

FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
APRIL 12, 2004  
COURTHOUSE

FAYETTEVILLE, WV 25840  
MEMBERS Present: Kenneth L. Eskew, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in a regular session on this 12<sup>th</sup> day of April 2004.

Commissioner Eskew called the meeting to order at 9:22 a.m.

The Commissioners recessed to unlock ballot room for Kelvin Holliday, County Clerk.

The Commissioners reconvened the County Commission meeting.

Commissioner Wender offered a motion to approve and sing exonerations and refunds as presented by the Assessor's Office.

Commissioner Lopez seconded. All approved.

Commissioner Lopez offered a motion to approve vouchers and payrolls, payrolls to be released April 15. Commissioner Wender seconded.

Commissioner Wender offered a motion to approve minutes of December 15, 2003, January 5, 12 and 30, 2004. Commissioner Eskew seconded. All approved.

Commissioner Wender offered a motion to approve the Fayetteville Elementary School PTA request to use the Fayette County Memorial Building for the purpose of having a School Carnival on May 7, 2004, the rental fee to be waived, and to request that the Fayette County Board of Education cover the insurance coverage. Commissioner Eskew seconded. Unanimous.

Thomas Aiello, Assessor and Eddie Young, Chief Tax Assessor

appeared before the Commission to discuss the tax assessments for the upcoming year.

Mr. Aiello told the Commissioners that the State gave special tax consideration to the large owners of timber owners over the years it has increased.

Mr. Aiello gave an explanation to the Commissioners on timberland management.

Mr. Aiello told the Commissioners that the State reduced the mining tax before the Assessor's Office sees the property owner's taxes.

Commissioner Wender asked if the mineral assessment has gone down?

Mr. Aiello informed the Commissioners that everything that's related to minerals has gone down.

Commissioner Eskew replied when this bottom out in two years this is what the County has to live with.

Commissioner Wender replied residential homes decrease, commercial building increases, need to have numbers to support this.

Mr. Young suggested raising the per acre value for woodland.

Commissioner Wender suggested to the Assessor and Mr. Young to prepare a ten-year review of assessment for timberland, minerals and industrial properties.

Commissioner Eskew requested preparing an order appoint Guy Dooley to replace Bud Hill on the Fayette County Urban Renewal Authority.

Commissioner Lopez offered a motion to appoint Guy Dooley to the

Fayette County Urban Renewal Authority due to the death of C. R. "Bud" Hill. Commissioner Wender seconded. Order and appointment to serve letter signed.

Ms. Holly informed the Commissioners of the appointees that needed to be reappointed to serve as members of the Fayette County New River Gorge Bridge Day Commission (Pat Tygrett, Trooper William Scott, Gary Hartley, and Sharon Cruikshank).

Commissioner Wender offered a motion to accept the recommendation of the Fayette County Chamber of Commerce to appoint Sharon Cruikshank representative for the Fayette County Chamber of Commerce to replace Keith Spangler on the Fayette County New River Gorge Bridge Day Commission. Commissioner Lopez seconded. Unanimous. Order and appointment to serve letter signed.

Commissioner Wender offered a motion to accept the recommendation of the Fayette County Chamber of Commerce to appoint Gary Hartley representative for the National Park Service to replace Rick Brown on the Fayette County New River Gorge Bridge Day Commission. Commissioner Lopez seconded. Unanimous. Order and appointment to serve letter signed.

Commissioner Wender offered a motion to accept the recommendation of the Fayette County Chamber of Commerce to appoint Bill Scott representative for the West Virginia State Police to replace John Tolley on the Fayette County New River Gorge Bridge Day Commission. Commissioner Lopez seconded. Unanimous. Order and appointment to serve letter signed.

Commissioner Wender offered a motion to accept the recommendation

of the Fayette County Chamber of Commerce to appoint Pat Tygrett, representative of the Town of Fayetteville to replace Tom Woodrum on the Fayette County New River Gorge Bridge Day Commission. Commissioner Lopez seconded. Unanimous. Order and an appointment letter to serve letter signed.

Commissioner Wender asked that the April 16 County Commission meeting be cancelled. All approved.

The Commissioners signed an invoice to the Fayette County Board of Education for rent of the Fayette County Memorial Building for the month of April, amount \$4,583.33.

The Commissioners recessed the County Commission meeting to discuss a personnel matter.

