner Lopez seconded. All approved.

Carl Harris, Assistant Prosecuting Attorney told the Commissioners he had reviewed the Memorandum of Understanding from the West Virginia Economic Development Grant Committee, the Memorandum of Understanding will be followed by a detailed contract.

Commissioner Eskew offered a motion to authorize Commissioner Wender to sign once the Memorandum of Understanding has been received. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from Curtis Sheets, President, Danese Volunteer Fire Department informing that the Commissioners offer was unacceptable, would like to sit down and discuss on November 16, 2003 at 6:00 p.m. at the Danese Volunteer Fire Department.

The Commissioners asked Ms. Holly to write a letter to the Danese Volunteer Fire Department Board members and inform them that they are not available on November 16, 2003 due to prior commitments.

The Commissioners asked Ms. Holly to inform the Board members of the Danese Volunteer Fire Department that it is the Commission intent to discuss the lease on November 24, 2003 at the regular County Commission and invite a representative to attend this meeting.

David Neal, E911 Coordinator, Paul Blake, Prosecuting Attorney and Sheriff Bill Larid attended the Commission meeting to discuss

access to the 911 evidence tapes.

Commissioner Wender informed the Commission would take their recommendation on how to proceed with this matter.

Mr. Blake told the Commissioners that someone other than David Neal need to have access to the evidence tapes.

Mr. Neal told the Commissioners that he has worked out an arrangement with Kay Whitlow.

Commissioner Wender suggested to Mr. Neal to supply the Prosecuting Attorney Office and Judge John Hatcher a copy of his schedule.

Mr. Blake told the Commissioners that a copy of Mr. Neal's schedule was not necessary.

Commissioners Wender asked Mr. Neal if there was a written policy. Mr. Neal replied yes.

Commissioner Wender suggested to Mr. Neal to modify the policy to include Mr. Neal custodian of the evidence tape and Kay Whitlow be the associate custodian.

Commissioner Wender asked Mr. Neal to give a draft of the new policy to Mr. Blake and Sheriff Laird to review.

Mr. Blake suggested to Mr. Neal to include his pager number in the policy.

Mr. Neal informed the Commissioners he would have to train Mr. Whitlow on the DVD System.

The Commissioners told Mr. Neal that once the Sheriff and Mr. Blake have reviewed the policy the Commissioners will send a response to Judge John Hatcher.

Angie Sleeth, Region 4 Planning and Development Council presented a request for payment for the New Haven Public Service District Water Extension Project-Paint Creek/Plum Orchard Water Extension, Contract #13, amount \$7,424.76.

Commissioner Lopez offered a motion to approve and authorize the payment of services for the New Haven Public Service District Water Extension Project-Paint Creek/Plum Orchard Water Extension, Contract #13, amount \$7,424.76. Commissioner Eskew seconded. Unanimous. Resolution signed.

The Commissioners signed a letter to the U. S. Department of Commerce Economic Development Administration serving formal notice that the Fayette County Commission is actively involved in the planning process of the Region 4 Planning and Development Council.

Ms. King presented to the Commissioners print-outs and maps of all the Water Extensions projects.

Earl Pauley, Park Superintendent-PAC appeared before the Commission to give status update on the animal shelter.

Ms. Payne told the Commissioners the cost of a camper top for the Dog Warden truck would cost around \$400.00 to \$600.00.

Mr. Pauley told the Commissioners he could get a caper from Priddy's at \$429.00. Commissioner Eskew offered a motion to purchase a camper top for the Dog Warden vehicle not to exceed \$429.00. Commissioner Lopez seconded. All approved.

Mr. Pauley told the Commissioners he had to put a radio on Stacy Workman's vehicle. Mr. Pauley told the Commissioners that because of the radio system installed on the vehicle, Ms. Workman is the only one

that is authorized to talk on the radio and the only that can use the radio.

Ms. Payne told the Commissioners that when Ms. Workman not on call Brian Rakes goes out to pick up dogs, Ms. Payne asked the Commission if they would authorize Mr. Rakes to use and talk on the radio.

Commissioner Wender asked Mr. Pauley to get Mr. Rakes approved to use the radio.

Ms. Payne told the Commissioners that the ventilation is working, water pressure is being worked on today, chalk brakes put back in, heat completed, drain in cat room fixed, window in dog room and puppy room completed.

Ms. Payne told the Commissioners that the phone system incomplete (no fax, no caller I. D. no internet server, voice mail) problem with toilet rocking back and forth, need wall to store papers, break room sink sprayer leaking, need to add light above door, couple of doors in cat/puppy room need adjusted.

Commissioner Wender asked Mr. Pauley and Ms. Payne to give several proposals on the phone line situation.

Mr. Pauley told the Commissioners tha Evelyn Hanshew has contacted him and she is ready to get started on the Horseshoe project.

The Reverend William Kinney appeared before the Commission to discuss replacing the walk bridge back in the Powellton area. Reverend Kinney asked the Commissioners if they would assist in getting this done.

Commissioner Lopez told Reverend Kinney he had talked with Danny Hypes, Division of Highways was told the road was not in the state system.

Commissioner Lopez told Reverend Kinney he would make some more inquiries into the situation. Mr. Hypes told Commissioner Lopez he would have his district superintendent come down and talk with him.

Commissioner Lopez told Reverend Kinney he would talk with Senators Shirley Love and Randy White regarding this matter and suggested to Reverend Kinney to complete papers to get the road into the system.

Kelvin Holliday, County Clerk appeared before the Commission to discuss the HR 2239 bill, Voter Confidence and Increased Accessibility Act of 2003.

Mr. Holliday presented to the Commissioners a summary of the bill for the Commissioners to review and asked them to respond to Congressman Rahall with a no. (See attached)

The Commissioners asked Mr. Holliday to respond on the Fayette County Commission letterhead and authorize Ms. Holly to circulate letter to Senators Robert Byrd and John Rockefeller, Joe Manchin, Secretary of State and Vivian Parsons, West Virginia County Commissioners Association.

Ms. Holly presented to the Commissioners an invoice from Chris Dyer, Housing Consultant for the month of October, amount \$1,250.00. The Commissioners approved.

Ms. Holly presented to the Commissioners overtime for Jackie Hickman.

Commissioner Lopez made a motion to approve overtime for Jackie Hickman. Commissioner Eskew seconded. Unanimous.

The Commissioners received and reviewed a letter from David Neal, E911 Coordinator requesting the approval to purchase a demo dispatch chair for the E911 Center. The cost would be \$1,179.00 and request that two additional chairs be purchased in the short term future.

Commissioner Lopez made a motion to approve purchase of one demo dispatch chair for \$1,179.00 to be paid out of the 911 budget. Commissioner Eskew seconded. Unanimous.

The Commissioners received and reviewed a letter from David Neal, E911 Coordinator informing he he had spoke with Archie Hubbard, President West Virginia Emergency Medical Services Operational Region to determine the procedure to be reinstated to the Board of Directors.

Mr. Neal told the Commissioners that Mr. Hubbard told him that he was still considered an active member and that no action was necessary for reappointment.

Commissioner Wender suggested writing a letter to Mr. Neal asking that he attend the meeting.

The Commissioners received and reviewed a request from Steve Cruikshank, OES Director requesting the purchase of a telephone for Theresa White to be paid out of the 911 Fund.

Commissioner Wender suggested asking Mr. Cruikshank where they stand on the buyouts and how much longer they would be needing Ms. White's help.

Ms. Holly presented invoices to the Commissioners to be paid out of the FEMA Hazard Mitigation Fund, amount \$12,006.68.



Commissioner Eskew offered a motion to pay the invoices, amount \$12,006.68 out of the FEMA Hazard Mitigation Fund. Commissioner Lopez seconded.

Ms. Holy presented to the Commissioners C-PAC expenses for the month of October, amount \$12,345.77. Ms. Holly told the Commissioners she has not had a chance to review.

The Commissioners received and reviewed from Sheriff William Laird copies of the Traffic Accident Report and other written accounts related to the incident that occurred on October 28,2003 involving the apparent personal injury to a person who had been previously remained to the custody of the Sheriff of Fayette County.

The Commissioners received and reviewed a letter from the Southern Appalachian Labor School (SALS) responding to the Commission interest in their program that rehabilitates manufactured housing units and regarding cleaning up a site at the mouth of Beards Fork and wrecked vehicles at the Page site.

The Commissioners received and reviewed a copy of a letter to Allen Ballard from the Fayette County National Bank requesting that the Memorial Building concession area be used to provide the bank with a temporary location to conduct business, should a disaster occur.

Commissioner Eskew made a motion to allow the Fayette County National Bank the use of the Memorial Building on emergency basis and install phone line on emergency basis a temporary location to conduct business, should a disaster occur. Commissioner Lopez seconded.

The Commissioner received and reviewed an e-mail from 4-C Economic Development Authority informing that the 4-C Economic

Development Authority board meeting is scheduled for Wednesday, November 19<sup>th</sup> at 3:00 p.m. in the conference center at Tamarack. The folks from the Rahall Transportation Institute at Marshall University will be doing a presentation on the "Growth Assessment of the I-64 Technology Corridor Project."

The Commissioners received and reviewed the Rental Agreement for the rental of the Soldiers and Sailors Memorial Building by the Fayetteville Midget Football League for the Cheerleading Competition.

The Commissioners received and reviewed a invoice from Tri-State Roofing and Sheet Metal Company, amount \$23,451.00. The Commission asked that this be forward to Allen Ballard, Manager Fayette County Memorial Building and have the Fayette County Memorial Building Committee to review and approve work complete.

The Commissioners received and reviewed a letter from the West Virginia Institute of Technology informing that a lunch meeting with the Higher Learning Commission North Central Association Site-Team members will be held Monday, November 10, 2003 from 12:00-1:00 p.m. in the Private Dining Room on the campus of WVU Tech.

The Commissioners received and reviewed a complaint from Floyd McKnight regarding Southern Appalachian Labor School. The Commissioners asked that this be forwarded to John David, Director to respond.

The Commissioners received and reviewed a letter from the Governor thanking the Commission for their recent letter requesting financial assistance for the Fayette County Historic Landmark Commission for the casting of a statue honoring Marquis de LaFayette.