The Commission reconvened the County Commission meeting.

The Commissioners discussed the upcoming Presidential Primary Election. The Commissioners suggested talking with James Perdue, Maintenance Supervisor regarding putting locks on the two absentee ballot cans; the Commission will be here on Tuesday, May 11, 2004 at 5:00 p.m. to test the tabulator, election workers to report at 6:30 p.m.; Mr. Holliday informed the Commissioners that per Jan Casto with the Secretary of State Office they will be installing a T1 for the Voter's Registration Office at no cost to the County.

Sheriff William Laird appeared before the Commission to inform them of the environmental issues in the Tax Department. Sheriff Laird suggested to the Commissioners to get a couple of different companies to come in and investigate the problem. The Commissioners authorized Sheriff Laird to proceed with acquiring the services of a competent

and qualified vendor to perform certain diagnostic testing required to confirm any problems that may exist within the Tax Department.

Commissioner Wender asked Sheriff Laird if he talked to TRIDENT about their unused vehicles. Sheriff Laird told Commissioner Wender that TRIDENT is planning an upcoming auction.

Sheriff Larid presented a letter to the Commissioners regarding drafting a proposed Rules and Regulations Inmate Work Program. Sheriff Laird told the Commissioners he would invite Larry Parsons and Gayle Koone to offer their ideas and suggestions.

The Commissioners asked that this be put on the agenda to discuss at the end of the month (April 26, 2004) County Commission meeting.

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, Contracts 13 and 14, amount \$288,743.03.

Commissioner Wender 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, Contracts 13 and 14, amount \$288,743.03. Commissioner Lopez seconded. Unanimous. Resolution signed.

The Commissioners received and reviewed a letter from mayor Melanie Dragan, Town of Thurmond requesting a letter of support and that the Commission complete a postal form requesting the "unique zip code status" for Thurmond to keep their zip code (25936).

Commissioner Wender offered a motion that the Fayette County Commission goes on record as supporting request of the Town of

Thurmond to retain their zip code status. Commissioner Eskew seconded. Commissioner Wender asked that Mayor Dragan draft a letter on behalf of the Commission to sign in support of the Town of Thurmond retaining its zip code and the Commission would copy to Senators Robert Byrd and John Rockefeller and Congressman Nick Rahall. Letter signed.

The Commissioners received and reviewed a letter from Southern Appalachian Labor School requesting a letter of support for their Housing Preservation Grant.

Commissioner Lopez offered a motion that the Commission sends a letter of support of the plan by the Southern Appalachian Labor School plans to seek Housing Preservation Grant funds. Commissioner Wender seconded. Letter signed.

Ms. Holly informed the Commissioners that she received the proposed agreement for the Small Cities Block Grant Contract for the West Virginia Development Office for the Fayette county Courthouse 504 Compliance (elevator and ramp) and the Southern Appalachian Labor School Dormitory Annex.

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

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

The commissioners received and reviewed checks for 911 Fees from Z-Tel Communication, Inc., amount \$26.00, Nos Communication, Inc., amount \$4.00, Fibernet, amount \$1,899.26, and Bradley Communications,

Inc., amount \$544.42; a check from St. Paul Ins., amount \$2,716.40; a check from the West Virginia Development Office for HUD/SCBG Fund-Paint Creek/Plum Orchard, amount \$3,418.73 and HUD/ARC-Saturday Road/Horseshoe Creek, amount \$27,391.31.

The Commissioners received and reviewed from Sheriff Bill Laird an Inquiry Incident Report on Stacy Workman, Dog Warden.

The Commissioners received and reviewed from the Fayette County Animal Control Center/C-PAC Activity Report, Monthly Revenue Report for the month of March and Weekly Fees Collected for the week of March 5, 2004 to March 11, 2004, amount \$595.00, the week of March 26, 2004 to March 31, 2004, amount \$90.00, for the week of April 1, 2004 to April 1, 2004, amount \$15.00, for the week of April 2, 2004 to April 8, 2004, amount \$330.00.

The Commissioners received and reviewed from the Assessor's Office and the County Clerk's Office remittance of funds to the State Treasurer's Office for the month of March.

The Commissioners received and reviewed Quarterly Operating Expenses Report from the Boomer Volunteer Fire Department for the period of January 1, 2004 to March 31, 2004.

The Commissioners received and reviewed Application for Employment from Lorah C. Wood.

The Commissioners received and reviewed calls made to the 911 Center for the months of January, February, and March.

The Commissioners received and reviewed a letter from Senator Robert Byrd informing of the reply he received from the Environmental Protection Agency regarding the proposed policy addressing National

Pollutant Discharge Elimination System permit requirements for municipal wastewater treatment discharges during wet weather conditions (the "blending policy").

The Commissioners received and reviewed a public notice from the Cheylan Area Improvement Council inviting the Commission to attend their monthly meeting being held at the Upper Kanawha Valley Economic Council Business Center on May 3, 2004.

The Commissioners received and reviewed a letter from the Department of Treasury to the Fayette County Urban Renewal Authority regarding their EFTPS Enrollment. Original letter given to Dave Pollard, County Resource Coordinator.

The Commissioners received and reviewed from the SunTrust Bank a list of securities pledged to the Fayette County Commission as of March 31, 2004. Original forwarded to the County Clerk's Office.

The Commissioners received and reviewed a letter from the Kanawha Valley Chapter of Trout Unlimited thanking the Commission for sending a letter to the Fayette County Legislators supporting protection of Fayette County trout streams.

The Commissioners received and reviewed a letter from the St. Paul Fire and Marine Insurance Company acknowledging that a new claim has been assigned to Latrese Brantley for handling.

The Commissioners received and reviewed a letter from the United States Environmental Protection Agency informing they approved an assistance application and award of \$402,400 in support of the project entitled Fayette County Wastewater Equivalency Plan. The Commission asked to forward to Dave Pollard, County Resource Coordinator to



review.

The Commissioners received and reviewed a letter from Branch Banking and Trust Company informing that as of March 31, 2004 CATO-MERIDIAN NY SC securities were held as collateral to secure the deposits of Fayette County Commission. Original forwarded to the County Clerk's Office.

The Commissioners received and reviewed a letter from the St. Paul Property and Liability Insurance informing that Virgil Payne's complaint against Tim Richardson, Zoning Officer is not covered under the County's insurance. The commission asked to have Paul Blake, Prosecuting Attorney file an answer on behalf of the County.

The Commissioners received and reviewed a letter from the Secretary of State regarding rules for campaigning during Early Voting.

The Commissioners received and reviewed a Proclamation by Governor Bob Wise proclaiming April 2004 as Fair Housing Month.

The Commissioners received and reviewed a letter from Region 4 Planning and Development Council informing that HUD has declared April as "Fair Housing Month." In turn, the West Virginia Development Office has requested that each municipality or county receiving Small Cities CDBG assistance take steps to further fair housing.

Commissioner Lopez offered a motion to designate the month of April as "Fair Housing Month." Commissioner Wender seconded.  
Unanimous.

The Commissioners received a request from the Assessor's Office to write a check to Stephen's Auto Center for two vehicles \$16,903.00

each. The Commissioners approved and signed the certificates.

Commissioner Wender asked Ms. Holly to check with Tom Aiello, Assessor to see when the vehicles are going to be delivered.

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

Ms. Holly informed the Commissioners she received invoices from the Spay/Neuter program, C-PAC allotment, Chris Dyer (travel) and payment to K-9 Fund and asked the Commission if they would approve today.

Commissioner Lopez offered a motion to approve additional vouchers and invoices. Commissioner Wender seconded.

Commissioner Wender asked about the truck for David Neal, E911 Coordinator.

Ms. Holly informed the Commissioners that the cost of the truck is \$25,629.

Ms. Holly asked the Commissioners if they should go with the State contract or advertise. The Commissioners suggested staying with the State contract.

The Commissioners asked Ms. Holly to check with Mr. Neal to see if the Invoice received was through the State contract.

Commissioner Wender asked Ms. Holly if Mr. Neal had gotten back with her to discuss the generator for Valley Tower. Ms. Holly replied no.

Ms. Holly informed the Commissioners she received Audit Report for the period ending June 30, 2003, Ms. Holly told the Commissioners that since the County has Federal grants she has to send a copy of the

Audit to the Federal Audit Clearinghouse. The Commissioners approved.

Commissioner Wender offered a motion to accept Audit Report and commended Ms. Holly for her outstanding work. Commissioner Lopez seconded.

Ms. Holly informed the Commissioners that she sent a proposal over from TownSite Construction for Carl Harris, Assistant Prosecuting Attorney to review.