The Commissioners asked Ms. Holly to schedule for the next County Commission November 24, 2003 Dave Pollard, County Resource Coordinator and Mark Ernschwender member of the Fayette Transition Team to come in to give updates of the 2003 Fayette Transition Team and plans for 2004 Fayette Transition Team.

Ms. Holly told the Commissioners that Gene Watkins informed her that he is ready.

The Commissioners suggested leaving with Ms. Holly to work out.

Commissioner Wender suggested writing a letter to Congressman Nick Rahall to inform him that on behalf of the Route 35 Improvement Committee the Commission support the early completion of the 30-mile "Missing Link".

The Commissioners suggested discussing Vicki Mullins request for assistance for a new playground for Beards Fork Community Organization during the budget session in March.

The Commissioners received and reviewed a letter from the Fayette County Zoning Office requesting additional mapping for the Zoning Office estimated cost \$2,500.00. The Commissioners asked that Tim Richardson or Keith Richardson attending the November 24, 2003 County Commission meeting to discuss this matter.

The Commissioners signed a letter to the Town of Ansted informing they approved the request of Russell Park on behalf of the Town for the loan of two cages for animal control use by the Town. The two cages are on loan on a temporary basis only and they are to be returned to the Commission when a drop off location is setup at the Fayette County Animal Shelter.

The Commissioners signed a letter to David Snively, Assistant Director WVU Extension Service informing they received his letter dated October 16, 2003 informing they are in the process of filling the Fayette County 4-H position vacated by Brent Clark on September 3, 2003 and informing they did not agree with the job qualification that he is instituting for this position, i.e. master's degree required and requesting that this position be filled as soon as possible with preference given to Fayette County applicants.

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

The Commissioners received and reviewed a letter from Sheriff Bill Laird informing that he received notice from COPS informing that the Office of Management and Budget will now be requiring all agencies applying for Federal funding to obtain a Data Universal Numbering System (DUNS) number from Dun & Bradstreet.

The Commissioners received and reviewed a letter from Judge John Hatcher informing the Commission of the letter he received from the West Virginia Courthouse Facilities Improvement Authority concerning grant application that deal with courthouse safety and projects, he recommended to the Commissioners that they consider repair of Courthouse windows, upgrading of the Courthouse electrical system and plumbing.

The Commissioners received and reviewed a letter from the Office of the State Auditor informing that beginning in 2004 a series of training seminars will be coordinated and scheduled on a regional basis to address how they may assist in the county officials in

administering and implementing any new legislative changes.

Ms. Holly informed the Commissioners she will hold invoices until she get reimbursements, Ms. Holly told the Commissioners she wanted to see invoices before paying checks.

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

The meeting was adjourned at 1:00 p.m. The next scheduled meeting is November 24, 2003.

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

FAYETTE COUNTY COMMISSION  
EMERGENCY SPECIAL SESSION  
NOVEMBER 21, 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 21<sup>st</sup> day of November 2002.

Commissioner Witt and Commissioner Lopez went upstairs with the Kelvin Holliday, County Clerk to unlock the ballot room to get poll slips from the General Election held on November 5, 2002.

Upon returning Commissioner Witt called the special session of the County Commission meeting to order at 2:05 p.m.

Paul Blake, Prosecuting Attorney presented an agreement that has been signed stating that an agreement has been reached that the position of payroll clerk and payroll duties and responsibilities will be the permanent position of the Fayette County Commission.

(Agreement attached)

Mr. Blake informed the Commissioners that Kelvin Holliday, County Clerk has voluntarily relinquished the payroll duties formerly occupied and performed by his office in return for indemnification of any acts or responsibilities as a result of him signing any further checks drawn on the Fayette County Commission in his ministerial position as County Clerk.

Mr. Blake informed the Commissioner they have negotiated with the attorney for Debbie Aliff to dismiss the lawsuit against Holliday in return for the payment of his reasonable attorney fees.

Mr. Blake informed the Commissioners that the attorney has not filed an answer yet.

Mr. Blake told the Commissioners that Mr. Holliday's request for

extra personnel, book repair, and a copy machine is not part of this agreement.

Mr. Blake informed the Commissioners that this agreement is in the best interest of the County Commission and tax payers.

Ms. Holly informed the Commissioners that Mr. Holliday had given her all of his signatures stamps. Ms. Holly informed the Commissioners that she feels uncomfortable using signature stamps. Mr. Blake suggested that Mr. Holliday have someone in his office to use the signature stamps.

Commissioner Wender asked if Mr. Holliday's name could be taken off the checks. Mr. Blake replied don't have an answer to yet will refer to the Code.

Mr. Blake asked Ms. Holly to talk with Mr. Holliday as to what his signature stamp is used for.

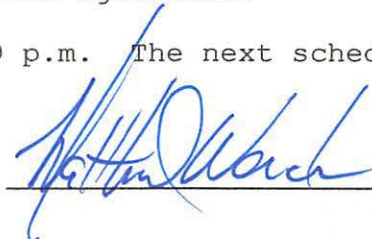
Ms. Holly informed Mr. Blake they are used for payroll checks, vendor checks and vouchers.

Commissioner Wender offered a motion that the County Commission is responsible for paying James Keenan, attorney for Debbie Aliff and, Theresa Kirk, attorney for Kelvin Holliday reasonable attorney fees and Court costs. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion that the Agreement presented by Paul Blake, Prosecuting Attorney, the Fayette County Commission, Kelvin Holliday, County Clerk, and James Keenan, attorney for Debbie Aliff authorized Commissioner Witt to sign. Commissioner Wender seconded. Unanimous. Agreement signed.

The Commissioners discussed the IBM agreement.

The meeting was adjourned at 2:49 p.m. The next scheduled meeting is December 6, 2002.



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FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
NOVEMBER 24, 2003  
COURTHOUSE

FAYETTEVILLE, WV 25840  
MEMBERS Present: Matthew D. Wender, John H. Lopez, Kenneth L. Eskew

The Fayette County Commission met in regular session on this 24<sup>th</sup> day of November 2003.

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

Commissioner Lopez asked the Commissioners if they would consider donating \$3,000 to the North Fayette Food Pantry.

Commissioner Eskew offered a motion to donate \$3,000.00 to the North Fayette Food Pantry. Commissioner Lopez seconded. Unanimous. The Commissioners will release check on Monday.

Commissioner Lopez moved to approve the vouchers and the second half payroll, first half payroll to be released today. Commissioner Lopez seconded.

Commissioner Eskew made motion to approve and sign exonerations. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez made a motion to approve several requests to combine or divide and segregate land as submitted by the Assessor's Office. Commissioner Eskew seconded. Unanimous

Ms. Holly informed the Commissioners that Governor Wise has declared the Friday after Thanksgiving Day an additional day off in observance of the Thanksgiving holiday for the State employees.

Commissioner Lopez offered a motion to follow the designation by Governor Wise to declare an additional day off in observance of Thanksgiving Day for County employees, without charge against accrued



annual leave. Commissioner Eskew seconded. Unanimous.

Ms. Holly informed the Commissioners that Governor Wise has declared the Friday after Christmas Day an additional day off in observance of the Christmas holiday for State employees.

Commissioner Eskew offered a motion to follow the designation by Governor Wise to declare an additional day off in observance of Christmas Day for County employees, without charge against accrued annual leave. Commissioner Lopez seconded. Unanimous.

The Commissioners approved the Holiday List for 2004 for County Employees.

Ms. Holly informed the Commissioners that Carl Harris, Assistant Prosecuting Attorney had given her the revised deed regarding partial redemption-Fayette County Commission Industrial Development Bond's (IDB's) for West Virginia American Water Company. Ms. Holly informed the Commissioners it was okay for the Commissioners to sign.

The Commissioners reviewed and signed the deed to West Virginia American Water Company for the Town of Ansted.

The Commissioners received and reviewed message from the Danese Volunteer Fire Department informing that no way anyone could attend today's meeting; can meet with the Commission the second weekend or third weekend in December, prefer the second week in December, can meet only during the week at 7:00 p.m. or 8:00 p.m.

Commissioner Wender suggested writing a letter to the Danese Volunteer Fire Department to inform them that the Commission will be available to meet with them at 7:00 p.m. on either Monday, December 8, 2003 or Wednesday, December 10, 2003 to discuss the Lease.

Virginia informing that this letter is to serve as their letter of commitment for Fiscal Year 2004 for funding for construction of a 12-bed hospice home project in the amount of \$5,000.00 contingent upon the actual commencement of the physical construction of the facility. The Commissioners also informed that if construction does not begin in the current fiscal year, the Commission will reconsider their request during their Fiscal Year 2005 budget process in March 2004.

The Commissioners signed a letter to the Fayette County National Bank approving their request to designate the concession area and room adjacent of the Fayette County Memorial Building as a temporary location to conduct business should a disaster occur, until a temporary building can be moved onto the bank property.

Commissioner Lopez presented to the Commissioners a letter from the City of Montgomery and the William Dyer V. F. W. Post 8742 requesting \$5,000.00 for a Veterans' Memorial to be located in Montgomery.

Commissioner Eskew offered a motion to approve an allocation for Fiscal Year 2004 in the amount of \$5,000 to the City of Montgomery for a Veterans' Memorial contingent upon their receipt of the approval of \$5,000.00 from the Kanawha County Commission for this project.

Commissioner Lopez seconded. Unanimous. Letter signed.

The Commissioners signed a letter to David Neal, Director Fayette County E-9-1-1 Center informing that since he is a representative on the West Virginia Emergency Medical Services Technical Support Network Board of Directors the Commission is asking that he attend the meetings of the said Board.

Commissioner Wender asked that they call prior to December 3, 2003 to confirm which date a representative will be available to meet.

Commissioner Wender asked to include in the letter that the Commission is advising in advance of the meeting that the offer presented in the letter dated July 28, 2003 is fair and consistent with a similar agreement that the Commission have in the Valley and in addition to the \$100 monthly rent, the Commission will pay utilities and provide maintenance.

The Commissioners signed a letter to Joe Martin, Legislative Director requesting a meeting with Governor Wise to discuss the importance to the citizens of Fayette County that the Commission withdraw from their membership in Multi-Cap, Inc. and affiliate Fayette County with Nicholas County CAP.