Ms. Holly told the Commissioners that since they haven't signed any agreements should they advertise for bids for a soffit for the Fayette County Memorial Building.

Commissioner Wender offered a motion to advertise for bids for the Fayette County Memorial Building soffits, if the Commission has no prior commitments. Commissioner Lopez seconded.

Discussion was held regarding the Lease of the Memorial Building by the Fayette County Board of Education.

Commissioner Wender suggested increasing the rent from \$55,000 to \$60,000 due to the roof expenditures, painting, windows and doors repairs. Commissioner Wender asked Ms. Holly to write a letter to the Fayette County Board of Education to make them aware of the increase.

Commissioner Wender asked if the Danese Volunteer Fire Department lease has been prepared.

Ms. Holly told the Commissioners she received a draft of the lease from Carl Harris, Assistant Prosecuting Attorney, she made some corrections and returned back to Mr. Harris to review.

The Commissioners asked Ms. Holly to write a letter to Judge John Hatcher thanking him for his input and cooperation for the successful

funding approval of the County Commission grant application from the West Virginia Courthouse Facilities Improvement Authority.

The Commissioners received and reviewed an e-mail to Commissioner Wender from Ernie Nester thanking the Commission for their letter in supporting the protection of our Fayette County trout stream.

The Commissioners received and reviewed an e-mail from C-PAC informing that a date for the Open House for the Fayette County Animal Control Center has been decided. The Open House will be Saturday, May 8, 2004 from 1:00 p.m. to 3:00 p.m.

Commissioner Wender informed the Commissioners he would be out of town on that day. Commissioner Lopez informed he would not be available on that day.

Commissioner Wender informed he received a letter informing of the debris build up around the Pax area. Commissioner Wender informed the Commissioners that both entities' North Southern land Company and North Fork Southern Railroad are denying responsibility.

Commissioner Wender suggested forwarding to Steve Cruikshank, OES Director for him to review.

John Crookshanks of Shawvers Bridge Road presented a petition to the Commissioners requesting water services from the New Haven Public Service District.

Mr. Crookshanks informed the Commissioners he had talked with Ed Shutt, Stafford Consultant and was told that a survey of interest was conducted and 80% of the property owners did not want to participate.

Mr. Crookshank told the Commissioners that the survey was incorrect and that 100% of the property owners/residents, totaling 18

potential customers would like service.

Commissioner Eskew asked Dave Pollard, County Resource Coordinator to check into.

The Commissioners asked Mr. Pollard to write a letter on behalf of the Commission to Ed Shutt, Stafford Consultants informing him of Mr. Crookshanks request for water service from the New Haven Public Service District and to inform him that Mr. Crookshanks contends that the survey of interest conducted by the Public Service District is in error and that 100% of the property owners/residents, totaling 18 potential customers are desirous of service.

The Commissioners received and reviewed a letter from the West Virginia Economic Development Authority approving the change of the grantee from the West Virginia Economic Development Authority to the Fayette County Urban Renewal Authority. Documents signed.

The Commissioners received and reviewed a letter from Earl Pauley, Park Superintendent requesting that a refund be issued to Ms. Linda Hayden of Flint, Michigan in the amount of \$37.10. The Commissioners approved.

Ms. Holly asked the Commissioners about the Town of Fayetteville/Fayette County Commission Agreement regarding equipment. Ms. Holly told the Commissioners that the machine needed to be repaired, cost \$5,000.00.

Commissioner Wender informed the Commissioners he received an application about sharing the road to the Glen Jean Armory. The Commissioners asked Ms. Holly to look into and get back with the Commission at the next County Commission meeting.

Commissioner Wender asked Ms. Holly if she received a respond from the Division of Highways regarding the Glen Jean intersection. Ms. Holly replied she has not had time to send second letter.

Commissioner Wender asked about the plaques for Earl Pauley and the Lacy Family.

Commissioner Wender asked if the Commission, along with the Fayette Transition Team either provide the Hill Family with a plaque in appreciation for the years of service Bud Hill gave the County. The Commissioners approved plaque for the Hill Family. Commissioner Wender suggested to the Commission to think about placing plaque in the courthouse.

Commissioner Wender asked Ms. Holly too follow-up on Susan Chernenko with the West Virginia Aeronautics Commission regarding Statewide Airport System Plan.