The Commissioners signed a letter to Jeffrey and Linda Emery attaching a copy of the responses they received from Tim Richardson, Fayette County Zoning Officer, and the Board of Zoning Appeals regarding their complaint.

Harold Bragg, reviewed responses and informed the Commissioners that he was dissatisfied with the response from the Board of Zoning Appeals and Tim Richardson.

Commissioner Wender told Mr. Bragg to let the Emery's review the responses and if they're not happy they need to send a response.

The Commissioners signed a letter to Congressman Nick Rahall on behalf of the Route 35 Improvement Committee informing that the Commission support the early completion of the 30-mile "Missing Link".

The Commissioners signed a letter to Hospice of Southern West

The Commissioners signed a letter to the Beards Fork Community Organization informing that funding is not available during the current fiscal year regarding their request for assistance for a new playground. The Commission will consider their request during the budget process in March for Fiscal Year 2005.

The Commissioners signed a letter of support for the Transportation Enhancement Program project for the Oak Hill Rail-Trail Committee to allow for the acquisition of 5.9 miles of rail corridor to be used as a rail trail and allocate an amount from the current fiscal year up to \$8,500.00 as matching funds for the project with the understanding that this amount will be offset by other matching funds received for this purpose.

The Commissioners signed a letter to the Upper Paint Creek Watershed Association enclosing a check in the amount of \$500.00 for office expense and informing that the intent of the Commission's allocation of \$1,000.00 was for a specific broad-based community improvement project and asked that the Upper Paint Creek Watershed Association advise the Commission of their next project meeting this criteria.

The Commissioners signed a letter to David Neal, E911 Coordinator requesting that he review the letter from Jerry Phillips of Scarbro regarding the need for a physical address, the Commission asked that Mr. Neal provide the Commission with a written status report of the Fayette County mapping and addressing project.

The Commissioners signed a letter to the West Virginia Development Office requesting the first drawdown for the Christians

Helping Other Food Pantry, amount \$540.00.

The Commissioners signed a letter to the West Virginia Development Office enclosing the Fiscal Year 2004 Legislative Digest Information Sheet as it applies to the Danese Improvement Association. The Commissioners signed the Local Economic Development Assistance Program Fiscal Year 2004 Legislative Digest Information Sheet for the Fayette County Emergency Food Assistance Center.

The Commissioners signed a letter to Michael Dougherty, Extension Specialist/Extension Associate Professor expressing their appreciation for the Fayette County Pay Classification Report.

Commissioner Wender informed the Commission he had received several calls regarding the high water problem in Glen Jean and suggested to the Commission to write a letter to the Division of Highways asking if they would share some of the expense.

Commissioner Lopez informed instead of writing a letter let him talk with Mike Cobb with the Division of Highway.

Essa Howard with Office of Economic Opportunity appeared before the Commission to ask the Commission who is Angela Holcomb of Oak Hill and presented an e-mail to the Commission that he had received.

Commissioner Wender told Mr. Howard that she works with the Fayette County Housing Economic Opportunity Committee. The person you need to contact is Chris Dyer, Housing Consultant.

Mr. Howard told the Commissioners that its not up to him how Multi-Cap review Fayette County.

Mr. Howard ask Commissioner Wender to have Mr. Dyer talk with Ms. Holcomb.

Mr. Howard told the Commissioners that they should met with the new President Jack Buckalow to see if something could be worked out.

Commissioner Wender told Mr. Howard that the Commission met with the Board twice and has not received any response as of today.

Floyd McKnight appeared before the Commission to discuss the complaint he submitted regarding the Southern Appalachian Labor School.

Mr. McKnight told the Commissioners that SALS did not finish his house and the crew has left.

Commissioner Wender told Mr. McKnight that the Commission did receive a response from Southern Appalachian Labor School regarding his complaint. Commissioner Wender asked Mr. McKnight to read the response.

Commissioner Wender asked Mr. McKnight what is the single issue that needed to be taken care of. Mr. McKnight replied the gutters.

Commissioner Wender told Mr. McKnight he would call John David and ask him to do the gutters.

Mr. McKnight thanked the Commissioners for their assistance.

The meeting was adjourned at 12:00 p.m. for lunch.

The County Commission meeting reconvened at 1:10 p.m.

Judy Radford, Executive Director, 4-C Economic Development Authority appeared before the Commission to discuss the Fayette County brochures.

Commissioner Wender informed Ms. Radford that the Commission has allocated \$5,000.00 for the brochures. Ms. Radford presented a contract from G. H. Bailey Company to the Commissioners.

Commissioner Eskew offered a motion to sign contract with G. H. Bailey Company for the brochures. Commissioner Lopez seconded. Unanimous.

Commissioner Wender asked Ms. Radford about the time line when the brochures will be ready.

Ms. Radofrd informed probably the first of the year.

Commissioner Wender asked if the brochures will carry the same theme. Mr. Radford replied yes.

Commissioner Wender informed the Commission had lunch with Dave Pollard, County Resource Coordinator discussion was held regarding he accomplishments the Fayette Transition Team has done in 2003. The Commission informed they are appreciative of their broad efforts.

Commissioner Eskew offered a motion to approve proposed program of work as submitted by the Fayette Transition Team for Dave Pollard, County Resource Coordinator. Commissioner Lopez seconded. Unanimous.

The Commissioners signed the Application for Financial Assistance from the Economic Development Administration for the Wolf Creek Park.

The Commission reviewed a letter to the West Virginia Development Housing Fund enclosing the budget projections for the next three fiscal years for the Office of Building Codes in Fayette County.

Commissioner Lopez offered a motion to approve spending \$2,500 for additional mapping for the Planning Zoning Commission. Commissioner Eskew seconded. All approved.

Selina Vickers, Katheryn South, Andy Keenan, Diane Meadows, Chris Dyer and Randy Housh with the Fayette County Housing Economic Opportunity Council appeared before the Commission.

Chris Dyer, Housing Consultant introduced the new members and gave a brief update of what's going on.

Mr. Dyer told the Commissioners that the 501c3 has been completed.

Discussion was held regarding Chris Dyer salary.

Commissioner Eskew offered a motion to fund the Fayette County Housing and Economic Opportunity Council for the months of December, January, February and March. The Commission asked that the County contract between the County and Chris Dyer stay in effect until the end of December and effective January 1<sup>st</sup> the contract will be between Chris Dyer and the Fayette County Housing and Economic Opportunity Council.

Commissioner Wender asked to amend the motion to approve continuation of the contract with Chris Dyer until the end of December at \$2,500.00 starting with January the County will fund contract with the Fayette County Housing and Economic Opportunity Council for \$2,500.00 January, February and March. Commissioner Lopez seconded Unanimous.

Carl Harris, Assistant Prosecuting informed the Commissioners he received a letter from Kelvin Holliday, County Clerk asking that he review the invoice from Data Design, Inc., amount of invoice \$490.00.

Mr. Harris told the Commissioners that since the State is going to a new voter's system and Data Design, Inc. will not be getting the contract any problems with the Data Design, Inc. they will bill the County.

Ms. Holly told the Commissioners the cost for the Hub



installation (\$227.50) should be deducted from the invoice.

Commissioner Lopez offered a motion to pay the invoice from Data Design (\$262.50). Commissioner Eskew seconded. Unanimous.

The Commissioners reviewed Rental Agreement of the Soldiers and Sailors Memorial Building with Restoration Fellowship, amount \$68.89.

The Commissioners reviewed and approved overtime for James Perdue, Maintenance Supervisor, Debbie Aliff, Payroll Clerk, Debbie Berry, Bookkeeper.

The Commissioners received and reviewed a letter from Thelma Kincaid Circuit Clerk requesting approval to hire a part-time employee for a period of four to six weeks to check, count and package 26,000 gray secrecy envelopes to be used in the Primary Election.

Commissioner Lopez offered a motion to approve six weeks temporary help for the Circuit Clerk's Office. Commissioner Eskew seconded. Unanimous.

The Commissioners signed a letter to the WVU Extension Service David Snively, Assistant Director informing they were please that they are in the process of filling the Fayette County 4-H position, but not in agreement with the job qualification that they are instituting for this position and the Commission plans to reduce their funding for Fiscal Year 2005 on a pro-rata basis of their Fiscal Year 2004 4-H program coordinator position allocation for the entire period of this vacancy.

The Commissioners signed a letter to the Town of Ansted informing they approved the request of Russell Parker on behalf of the Town of Ansted for the loan of two cages for animal control use by the Town.

The cages to be on loan on a temporary basis only and they are to be returned when a drop off location is setup at the Fayette County Animal Control Center.

The Commissioners asked Ms. Holly to e-mail David Neal to ask if the revised policy for distribution of the evidence tapes has been written, inform him that the Commission approved and authorized him to purchase one dispatch chair (demo chair only) to be paid from the E911 Fund. Additional chairs not authorized, and ask him about the status of the Motorola 911 system telephone that he ordered at Steve's request for Theresa White to be paid out of the E911 Fund.

Commissioner Wender suggested not to purchase the telephone until the Commission find out how long Ms. White will be working.

Commissioner Wender suggested that a meeting with Steve Cruikshank, OES Director, David Neal, E911 Coordinator be scheduled for December 1 to discuss purchasing guideline, Hazard Mitigation buyout grant, status of FEMA animal shelter reimbursement, emergency alert call button necklaces, and how much longer Ms. White's help would be needed.

The Commissioners asked that they contact Jackie Hickman to schedule the appointment.

Commissioner Wender suggested that a letter be written to Dave Pollard, County Resource Coordinator, Tim Richardson, Zoning Officer, Keith Richardson, Building Code Officer, David Neal, E911 Coordinator, Allen Ballard, Manager Fayette County Memorial Building, James Perdue, Maintenance Supervisor, Patti Payne, Manger C-PAC and Charlotte Holly, County Administrator informing that effective immediately they are to

notify Jackie Hickman of their whereabouts and how they can be contacted whenever they are out of the office regarding an urgent or emergency issue.

The Commissioners received and reviewed fax's from the County Commissioners' Association of WV.

The Commissioners received and reviewed a thank-you card from the Fayette County Chapter American Red Cross.