The Commissioners received and reviewed an e-mail from the County Commissioners' Association of West Virginia informing they will be sponsoring a meeting at six locations to discuss legislation of county interest "passed or failed" in the 2004 legislative session. Copies forwarded to the elected officials.

The Commissioners received and reviewed an e-mail from David Neal, E911 Coordinator regarding invoice for Meadow Bridge Repeater.

The Commissioners received and reviewed an e-mail from David Neal, E911 Coordinator regarding Ambulance Station at the Armstrong Creek Station. Commissioner Wender asked Mr. Neal to give an update on this matter.

Commissioner Wender asked Ms. Holly to get an update from Earl

Pauley, Park Superintendent on the request of Brad Anderson for new mattresses.

The Commissioners received and reviewed an e-mail from David Neal, E911 Coordinator informing he has contacted Charter Cable to install the compatible service and equipment to interface to have access to the active warrants in their system. This will be invoiced monthly.

The Commissioners received and reviewed an e-mail from Commissioner Wender regarding cell phone reception in Fayette County.

The Commissioners received and reviewed an e-mail from Dave Pollard, County Resource Coordinator regarding issuing of the check for the Wolf Creek Park Project.

The Commissioners received and reviewed a letter from Just For Kids, Inc. requesting that the Commission include a line item in the budget for Fayette County for this fiscal year of \$5,000.00 to help support the operation of the child's advocacy center.

The Commissioners received and reviewed from Sheriff Bill Laird a copy of the Juvenile Justice and Delinquency Prevention Program Grant application.

The Commissioners received and reviewed a letter from the Division of Criminal Justice Services acknowledging receipt of the request for the amount of \$48,996.00 in Juvenile Justice and Delinquency Prevention Program Grant funds for the Fayette County Commission.

The Commissioners signed a letter to the Southern Appalachian Labor School enclosing a copy of the Agreement for the Legislative

Digest grant in the amount of \$5,000.00 for facility improvements and renovations for Southern Appalachian Labor School Community Center in Beards Fork from the Governor's Local Economic Development Assistance Grant Program.

The Commissioners received and reviewed from Earl Pauley, Park Superintendent, a list of the Fayette County Sheriff's Department vehicles to be taken off the insurance as of March 10, 2004.

The Commissioners received and reviewed a letter from Sheriff Bill Larid giving authorization to expend Concealed Weapons Fund to upgrade the Meadow Bridge Tower site, amount \$3,825.00.

The Commissioners received/reviewed and signed invoices to the City of Oak Hill (\$180.00) and the City of Mount Hope (\$90.00) for the confinement of inmates at the Southern Regional Jail for the month of March.

Commissioner Eskew asked to entertain a motion to adjourn. Commissioner Lopez offered a motion to adjourn. Commissioner Wender seconded.

The meeting was adjourned at 1:30 p.m. The next scheduled meeting is April 20, 2004.

  
\_\_\_\_\_



FAYETTE COUNTY COMMISSION  
SPECIAL SESSION  
APRIL 20, 2004  
COURTHOUSE

FAYETTEVILLE, WV 25840  
MEMBERS Present: Kenneth L. Eskew, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in a special session on this 20<sup>th</sup> day of April 2004.

Commissioner Eskew called the meeting to order at 9:28 a.m.

Exonerations were approved and signed.

Ms. Holly informed the Commissioners they are here today to consider any objections and to officially adopt the levy rates for property taxation for the fiscal year beginning July 1, 2004, 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 2004-2005. Commissioner Wender 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 2004-2005.

The Commissioners signed letters to the Elected Officials approving their budgets for Fiscal year 2004-2005.

The Commissioners discussed recommending Joyce Carte for the 4-H Agent position at the West Virginia University Extension Office.

Commissioner Lopez offered a motion to approve outstanding vouchers as submitted for payment. Commissioner Wender seconded. All approved.

Steve Cruikshank, OES Director appeared before the Commission to discuss updates of FEMA animal shelter inspection and reimbursements.

Ms. Holly asked Mr. Cruikshank if wage and labor was included and asked if the county has been reimbursed for the animal shelter extended rent. Ms. Holly told the Commissioners that FEMA had agreed to pay rent for 12-18 months.

Mr. Cruikshank told the Commissioners that they needed to get the flood insurance.

Commissioner Wender informed he was told that FEMA would cover rent for 18 months.

Ms. Holly told the Commissioners that wage and labor benefits have not been submitted.

Ms. Holly asked Mr. Cruikshank if Earl Pauley, Park Superintendent was present during the inspection. Mr. Cruikshank replied

Commissioner Wender suggested meeting again on April 26 for a final update on where the Commission stand.

Ms. Holly told the Commissioners that she was worried about the wage and benefit reimbursements.

Commissioner Wender offered a motion to approve the petition of Leonard M. Richmond to combine or divide and segregate land as submitted by the Assessor's Office. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez asked the Commissioners to have Linda Johnson, Chief Deputy County Clerk's Office and Treatha Sexton, Registrar to attend the meeting. Commissioner Lopez told the Commissioners that

Smithers is having problems with running their Excess Levy election and no one knows what to do. Commissioner Lopez asked Ms. Johnson and Ms. Sexton if they would help.

Ms. Johnson and Ms. Sexton told the Commissioners they would assist.

Ms. Johnson told the Commissioners that Smithers book will be closed tomorrow.

Ms. Sexton told the Commissioners she will run a list of the voters and a list of their signatures and give to Smithers.

Ms. Sexton told the Commissioners that the City of Mount Hope is having their City election. She will print a list for them also.

Tim Richardson, Zoning Officer, Dave Pollard, County Resource Coordinator, and Keith Richardson Building Code Officer appeared before the Commission to discuss reporting their whereabouts in case the Commission needs to contact them regarding an urgent or emergency issue.

Commissioner Lopez suggested to the gentlemen to let someone know their whereabouts.

Commissioner Wender asked Keith Richardson if they were close to getting Building Codes by May 1. Mr. Richardson replied yes.

Commissioner Lopez asked about typing minutes for the Zoning Officer and asked Tim Richardson how often the Board of Zoning Appeals and the Planning Commission met.

Tim Richardson replied that they both meet once a month.

Commissioner Wender asked if they could arrange to have someone to be here to help the public in the morning and someone to be herein

the afternoon.

Commissioner Eskew thanked Tim Richardson, Keith Richardson and Dave Pollard for coming in.

Commissioner Wender asked Jackie Hickman to report whether or not they are reporting in.

Ms. Holly presented a special form that has to go with the West Virginia University Extension Office budget for Fiscal Year 2004-2005 to the Commissioners. Kelvin Holliday, County Clerk signed.

Discussion was held regarding the purchase of a truck for the 911 Coordinator.

Ms. Holly informed the Commissioners she received the state contract. Truck has to be ordered by April 23, 2004.

Commissioner Wender offered a motion to proceed with the purchase of the truck for the 911 Coordinator, truck to be paid out of the 911 Fund. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to go into Executive Session. Commissioner Wender seconded.

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

Commissioner Eskew informed the Executive Session was called to discuss a personnel matter.

Ms. Holly told the Commissioners that Cellular One had called about picking up the demo phones.

Ms. Holly told the Commissioners she received information from the West Virginia University Extension Office regarding new carpet for

the office.

The Commissioners told Ms. Holly they would discuss on April 26, 2004.

The Commissioners received and reviewed a check from the West Virginia Economic Development Authority for \$1,150,000.00 for the Fayette County Urban Renewal Authority (Wolf Creek Park Project).

Commissioner Eskew told the Commissioners that Carl Harris, Assistant Prosecuting Attorney is looking at a closing date for the property.

Commissioner Wender asked to notify Berwind Land Company that they can pick up their check.

Discussion was held regarding appointing a Fayette County Building Inspection Appeals Board.

Commissioner Wender offered a motion to appoint Sherman Bobbitt, Engineer, Bruce Coleman, Mechanic, Tom Ballard, Electrician, Jim Divita, Joe Leake, Fire to the Fayette County Building Inspection Appeals Board. Commissioner Lopez seconded.

Commissioner Wender offered a motion to appoint the Fayette County Building Inspection Appeals Board members in alphabetical order to serve beginning with the longest term first and then decrease the other terms, effective date May 1, 2004. Commissioner Lopez seconded.

The Commissioners signed a letter to Allen Ballard, Manager, Fayette County Memorial Building approving request of the Fayetteville Elementary School PTA to use the Memorial Building for the purpose of having a School Carnival, rental fee will be waived.