The Commissioners received and reviewed a check from the Town of Ansted for contribution to the Dog Tax Fund, amount \$50.00.

The Commissioners received and reviewed notice from the Workers' Compensation Division informing that a hearing for Robert Williams is scheduled for December 8, 2003. Ms. Holly told the Commissioners that Brian Parsons, Assistant Prosecuting Attorney told her that the Commission did not need to attend.

The Commissioners received and reviewed a letter from Sheriff William Laird confirming they received the Computer Voice Stress Analyzer (Model S127, Serial #73062720H), amount \$9,760.00 paid out of the Sheriff Asset Forfeiture Fund.

The Commissioners received and reviewed a letter from the Dominion Transmission, Inc. informing they have made the decision to suspend field work on the Greenbrier Pipeline project.

The Commissioners received/reviewed and approved a letter from the Department of Tax and Revenue certifying that Thomas E. Aiello, Assessor has substantially complied with the "assessor's additional duties" as delineated in WV Code 7-7-6a, amount \$15,000.00.

The Commissioners received and reviewed a letter from the

Department of Tax and Revenue informing that a clerical error was made on Woodrow B. Walker property due to vague acreage descriptions in the property description.

The Commissioners received and reviewed a letter from the Department of Tax and Revenue informing that the Property Valuation Training and Procedures Commission reviewed the monitoring reports of the Assessor and advised that the Assessor's Office is in full compliance.

Ms. Holly informed the Commissioners she received the \$10,000.00 grant check from the Economic Development Authority through West Virginia Tech.

The Commissioners asked that the check to Thrasher Engineer be released, amount \$15,000.00. The Commissioners signed contract.

The Commissioners received and reviewed a letter from Sheriff William Laird informing he has received a request for proposals from the Division of Criminal Justice Services soliciting grant applications for funding through the West Virginia Court Security Funds.

The Commissioners asked to talk with Dan Snead of Dan Snead Associates and asked him if he would do a study of the Memorial Building.

The Commissioners received and reviewed a letter from the Town of Pax informing that the Pax Regional Community Center has been designated as the Disaster Center for the area they are requesting help in obtaining cots and blankets.

Commissioner Wender asked Ms. Holly to check with Earl Pauley,

Park Superintendent to see if he has anything and to send a copy of the letter to the Fayette County Chapter American Red Cross to see if they can assist.

Commissioner Wender told Ms. Holly to let David Neal know that at the scheduled meeting the Commission would like to discuss the ambulance situation in the Meadow Bridge area.

The Commissioners received and reviewed a letter from Branch Banking and Trust Company informing that as of October 31, 2003 CATO-MERIDIAN NY SC securities were held as collateral to secure the deposits of the Fayette County Commission.

The Commissioners received and reviewed an order from the Division of Highways ordering the addition of Atha Lane in the Oak Hill area to the State Local Service System.

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

The Commissioners received and reviewed a notice from the West Virginia Department of Environmental Protection informing that a seminar is being held on December 1, 2003 at the Embassy Suites. A copy forwarded to Steve Cruikshank, OES Director and Larry Parsons, Litter Control Director.

The Commissioners received and reviewed a letter from Mark E. Snapp and Association introducing a plan designed specifically for retirees.

The Commissioners received and reviewed an accident report from Earl Pauley, Park Superintendent.

The Commissioners received and reviewed a letter from J. P.

Morgan informing that on November 15, 2003 they completed the transaction that transfer Bank One's Corporate Trust business to J. P. Morgan.

The Commissioners received and reviewed a thank-you letter from Doff & Allan Young thanking the Commission for providing the Agriculture Agent Brian Sparks to the area.

The Commissioners received and reviewed a copy of the annual telephone bills from Magistrates Mike Parsons (\$548.40), Dale Payne (\$574.56), Danita Young (\$867.00), and Sharon McGraw (\$59.95).

The Commissioners received and reviewed Weekly Fees Collected from the Fayette County Animal Center for the week of October 31, 2003, amount \$5.00, the week of November 7 to November 13, 2003, amount \$130.00, the week of November 14 to November 20, 2003, amount \$235.00.

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

The Commissioners received and reviewed the Mason/Putnam Rt. 35 Improvement Committee Agenda for the month of November.

The Commissioners received and reviewed Application of Employment from Karla J. Cayton.

The Commissioners received and reviewed Pledge Statement from the SunTrust Bank as of October 31, 2003.

The Commissioners received and reviewed Notice of Delinquency and Account Summary/Invoice from the Workers' Compensation Division.

The Commissioners received and reviewed a notice from the United States Bankruptcy Court informing that a hearing will be held on

December 10, 2003 regarding the Multi-County Community Action Against Poverty, Inc. Copy forwarded to Chris Dyer, Carl Harris and Randy Housh.

The Commissioners received and reviewed a letter from St. Paul Fire and Marine Insurance Company informing that Claim #GP09310942-09T002 has been assigned to Regina Laughery.

The Commissioners received and reviewed a letter from Governor Wise informing that presently they don't have a great deal of discretionary money regarding their request for financial assistance for the Fayette County Historic Landmark Commission for the casting of a statue honoring Marques De LaFayette.

The Commissioners received and reviewed a notice from the Internal Revenue Service informing that the County owe \$1,358.32.

Ms. Holly told the Commissioners that she had talked with the Payroll Clerk and was told that the Internal Revenue Service will issue a corrected notice, they keyed in the wrong deposit date.

The Commissioners received and reviewed a letter from Southern Appalachian Labor School responding to the Commissions inquiry in their program that rehabilitates manufactured housing units.

The Commissioners received and reviewed a copy of a letter from the Fayette County Solid Waste Authority to John Fredericks, West Virginia Department of Environmental Protection requesting that they arrange a meeting with agencies involved to make each aware of authority each office has in conducting a sweep of areas in Fayette County for illegal dumping due to all efforts taken by recent cleanup groups and programs throughout our county.

The Commissioners received and reviewed a Remittance by the County Assessor for Fiscal Year 2004 for the Courthouse Facilities Improvement Fund, amount \$134.00.

The Commissioners received and reviewed an e-mail from FEMA informing of the sixteen West Virginia Counties designated for FEMA aid.

The Commissioners received and reviewed an e-mail from Commissioner Wender asking to forward to James Perdue, Maintenance Supervisor, Genny Ferri, Fayette County Public Library request for help with some general maintenance issues at the Fayetteville Library.

Ms. Holly told the Commissioners she called Mr. Perdue he told her he can do when time permits.

The Commissioners received and reviewed a check from the Sheriff of Raleigh County for reimbursement for Project 03-DC-14 for TRIDENT for August, amount \$1,061.91.

The Commissioners received and reviewed checks for 911 Fees from VarTec Telcon, Inc., amount \$7.76, Citizens Communication, amount \$60.41, Verizon, amount \$38, 311.34, and Metro-Teleconnect Companies, amount \$39.20.

The Commissioners received and reviewed a check from the Supreme Court for the Family Law Master rent for the month of October, amount \$2,025.00.

The Commissioners received and reviewed a check from GEICO Indemnity Company for \$1,122.41.

The Commissioners received and reviewed a check from the Fayette County Board of Education for rent of the Fayette County Memorial



Building, amount \$4,583.33.

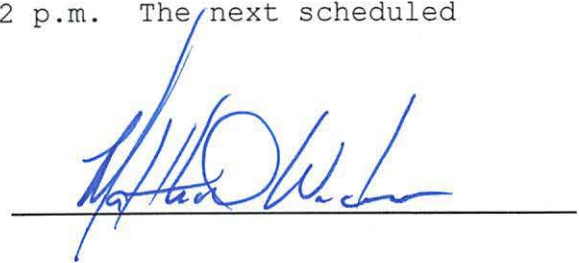
The Commissioners received and reviewed a rebate check from the HP Color Laser Jets 1500L for \$100.00.

The Commissioners received and reviewed reimbursement checks from the Workers' Compensation Division for \$3,549.18.

The Commissioners received and reviewed an e-mail from the Fayette County Chapter of the American Red Cross informing that Disaster Funds are needed to assist those affected by the recent flooding in Fayette County and Southern West Virginia.

The Commissioners received and reviewed a letter from the West Virginia New Hire Reporting Center informing that effective October 1, 1998, West Virginia Statute 48-18-125 and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 42 U.S.C. 653A require all employers to report each new and rehired employee to the State Directory of New Hires.

The meeting was adjourned at 4:02 p.m. The next scheduled meeting is December 1, 2003.



FAYETTE COUNTY COMMISSION  
SPECIAL SESSION  
DECEMBER 8, 2003  
COURTHOUSE

FAYETTEVILLE, WV 25840

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

OTHERS Present: Sheriff William Laird, Steve Cruikshank, OES Director,  
Joe M. Critchley, Chris Campbell, Charlie Critchley,  
and Curtis Sheet, Board of Directors of the Danese  
Volunteer Fire Department

The Fayette County Commission met in a special session on this 8<sup>th</sup>  
day of December 2003.

Commissioner Wender called the meeting to order at 7:00 p.m.

Commissioner Wender introduced the Danese Volunteer Fire  
Department Board of Directors.

Ms. Holly gave a brief history of what everything the Commission  
has funded and repaired on the building.

Ms. Holly told the Board that the lease expired December 2001 and  
that the Commission has been trying since January 20, 2003 to arrange  
a meeting to discuss the Lease.

Commissioner Wender told the Board that they did not receive a  
response regarding the \$100.00 payment.

Commissioner Wender told the Board members that it is the  
Commission responsibility to provide police protection for the area,  
and he feels this is a fair offer.

Curtis Sheets told the Commissioners he understand police  
protection issue, but the Fire Station sees a lot, need money to give  
back to membership to keep the good people there.

Commissioner Wender told the Board that anything over what the

Commission has obligated would start a president for other Fire Department.

Mr. Sheets told the Commissioners they are asking for \$250.00 and the Commission would continue to pay utilities.

Steve Cruikshank, OES Director told the Commissioners that the Department paper calls, city funds and levy fund pay for the Fire Chief salary.

Mr. Cruikshank told the Commissioners that some Fire Departments offer incentive programs and give gift certificates.

Commissioner Wender asked how this was paid?

Mr. Cruikshank responded, with Fire Levy Funds. Mr. Cruikshank told the Commissioners that there are guidelines to use, it goes through him, they have to meet standards, the persons' work has to deserve the recognition.

After a brief discussion, Commissioner Eskew asked Mr. Sheets what did the Board direct him to ask for.

Mr. Sheets replied \$150.00 a month, continue to pay utilities, maintenance. Mr. Sheets told the Commissioners they have concerns of the back steps.

Commissioner Wender asked Mr. Sheets if the Commission pay \$150.00 a month what can they anticipate.

Commissioner Lopez told the Commission if they pay this rent would the other fire department make an issue of this.

Mr. Cruikshank replied if this is for rent they would not.

Commissioner Wender suggested sticking with the \$100.00 a month rent, Danese take out of budget what they allowed for maintenance and

County would try to offer more work on maintenance.

Commissioner Lopez suggested looking at the issue and get back with Danese Volunteer Fire Department, he feels \$100.00 a month for rent is fair.

Mr. Sheets told the Commission he would like to solve this issue tonight.

Commissioner Lopez told Mr. Sheets that it would not be solved tonight, Carl Harris, Assistant Prosecuting Attorney would like to be present.

Commissioner Wender informed the Commission will meet December 15 to discuss further.

Mr. Sheets told the Commissioners that maintenance and back steps are an issue, would fall back on Fire Department's liability.

Commissioner Wender told the Board members the County would have to write a new Lease.

Sheriff Laird asked Steve Cruikshank, OES Director if the old school might have some metal steps that can be used. Mr. Cruikshank replied he was not aware of.

Commissioner Wender told the Commissioners they will discuss on December 15<sup>th</sup> the proposal; \$150.00 for rent, back steps, utilities, second floor, interior maintenance, exterior maintenance, second floor rest room, three offices, Fire Department responsible for insurance of the building.

Commissioner Wender informed the Board members they will take up and decide on December 15<sup>th</sup> or they will come up with an alternate plan.

Mr. Sheets informed he would like a three-year lease.

Steve Cruikshank suggested to the Danese Volunteer Fire Department to talk with their insurance agent.

Sheriff Laird suggested considering more than a three-year lease.

Steve Cruikshank asked the Commissioners if he could meet with them earlier than 11:00 a.m. on December 15, 2003, he has a meeting in Flatwood on that day.

The Commissioners asked Mr. Cruikshank to come in at 9:00 a.m. on December 15, 2003 to discuss home buy-outs and Theresa White's employment.

Commissioner Lopez made a motion to approve vouchers. Commissioner Eskew seconded. Unanimous.

The Commissioners received and reviewed letters from the Workers' Compensation Division informing that the Administrative Law Judge has reversed their decision and denied the claim filed by Robert L. Williams. Mr. Williams will have to repay the Workers' Compensation Division.

The Commission received and reviewed correspondence and claims from the Workers' Compensation and Unemployment Divisions.

The Commissioners received and reviewed a telephone call from Ruth Hayes inviting the Commission to attend Gauneka-Ruritans Annual Christmas Dinner being held December 13, 2003 from 12:00 p.m. to 4:00 p.m.

The Commissioners received and reviewed a notice from the Fayette County Animal Shelter cancelling the Open House set for Saturday, December 13, 2003.

The Commissioners received and reviewed an e-mail from the Fayette County Animal Center listing all the things that needed to be done at the animal shelter.

The Commissioners informed they will visit in January and have Earl Pauley, Park Superintendent to go with them and ask Mr. Pauley to refocus on animal shelter in January.

The Commissioners received and reviewed an e-mail from Mayor Melba White, City of Montgomery asking if the Commission could attend the Montgomery City Council meeting on January 13, 2004 along with a member of the Kanawha County Commission to present the two checks to the City for the Montgomery Veterans' Memorial.

Commissioner Lopez and Commissioner Eskew will attend to present the check to the City of Montgomery for the Montgomery Veterans' Memorial.

Commissioner Lopez asked Ms. Holly to remind him of the filing date for office.

The Commissioners signed a letter to Susan Chernenko, Director, West Virginia Aeronautics Commission requesting the status of the Statewide Airport System Plan Update scheduled for completion by October 15, 2003.

The Commissioner received and reviewed letters from Kelvin Holliday, County Clerk informing he has hired Judy Webb as a part-time employee to work in the Voter's Registration Office at \$7.00 an hour.

The Commissioners received and reviewed a letter from Kelvin Holliday, County informing that Linda Johnson has been given a Doctor's release to return to work on December 22, 2003.

Discussion was held regarding the 911 Advisory Board members. Ms. Holly informed the Commissioners that orders have been prepared, but the reappointment letters will be prepared on December 15, 2003.

Per Commissioner Lopez Tim Richardson will agree to serve on the 911 Advisory Board, but would like to be removed as a member of the Fayette County Beautification Committee.

Commissioner Wender informed he had no problem with Mr. Richardson being appointed to the 911 Advisory Board, but would like to see him remain on the Fayette County Beautification Committee.

The Commissioners received and reviewed a thank-you letter from the North Fayette Food Pantry for their contribution of \$3,000.00.

Commissioner Wender suggested talking with Eddie Young, Chief Tax Assessor Deputy on December 15, 2003 regarding the taxes for Jan Care Ambulance and General Ambulance.

The Commissioners received and reviewed a letter from Tom Aiello, Assessor informing he has hired Ella Helmick as a part-time employee effective December 1, 2003 to replace Carol Kidd who resigned on October 15, 2003.

The Commissioners received and reviewed a letter from Sheriff Laird informing that Transportation Officer Charles R. Bryant has been activated from reserve status to full-time military duty with the West Virginia Army National Guard 201<sup>st</sup> Field Artillery Unit.

The Commissioners received and reviewed a letter from Sheriff Laird informing that Captain Everette Steele has notified him of his retirement from employment with the Fayette County Sheriff Department effective December 31, 2003.

Ms. Holly informed the Commissioners she met with Dan Snead regarding the windows, and he is working on the specs. Ms. Holly told the Commissioners that Mr. Snead is working on a proposal for scraping and painting the windows.

The Commissioners received/reviewed and approved C-PAC allotment for December 2003, amount \$11,146.86.

The Commissioners received and reviewed Monthly Revenue Report and Activity Report from the Fayette County Animal Control Center/C-PAC for the month of November.

The Commissioners received and reviewed Weekly Fees Collected for the week of December 1, 2003 to December 4, 2003, amount \$65.00 from the Fayette County Animal Control Center/C-PAC.

The Commissioners received/reviewed and approved Hotel Occupancy Tax allotment to the New River Convention and Visitors Bureau, amount \$12,833.03.

The Commissioners received and reviewed a Christmas card from the Fayette County Senior Program.

The Commissioners received and reviewed a fax from Carroll Publishing asking that the Commission update the information concerning the offices of Fayette County.

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

The Commissioners received and reviewed a notice from the Fayette County Emergency Service informing that a Public Assistance Applicant Briefing meeting to address application procedures, administrative requirements, funding and program eligibility criteria for the



November 19 flooding is scheduled for Friday, December 5, 2003.

The Commissioners received and reviewed a letter from St. Paul Fire and Marine Insurance Company informing that Gian Vissepo would be handling claim #GP09310942-09T003.

The Commissioners received and reviewed a check from the West Virginia Development Office for Legislative Digest Grant #04-LEDA045-Sheriff's Roof, amount \$10,000.00.

The Commissioners received and reviewed a check from the City of Oak Hill for Jail Fees for the month of November, amount \$405.00.

The Commissioners received and reviewed a check from the Fayette County Board of Education for rent for the month of December for the Fayette County Memorial Building.

The Commissioners received and reviewed a letter from Helen Parker informing of an alternate plan for rebuilding the Glen Jean U. S. Rt. 19 intersection.

The Commissioners received and reviewed a letter from the Branch Banking and Trust Company informing that as of November 30, 2003 CATO-MERIDIAN NY SC securities were held by Branch Banking and Trust as collateral to secure the deposits of Fayette County Commission.

The Commissioners received and reviewed from the SunTrust Bank a list of the securities pledged as of November 28, 2003.

The Commissioners received and reviewed a Certificate of Liability Insurance from Empire Salvage & Recycling, Inc.

The Commissioners received and reviewed a copy of a letter to Oak Hill Rail-Trail Committee from the Division of Highways informing that their "Intent-to-Apply" form for the Oak Hill Rail-Trail in Fayette

County has been reviewed and it has been determined that it might be applicable to either the Transportation Enhancement and/or the Recreational Trails Program.

The Commissioners received and reviewed a letter from the Ford Motor Company reminding the law enforcement to take advantage of the no-charge Police Package Upgrade Kit for certain 1992 through 2003 Model Year Crown Victoria Police Interceptors.

The Commissioners received and reviewed a status report from the 911 Center for the month of November.

The Commissioners received and reviewed notice from the Fayette County Health Department informing Flu shots will be given at the Fayette County Health Department every Wednesday from 9:00 a.m. to 11:00 a.m. and 1:00 p.m. to 3:00 p.m. as long as vaccine is in supply.

Ms. Holly informed the Commissioners she received a call from Joan Pratt with FiberNet Communications. Ms. Holly told the Commissioners that they compete with Verizon and would like to talk to you about changing county's service to FiberNet.

The Commissioners told Ms. Holly to continue as is with Verizon.

The Commissioners received and reviewed a letter from Abby Dunbar, Project Coordinator with Group Workcamp Foundation thanking the Commission for their support and confirming and support everything as outlined in John David's letter regarding Floyd McKnight.

The Commissioners received and reviewed an e-mail from Ms. Holly informing Sheriff Laird that the Commission is planning to pursue an application for replacement or repair of the courthouse windows.

The Commissioners received and reviewed an e-mail from David

Neal, E911 Coordinator informing of his e-mail address change.

The Commissioners received and reviewed an e-mail from Ms. Holly regarding the Brownsfield application for PAN, Ms. Holly told the Commissioners that PAN was not eligible to apply for the Brownsfield funding because they did not own the property.