The Commissioners received and reviewed a request from the

Fayette County Chapter American Red Cross requesting the use of the Memorial Building for their 11<sup>th</sup> Annual Christmas Festival and Craft Show and requested that they use their volunteers of the Red Cross for custodial needs, etc.

Commissioner Wender offered a motion to waive the rental fee and approve the use of the Memorial Building for the Fayette County Chapter American Red Cross for their 11<sup>th</sup> Annual Christmas Festival and Craft Show and approve Virgil Berry to lock and unlock the building. Commissioner Lopez seconded.

The Commissioners received and reviewed invitation from C-PAC inviting the Commission to their Open House for the Animal Shelter, Saturday, May 8, 2004.

The Commissioners signed a thank-you letter to Judge John Hatcher thanking him for his input and cooperation for the successful funding approval of their grant from the West Virginia Courthouse Facilities Improvement Authority.

Ms. Holly informed the Commissioners that she received a call from the West Virginia Courthouse Facilities Authority informing they will meet Tuesday, April 27 to discuss the grant. Ms. Holly asked the Commissioners if they would authorize Commissioner Eskew to sign grant agreement.

Commissioner Lopez offered a motion to authorize Commissioner Eskew to sign grant agreement for the West Virginia Courthouse Facilities Authority. Commissioner Wender seconded. Unanimous.

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

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

The Commissioners signed a letter to Multi-Cap, Inc. thanking them for their thoughtful and generous consideration of funding needs as they relate to our new and very worthwhile, affordable housing program in Fayette County.

The Commissioners signed the Quarterly Sales Tax Report (Jan.-Feb.-Mar.) for the Fayette County Park.

The Commissioners received and reviewed a check for 911 Fees from Citizens Communications Co., amount \$56.63 and a check from the Supreme Court reimbursement for rent, amount \$2,205.00.

The Commissioners received and reviewed a letter from the State Auditor's Office informing they will audit the Fayette County Board of Health as of and for the year ending June 30, 2003.

The Commissioners received and reviewed a letter from the Fayette County National Bank informing they would be interested in acting as an interim finance on the \$876,000.00 portion of the Wolf Creek Park Project.

The Commissioners received/reviewed and approved the request of Judge Charles Vickers to purchase a variety of soft drinks and water for the jury.

The Commissioners received and reviewed a letter from Terry Eagle Coal Company, LLC informing the pending Phase I for permit U-6001-90 which is located in Nicholas County near Dixie, West Virginia has been released. Original forwarded to Tim Richardson, Zoning Officer.

The Commissioners received and reviewed a letter from the

Division of Natural Resources informing that a training session to instruct litter control officers in the enforcement of West Virginia's litter law is scheduled for Thursday, June 3, 2004. The Commissioners approved for Larry Parsons to attend.

The Commissioners received and reviewed a letter from Sheriff William Laird informing of the environmental concerns in the Sheriff's Tax Office. The Commissioners asked the Sheriff to get estimates for testing from a couple of contractors.

The Commissioners received and reviewed a copy of a letter from Sheriff William Laird to the West Virginia Bureau of Public Health regarding request for Indoor Air Evaluation for the Fayette County Courthouse Annex basement area Sheriff's Tax Office.

The Commissioners received and reviewed a copy of a letter from Sheriff William Laird to TRIDENT Task Force regarding the TRIDENT vehicles at the Fayette County Park.

The Commissioners received and reviewed a copy of a letter from Kelvin Holliday, County Clerk to Debbie Aliff, Payroll Clerk that he will be hiring four absentee polling officials at the rate of \$7.00 per hour for the Presidential Primary Election.

The Commissioners received and reviewed an e-mail from Commissioner Wender asking that a get well card be sent to Commissioner Tom Blankenship of Nicholas County.

The Commissioners received and reviewed an e-mail from Ms. Holly reporting the balance of the current fiscal year appropriations of \$125,000 for C-PAC - Expended July 2003 - April 2004 \$115,506.85,- Balance May-June 2004 \$9,493.15.



The Commissioners received and reviewed an e-mail from Eddie Young regarding Pocahontas Land Property.

Commissioner Wender informed the Commissioners that 4-C Economic Development Authority declined remodeling of the Oak Hill Council Chambers. They will be moving their office to Beckley.