Ms. Holly informed the Commissioners that Dale Watkins gave permission for Allen Ballard to borrow the scissor ladder and asked that Mr. Ballard sign a liability release. Ms. Holly told the Commissioners she discussed this with Mr. Ballard, and he is going to contact Dale Watkins.

The Commissioners reviewed a letter signed to Judge John Hatcher informing that a second 9-1-1 employee should be designated and authorized in the chain of custody to have access to and the ability to copy 9-1-1 tapes.

Commissioner Wender asked Ms. Holly to have Carl Harris, Assistant Prosecuting Attorney prepare the equipment agreement and contract with Danese Volunteer Fire Department at the December 15, 2003 meeting.

The Commissioners signed the inmate Labor Agreement for prisoners to work with Allen Ballard at the Fayette County Memorial Building.

The meeting was adjourned at 8:45 p.m. The next scheduled meeting is December 15, 2003.



12/8/03

7:00  
P.M.

Joe M. Citchley Board Vice President  
Chris Campbell Board Secretary / Chief  
Charles R. Cribbly Board member at large / LT.  
Curtis Shels " " " "

FAYETTE COUNTY COMMISSION

REGULAR SESSION

DECEMBER 15, 2003

COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 15<sup>th</sup> day of December 2003.

Commissioner Wender called the meeting to order at 9:17 a.m.

Steve Cruikshank, OES Director appeared before the Commission to discuss how much longer Theresa White would be working, and the hazard mitigation buyout grants.

Mr. Cruikshank told the Commissioners he was waiting to see if the Firefighters Association would consider paying Ms. White's salary at \$8.50 an hour.

Mr. Cruikshank told the Commissioners that there's about 11 houses that have a minimal of asbestos. Mr. Cruikshank told the Commissioners that he can get a breakdown on the testing.

Mr. Cruikshank told the Commissioners that right now John Hayden, FEMA is looking at the immediate damage of the recent flood, he will try to get to Beckwith to inspect the animal shelter but right now his priority is getting to the immediate damage of the November 19, 2003 flood.

Mr. Cruikshank told the Commissioners that the Firefighters Association voted on Thursday to spend a little over \$7,500 for dry suits for the Gauley Bridge Volunteer Fire Department.

Commissioner Lopez offered a motion to approve drawdown expenditures for the dry suits for the Gauley Bridge Volunteer Fire

Department. Commissioner Eskew seconded. Unanimous.

Mr. Cruikshank told the Commissioners that the Motorola telephone for Theresa White's desk is \$607.00.

Commissioner Wender informed they would talk with David Neal, E911 Coordinator regarding the telephone.

Commissioner Eskew made a motion to approve and sign exonerations. Commissioner Lopez seconded. All approved.

Commissioner Lopez offered a motion to approve refunds for Amber West (\$268.18), Paul Randall (\$221.61) and Rose Constea (\$255.94). Commissioner Eskew seconded. All approved.

Commissioner Lopez offered a motion to approve the outstanding bills and 1<sup>st</sup> and 2<sup>nd</sup> half payrolls, the 1<sup>st</sup> half payrolls to be released today; to approve vouchers and invoices for December 30<sup>th</sup>, the 2<sup>nd</sup> half payrolls to be released on December 24, 2003. Commissioner Eskew seconded.

The Commissioners received and reviewed a letter from the West Virginia Division of Culture and History informing that the Records Management and Preservation Grant Program applicants are invited to attend a two-day meeting on Wednesday and Thursday, January 13 and 14 to make presentation on its grant requests. Commissioner Wender suggested discussing further at the County Commission meeting on January 5, 2004.

The Commissioners signed letters expressing their sincere appreciation to all who participated in the development of the Fayette County Pre-Disaster Mitigation Plan. (See attached list)

Commissioner Eskew approved and signed order to combine or divide

Charlotte

From Mark Ehrnschwender

11/24/03

10:30 AM

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Comprehensive ... s district  
format.

The planning process for the PDM (Pre-disaster Mitigation) plan was designed to utilize this district approach to:

- Reinforce the district concept
- Enhance cooperation, communication and idea sharing
- Ensure alignment with county and other long term planning efforts
- Improve participation

The core teams (Table 3.2 -1) were charged with developing a draft plan. Public input on the draft plan to be provided at a district level meeting with citizens from the individual municipalities breaking out to review their municipal plan. Input from this meeting would be reviewed and incorporated into the draft plans.

A second district level meeting would then be held for further comment and review.

Fayette County has ten incorporated municipalities. Each municipality formed a core team to develop a draft plan. Mark Ehrnschwender of Literal e, was contract by Fayette County Office of Emergency Services to facilitate municipal and county plan development and to document the planning process and draft plan.

C. Holly

should include <sup>3.2</sup> Planning Process  
MAYOR Howard Hughes & MAYOR <sup>smith's</sup> <sub>martha</sub>

Table 3.2 - 1: Municipal Core Teams

<b>Ansted</b>	
Geoffrey Skaggs	Mayor
Barbara Lucas	Team Leader & Office Mgr
Mitch Canterbury	Chief of Police
Joe Leake	Fire Chief
John Parks	Asst Dir. Hawks Nest Park
<b>Fayetteville</b>	
Ralph Davis	City Mgr -- Team leader
Paul Tygrett	Chief of Police
John	Fire Chief
<b>Gauley Bridge</b>	
Tom Neal	Mayor
Winfred Andrews	Team Leader & Clerk
Sean Whipkey	Chief of Police
Phillip Fout	Fire Chief & Councilman
Dr. Tom Morgan DDS	Citizen
Howard Thomas	Citizen
<b>Meadow Bridge</b>	
David Judy	Mayor
Hilda Smith	Office Mgr. -- Team Leader
Norman Reichert	Water Dept.
<b>Montgomery</b>	
Sandy Cole	Clerk -- Team Leader
Lawrence Washington	Chief of Police
Dave Thomas	Fire Department
Ron Mink	WV Tech Campus Security
Philip Prete <sup>201 644 482</sup>	Montgomery General Hospital
David Welcher	Citizen
<b>Mt. Hope</b>	
Michael Martin	Mayor
Virgil Kincaid	Supt. public works - Fire Dept.
<b>Oak Hill</b>	
Richard Martin	City Manager
Tim Richardson	Fire Chief
Delmas Lawhorn	Police Chief
Bob Miller	Streets Superintendent
<b>Pax</b>	
Tom Hughes	Business -- Team Leader
Henry Meredith	Citizen
Leland K. Cooper	Fire Dept.
Rick D. Williams	Fire Dept.
Kristi Wingrove	Fire Dept.
Clyde Bailey Jr	Fire Dept.
<b>Smithers</b>	
Eddie Long	Mayor
Harold Kirby	Team Leader
Jim Humphrey	Chief of Police
<b>Thurmond</b>	
Melanie Dragan	Mayor - Team Leader
Jon Dragan	Citizen
Jon Ignaszewski	Citizen
Heather Ignaszewski	Citizen
Katy Miller	Citizen
Joe Freeman	Citizen
Debbie Darden	Deputy Supt. For Resource & Project Mgmt. National Park Service

KM 469-6590

and segregate land as submitted by the Assessor's Office (Johnnie Kincaid, Bobby G. & Judy G. Dotson, Vernon Miller, Jr. & William D. Turner). Commissioner Lopez seconded. Unanimous.

The Commissioners asked Ms. Holly to make reservation for Commissioner Wender and Commissioner Eskew for the January 19<sup>th</sup> Annual Legislative meeting.

The Commissioners received and reviewed Local Law Enforcement Block Grant Application to the West Virginia Division of Criminal Justice Services, amount \$15,724.00, matching fund \$1,747.00. The application was signed by Commissioner Wender on Friday.

Ms. Holly told the Commissioners she had left messages on September 15, September 24 and October 7, 2003 to the Equitable Gas Company to see if gas would be available for the Fayette County Park and Animal Shelter. Ms. Holly told the Commissioners she has never received any response and she has prepared a letter to the Equitable Gas Company.

The Commissioners signed a letter to Equitable Gas Company requesting a written assurance from Equitable Gas that a minimum 3-year supply of gas is available for the Fayette County Park and Animal Shelter.

The Commissioners received and reviewed a letter from the Gauley River Public Service District asking that Teddie Elliott be reappointed a member of the Gauley River Public Service District.

Commissioner Lopez made a motion to reappoint Teddie Elliott a member of the Gauley River Public Service District. Commissioner Eskew seconded. Unanimous. Order and letter of appointment to serve



signed.

Commissioner Lopez made a motion to transfer from the Fayette County General School Fund \$120,711.70 to defray the balance due said fund for the cost of care and feeding of misdemeanor prisoners incarcerated by magistrates. Commissioner Eskew seconded. Order signed.

Ms. Holly presented a print-out of the Regional Jail cost for Fiscal Year 2003, \$662,805 and for Fiscal year 2004 to date \$267,525.00 to the Commissioners.

The Commissioners asked Ms. Holly to ask Sheriff Laird if he would meet with the Commission to discuss the Regional Jail fees at the next County Commission meeting January 5.

The Commissioners signed a letter to Captain Everette Steele offering their sincere appreciation for his 28½ years of service to Fayette County and our citizens as a Fayette County Deputy Sheriff.

The Commissioners received and reviewed from Allen Ballard, Manager Fayette County Memorial Building the Rental Agreement to Soldiers and Sailors Memorial Building with the GFWC Fayetteville Junior Woman's Club. The reimbursement for the janitor is \$186.67.

The Commissioner signed a letter to David Pollard, County Resource Coordinator, Tim Richardson, Zoning Officer, Keith Richardson, Building Code Officer, David Neal, E911 Coordinator, Steve Cruikshank, OES Director, Allen Ballard, Manager FC Memorial Building, James Perdue, Maintenance Supervisor, Patti Payne, Manager, C-PAC, and Charlotte Holly, County Administrator informing that effective immediately they are to notify Jackie Hickman of their whereabouts and

how they can be contacted regarding an urgent or emergency issue whenever they are out of their office.

The Commissioners received and reviewed from the Assessor's Office the amount of real estate and personal property taxes General Ambulance and Jan-Care Emergency Ambulance pay.

Commissioner Wender asked Eddie Young, Chief Tax Assessor if the Assessor's Office could flag the ambulance that are paid in Fayette County and Raleigh County. Mr. Young replied no.

Commissioner Wender asked Mr. Young to ask Tom Aiello, Assessor if he would send a letter asking Jan-Care Emergency Ambulance and General Ambulance to submit a list of all their equipment and ambulances.

The Commissioners received and reviewed a copy of the Contract for the Execution of the Marquis De LaFayette Sculpture.

The Commissioners approved to write a check to the Fayette County Historic Landmark Commission for \$10,000.00.

Commissioner Eskew offered a motion to approve paying \$10,000 to the Fayette County Historic Landmark Commission for the cost of the Marquis De LaFayette Sculpture, check will be held by Ms. Holly until she has received the signed contract. Commissioner Lopez seconded. Unanimous.

The Commissioner received and reviewed an Agreement from the Town of Fayetteville transferring a backhoe and an excavator equipment to the Commission.

Commissioner Lopez made a motion to approve and sign on the advice of Carl Harris, Assistant Prosecuting Attorney the Agreement

between the Town of Fayetteville and the County Commission for equipment. Commissioner Eskew seconded. Unanimous. A copy of the Agreement forwarded to Earl Pauley, Park Superintendent and the Town of Fayetteville.

Commissioner Lopez offered a motion to offer to the Danese Volunteer Fire Department a lease of the three second floor offices, utility room, and restroom for the Fayette County Sheriff's Detachment and the Fayette County magistrate Court; the Commission will pay \$150.00 monthly rent; the Commission will pay separately metered utilities and will provide janitorial service and interior maintenance of the three second floor offices; the Commission will maintain the exterior back steps to the leased offices; Danese VFD will pay for fire and liability insurance on the entire building; Danese VFD will maintain the entire exterior of the building including but not limited to the roof, siding, parking lot, etc. but excluding the exterior back steps; Fayette County offices and Danese VFD will have mutual use of the common area of the second; the lease is effective January 1, 2004 and shall continue for a period of 10 years unless terminated sooner by the Commission via 60-day prior written notice. Commissioner Eskew seconded Unanimous.

Carl Harris, Assistant Prosecuting Attorney told the Commissioners he would draft Lease Agreement for ten years.

The Commissioners received and reviewed a letter from the Division of Highways regarding the Commissioners request to have a drainage problem correct along Fayette County Route 25/5, Glen Jean PO Road.

The Division of Highways informed the Commission that a field investigation by their staff revealed that the drainage problem could not be corrected within the Division of Highway's right-of-way.

The Division of Highway informed the Commissioners that they are not permitted to expend state funds on non-public property. Therefore, request has been denied.

Angie Sleeth, Region 4 Planning and Development Council presented a request for payment for the New Haven Public Service District Water Extension Project-Saturday Road/Horseshoe Creek, Contract #12, amount \$42,785.76.

Commissioner Lopez offered a motion to approve and authorize the payment of services for the New Haven Public Service District Water Extension Project-Saturday Road/Horseshoe Creek, Contract #12, amount \$42,785.76. Commissioner Eskew seconded. Unanimous. Resolution signed.

Ms. Sleeth presented a request for payment for the New Haven Public Service District Water Extension Project-Paint Creek/Plum Orchard Water Extension, Contract #13, amount \$4,631.01.

Commissioner Eskew offered a motion to approve and authorize the payment of services for the New Haven Public Service District Water Extension Project-Paint Creek/Plum Orchard Water Extension, Contract #13, amount \$4,631.01. Commissioner Lopez seconded. Unanimous. Resolution signed.

Ms. Sleeth told the Commissioners that on November 20<sup>th</sup> they received a new bid for the New Haven Public Service District, voted to award the contract pending on the banks, construction will begin the

first of the year.

John David, Director and Jackie Asbury with Southern Appalachian Labor School appeared before the Commission to discuss with the Commission their program that rehabilitates manufactured housing units.

Mr. David informed the Commissioners that SALS has an agreement with Leff Moore and the West Virginia Manufactured Housing Association for receiving donated manufactured units.

Mr. David told the Commissioners as of today, they have received about five units from this program and private individuals; two have been extensively rehabbed with funds from the Federal Home Loan bank of Pittsburgh and will be eventually moved; work will be done during the slack times with their Youth Build crews at the Page site.

Mr. David informed the Commissioners that SALS has cleaned up the site at the mouth of Beards Fork and removed two wrecked vehicles from the Page site.

Mr. David told the Commissioners that SALS presently has active construction sites in Page, Minden, Ingram Branch, Powellton and Cokeoven Hollow, other sites will be operational in the near future.

Mr. David informed the Commissioners that the matter regarding Floyd McKnight is in the process of being worked on, the house has been painted, gutters repaired. Mr. David presented to the Commissioners pictures of what has been done. Mr. David told the Commission that work is completed.

Mr. David thanked the Commissioners for their renewed and continual support and presented to the Commission his request for

funding for the Fiscal year 2005 budget; for the Group Workcamp, amount \$10,000.00, Energy Express, amount \$3,000.00, and the Beards Fork/SALS Community Center, amount \$5,000.00.

Ms. Ashbury told the Commissioners that they would have about 400 students during the week of June 20-26, 2004 to work on the 70 homes in the Oak Hill area and about 350 students during the week of July 25-31 to work on 60 homes in the Valley area.

Ms. Ashbury presented the Workcamp Schedule for the year 2004 to the Commissioners.

Mr. David invited the Commissioners to attend their annual holiday dinner being held on December 23<sup>rd</sup> and the dedication of houses on Martin Luther King Day.

Kenneth Fox, Chairman, Bart Jackson and John David Page-Kincaid Public Service District.

Mr. David appeared before the Commission to request that the Commission keep commitment to the \$3 million dollar Small Cities Block Grant application that Page-Kincaid Public Service District currently has and asking the Commission to send a letter of support and apply for a HUD/SCBG in the amount of \$1.5 million in order to proceed with Phase 1 of its wastewater projects and make this project a priority.

Commissioner Wender asked Mr. David what would be the timing to send this letter of support. Mr. David replied May.

Commissioner Wender asked that Mr. David send him an e-mail summarizing the situation and copy to Ms. Holly, Commissioner Eskew and David Pollard so that he can get with Mr. Pollard to discuss.

Commissioner Wender asked Mr. David how long the \$3 million

dollar SCBG been out there. Mr. David replied it's been out there awhile.

Commissioner Wender told Mr. David the Commission would discuss further on January 5<sup>th</sup>.

Bart Jackson appeared before the Commission to inform the Commission of the Emergency lagoon repairs that had to make.

Mr. Jackson told the Commissioners that the aeration system failed at the Page lagoon which resulted in the sludge removal of the first lagoon, replacement of the aeration system as well as one of the blowers.

Mr. Jackson informed the Commission that Page-Kincaid Public Service District applied to the Governor's office and received a \$45,000.00 grant based on the estimated they received at the time, but by the time the repairs were finished the total costs had run to \$73,328.00 leaving a balance of \$28,328.00.

Mr. Jackson told the Commissioners they have exhausted all of their funds, and requesting assistance from the Commission for the balance of \$28,328.00.

Mr. Jackson told the Commissioners that Page-Kincaid Public Service District is requesting the balance (\$5,000.00) of the \$10,000 that was awarded on the Phase 1 Sewer project to be included as part of the \$28,328.00.

Commissioner Wender asked if there were loans or grants out there they could apply for and suggested asking Dave Pollard, County Resource Coordinator if he had any suggestions.

Commissioner Wender suggested that letters be sent to Senators

Shirley Love and Randy White, Delegates John Pino, Dave Perry, Tom Louisos, Paul Gonzalez, District Representative Congressman Rahall, David Pollard, County Resource Coordinator, and Gene Kistler, PAN asking them to review and assist with Page-Kincaid Public Service request for funding in the amount of \$28,328.00 to pay the balance of debt from emergency lagoon repairs.

Commissioner Wender also suggested including in the letter that Page-Kincaid Public Service District is scheduled to meet with the Commission on January 5, 2004 at 10:00 to present a chronological review of the problem and to discuss how to address funding for the debt.

David Neal, E911 Coordinator appeared before the Commission to give an update on the ambulance service in the Danese/Meadow Bridge areas and to give an update of the necklace alarm monitors.

Commissioner Wender discussed with Mr. Neal the telephone for Theresa White.

Commissioner Eskew made a motion to approve purchase of a telephone for Theresa White, amount \$607.00. Commissioner Lopez seconded. Unanimous.

Mr. Neal gave a brief summary of the Mapping and Addressing Project for Fayette County. (See attached).

Mr. Neal presented the Revised Records Retention and Release Policy to the Commissioners

Commissioner Wender asked Mr. Neal to see if he could get Paul Blake, Prosecuting Attorney and Sheriff William Laird to agree on the contract so the Commission could sign this afternoon during the



**FAYETTE COUNTY OFFICE OF EMERGENCY SERVICES  
E-911 CENTER  
P.O. BOX 307  
200 WEST MAPLE AVE.  
FAYETTEVILLE, WV 25840  
OES OFFICE 304-574-1610  
E-911 CENTER 304-574-3590  
FAX 304-574-3594**

**Stephen M. Cruikshank  
OES Director/Fire Coordinator**

**David R. Neal  
E-911 Coordinator  
Deputy OES Director**

**To: Fayette County Commission**

**From: David R. Neal,  
E-911 Coordinator/Deputy OES Director**

**Date: December 15, 2003**

**Re: Mapping and Addressing Update**

As requested, the following is a brief summary of the Mapping and Addressing project in Fayette County. The data collected is obtained via the vehicle mounted computed global positioning satellite receivers and mapping software. This equipment gathers information regarding street centerline as well as structure location and type. In conjunction with the West Virginia State Addressing and Mapping Board (SAMB), the Postal Service, Division of Highways and Verizon, all data is exchanged and compiled into actual location addresses and street names.

Currently we have collected, (locally), the data as follows;

Street naming	70-75%
Street Centerline mapping	85-90%
Structure locations	65-70%
Address range calculation	5-10%

All data must be submitted and reviewed by the SAMB, forwarded to the remaining agencies and upon approval addresses will then be assigned.

Due to the flooding that occurred November 19, 2003 we were not able to attend the SAMB workshop scheduled on that date. The workshop has been re-scheduled in January 2004 to bring us "up to speed" with the SAMB contractor and their processes.

In closing, I can not offer a projected completion date for this project at this time, however, you can be sure that our desire is to provide the best possible service to the citizens of Fayette County.

meeting.

Mr. Neal told the Commissioners he had talked with B. J. Willis, representative West Virginia Emergency Medical Services Tech Support Network regarding the ambulance services in the Meadow Bridge/Danese area and he recommended that the Commission contract a legal RPM/RFP with the Danese Volunteer Fire Department.

Commissioner Wender told Mr. Neal that the Commission would have to check with the Prosecuting Attorney regarding this.

Commissioner Wender asked about charging a fee for dispatching and asked Mr. Neal to ask Mr. Willis to give us a list and code for the RFP. Ms. Holly told the Commissioners she would check with Carl Harris, Assistant Prosecuting Attorney.

Mr. Neal told the Commissioners that Home Technology Systems, Inc. has agreed to have the same agreement the 911 Center had with March Network regarding the necklace monitors.

Mr. Neal presented an invoice from the City Wrecker requesting that he paid \$450.00 to the Commissioners.

Mr. Neal told the Commissioners that Paul Washington Owner/Operator of City Wrecker submitted this invoice in protest to the fact that his service was not dispatched to an incident involving a tractor trailer accident on U S Route 19 at the Glen Jean intersection.

Mr. Neal told the Commissioners he had contacted Bob Morris of the West Virginia Public Service Commission Motor Carrier Division to inquire if the invoice should be paid.

Mr. Morris stated that the Commission had no responsibility to

pay this type of invoice and since Mr. Washington was not dispatched, did not tow a vehicle he is not entitled to submit an invoice to anyone.

The Commissioners asked that a letter be written to the City Wrecker denying payment of the invoice.

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

The Commission reconvened at 1:45 p.m.

Commissioner Eskew offered a motion to approve and adopt the revised Records Retention and Release Policy for the E911 Center. Commissioner Lopez seconded. Unanimous.

The Commissioners asked that a copy of this policy be forwarded to Judge John Hatcher.

J. Dan Snead appeared before the Commission to discuss the Courthouse windows.

Mr. Snead told the commissioners he had asked Todd Schwarz, Director, Environmental Safety and Health Service if he would do the lead-based paint inspection. Mr. Snead presented to the Commissioners a proposal from Orion Consulting, LLC estimated project cost will not exceed \$1,355.00 which includes all labor and travel expenses.

Mr. Snead told the Commissioners he had three different possibilities for the courthouse windows: (1) replace all the windows, (2) repair and replace, (3) scrap, sand, cork, paint, and patch. Mr. Snead recommended aluminum windows, and recommended getting three recommendations on the paint testing.

Ms. Holly informed the Commissioners and Mr. Snead that the final date the application has to be in is January 31, 2004, applications

will be reviewed on May 4, 2004.

The Commissioner asked Ms. Holly to call tod Schwarz and ask for testing and recommendations for courthouse windows.

Mr. Snead told the Commissioners if he had all the information by the first of the year he would be able to meet with the Commission on the 12<sup>th</sup> of January.

The commissioners asked that all the members of the Fayette County Historic Landmark Commission be invited to attend the meeting.

Commissioner Lopez offered a motion to spend up to \$1,500.00 for consulting services to include on-site paint sampling, testing, result reporting and recommendation. Commissioner Eskew seconded.

Unanimous.

Discussion was held regarding the Regional Jail fees. The Commission asked Ms. Holly to ask Sheriff William Laird to meet with the Commission on January 5, 2004 to discuss Regional Jail costs and what can the Commission do to enlist the support of the judges, magistrates, and others for alternative sentencing.

Ms. Holly e-mailed the Commissioners to inform them she received a \$50.00 contribution from the Town of Ansted for the Fayette County Animal Control Center.

Commissioner Wender asked Ms. Holly to forward a copy of the e-mail to Mayor Pete Hobbs to review.

The Commissioners received and reviewed a letter from Helen Parker regarding an alternative plan for rebuilding the Glen Jean U S Route 19 intersection.

Commissioner Wender asked Ms. Holly to call W. D. Smith,

Executive Director, Region 4 Planning and Development Council to inquire about the \$405,000 from the EPA Grant.

The Commissioners submitted and signed Application for Refund of Gasoline and Special Fuel Tax to the West Virginia Department of Tax and Revenue, amount \$14,411.82.

Discussion was held regarding reappointing Robert Begley, Arnold Whitlow, Steve Cruikshank and the Firefighters Association Chief to the Fayette County Enhanced Emergency Telephone System Advisory Board.

The Commissioners decided to hold and discuss with David Neal, E911 Coordinator.

The Commissioners received/reviewed and approved an invoice from the Fayette County Memorial Building Committee for work completed by the Tri-State Roofing and Sheet Metal Company.

Commissioner Eskew offered a motion to release check in the amount of \$23,451 to Tri-State Roofing and Sheet Metal Company for work done at the Fayette County Memorial Building. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed an e-mail from Steve Cruikshank, OES Director informing the Commission of the names and addresses of the four contractors who sent in bids for the demolition, debris removal, asbestos abatement and grading of properties purchased in the Buyout Program. (Affordable Business, LLC, Empire Salvage & Recycling, Inc., Fayette Paving, Inc. & TWP)

Mr. Cruikshank told the Commissioners he is going to ask the Firefighters Association about putting Theresa White on as a full-time employee.

The Commissioners received and reviewed a memo to Debbie Aliff, Payroll Clerk from James Perdue, Maintenance Supervisor asking to deduct one day wage from Meredith Davis check. Ms. Davis did not work on December 9, 2003 and at this time she does not have any vacation or sick leave.

Ms. Holly informed the Commissioners that Mr. Perdue asked her to ask the Commission if it was okay for Ms. Davis to work Saturday to make up the time.

The Commissioners approved for Ms. Davis to work on Saturday to make up the time instead of deducting from her payroll.

The Commissioners received and reviewed and approved overtime for James Perdue, Maintenance Supervisor.

Ms. Holly informed the Commissioners that she received a call from Crystal Rose stating that on Monday, December 8, 2003 a little after 12:00 noon she fell in a big hole in the sidewalk at the library at the handicap parking side, since the fall she has had a headache.

Ms. Holly told the Commissioners she asked Allen Ballard to check, he checked the sidewalk no hole was found.

Commissioner Lopez made a motion to approve August 22, August 25, September 15 and September 26, 2003 minutes. Commissioner Eskew seconded. Unanimous.

Commissioner Wender suggested acknowledging Earl Pauley, Park Superintendent with a plaque for his work on the Lacy's Lights at the Fayette County Park. Commissioner Wender asked that this be discussed further in January.

Commissioner Wender suggested checking with Dave Pollard, County

Resource Coordinator to see if he can be here when scheduling the Public Service District appointments.

Ms. Holly informed the Commissioners that she has several days of vacation to take.

The Commissioners signed a letter to Judge John Hatcher attaching a copy of the revised Records Retention and Release Policy approved and adopted by the Fayette County Commission.

The Commissioners received and reviewed a copy of a letter to David Neal, E911 Coordinator from Danese Volunteer Fire Department asking that they investigate and review the incident on Saturday, December 6, 2003 regarding a residential structure fire in Crowe Hollow.

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

The Commissioners received and reviewed checks from the West Virginia Development Office for Legislative Digest Grant Fayette County REACT Grant #02-445, amount \$3,164.00 and Legislative Digest Grant Upper Kanawha Valley Community Center Grant #04-034, amount \$878.93; a reimbursement check from the Federal Emergency Management Agency, amount \$6,021.75; checks for 911 Fees from Verizon, amount \$36,858.12, VarTec Telecom, Inc., amount \$11.64, Business Telecom, Inc., amount \$3.92, Operating Account, amount \$1,420.08; Alarm Fees, amount \$1,220.00; a refund check for Federal Tax for Eddie Gilkerson (FICA & Medicare), amount \$439.34.

The Commissioners received and reviewed faxes from the County Commissioners' Association.

The Commissioners received and reviewed a letter from J. P. Morgan informing that in conjunction with the acquisition of Bank One's Corporate Trust the Fayette County Commission corporate trust Relationship Manager responsibilities will be reassigned as of December 22, 2003 this is the only change that will be made at this time.

The Commissioners completed the Spotlight on County Commission form and faxed to the County Commissioners' Association of Counties.

The Commissioners received and reviewed a thank-you letter from the Group Workcamp thanking the Commission for their support of the eight workcamps since 2000 in Fayette County in partnership with Southern Appalachian Labor School.

Ms. Holly told Commissioner Eskew that she received a call from Tom Woodrum, Chief Tax Deputy informing that Branch Banking and Trust needs a copy of his Driver's License for identification.

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

The Commissioners received and reviewed a notice from the County Commissioners' Association of West Virginia informing they would be holding a Christmas Open House on Thursday, December 16, 2003.

The Commissioners received and reviewed information from Chris Dyer, Housing Consultant with the Fayette County Housing and Economic Opportunity Council, Inc. informing that Branch Banking and Trust is sponsoring the National Development Council's Housing Development Finance Professional (HDFP) certificates/training series in Charleston.



The Commissioners received and reviewed a letter from Beaver Creek Engineering and Environmental Services, PLLC informing they are submitting a Community Impact Statement (CIS) as required by the West Virginia Development Office. Original forwarded to Tim Richardson, Zoning Officer.

The Commissioners received and reviewed a letter from the Upper Kanawha Valley Economic Development Corporation inviting the Commission to attend a meeting for an update on their economic development initiatives, and tour the new Technology Community Building.

The Commissioners received and reviewed an e-mail from Lisa Michelle Hatcher regarding meeting with Steve Cruikshank, OES Director to discuss the homeland security issues.

The Commissioners received and reviewed an e-mail from Carl Harris, Assistant Prosecuting Attorney informing that he has no idea of the status of the contract for the replacement of the soffit etc at the Memorial Building. Mr. Harris told the Commissioners he will check with Charlie Jones to see if has any information.

The meeting was adjourned at 4:15 p.m. The next scheduled meeting is January 5, 2004.