The Commissioners received and reviewed an e-mail from David Neal, E911 Coordinator regarding the outcome of the discussion of naming the road and the survey request that was made for Wood Mountain Road. Mr. Neal told the Commissioner he needed to get this finalized as soon as possible.

Discussion was held, the Commission agreed that the name should stay as is - Wood Mountain Road.

The Commissioners received and reviewed an e-mail from David Neal, E911 Coordinator regarding staffing of an ambulance service in the Armstrong Creek Station.

The Commissioners received and reviewed a letter from the State Treasury Office regarding direct deposit to do the electronic filing.

Commissioner Wender offered a motion to accept the offer from the State Treasury Office authorizing them to transfer the County funds. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to approve 17½ hours overtime for Debbie Aliff, Payroll Clerk. Commissioner Lopez seconded.

Ms. Holly informed the Commissioners that the parking ticket issue has been resolved.

Kelvin Holliday, County Clerk presented the keys for the ballot

cans to the Commissioners.

The Commissioners received and reviewed a letter from the U. S. Postal Service informing that the Thurmond zip code will remain the same. Commissioner Wender asked that a copy of the letter be forwarded to Melanie Dragon, Mayor of Thurmond.

The Commissioners received and reviewed a letter from the Chevrolet Division announcing a safety recall involving 2000-2004 model year Chevrolet Silverado pickup trucks and 2002-2004 model year Chevrolet Avalanche sport utility trucks. Original forwarded to Earl Pauley, Park Superintendent.

The Commissioners received and reviewed an invoice for the purchase for mattresses at the Fayette County Park.

Commissioner Lopez moved to adjourn the County Commission meeting. Commissioner Wender seconded.

The meeting was adjourned at 12:40 p.m. The next scheduled meeting is April 26, 2004.

  
\_\_\_\_\_

FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
APRIL 26, 2004  
COURTHOUSE

FAYETTEVILLE, WV 25840  
MEMBERS Present: Kenneth L. Eskew, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in a regular session on this 26<sup>th</sup> day of April 2004.

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

Commissioner Wender offered a motion to go into Executive Session. Commissioner Lopez seconded.

Upon returning from the Executive Session, Commissioner Eskew reconvened the County Commission meeting.

Eddie Young, Chief Tax Assessor presented exonerations to the Commissioners.

Commissioner Wender offered a motion to approve exonerations as presented by the Assessor's Office. Commissioner Lopez seconded. All approved.

Commissioner Wender offered a motion to approve and sing refund for Suzette Smith as presented by the Assessor's Office. Commissioner Lopez seconded. All approved.

Commissioner Lopez offered a motion to approve vouchers and payrolls, payrolls to be released on April 30. Commissioner Wender seconded. All approved.

The Commissioners signed a letter to the Division of Highways requesting that a member of their staff attend a meeting of the Fayette County Commission to explain the design of the Glen Jean intersection.

Ms. Holly informed the Commissioners that Carl Harris, Assistant Prosecuting Attorney brought in the Lease Agreement for Danese Volunteer Fire Department. Ms. Holly told the Commissioners that she did not have time to review.

Commissioner Wender asked Ms. Holly to review the Lease.

Commissioner Wender offered a motion to approve Lease Agreement as written. Commissioner Lopez seconded. Unanimous.

Sheriff William Laird appeared before the Commission to present a draft of the proposed Rules and Regulations Inmate Work Program.

Commissioner Eskew recessed the County Commission meeting at 10:10 a.m.

The County Commission meeting reconvened at 10:25 a.m.

Sheriff Laird continued his discussion on the Inmate Work Program

Commissioner Wender offered a motion to adopt the Fayette County Commission Rules and Regulations Supervision of Inmates Southern Regional Jail. Commissioner Lopez seconded. Unanimous.

Sheriff Laird told the Commissioners he would have Gayle Koone, Transportation Officer take a copy to the Regional Jail.

The Commissioners told Sheriff Laird they appreciate his taking the initiative to draft this proposal.

Sheriff Laird reminded the Commissioners that the per diem will go from \$45.00 to \$48.00 effective July 1, 2004.

Sheriff Laird informed the Commissioners that an additional Deputy Sheriff John Kauff has been ordered to active duty along with Jesse McMullen and Charles Bryant.

Sheriff Laird told the Commissioners that under the law

Enforcement Reemployment Act he can reemploy officers that have retired and he has rehired Carey Vickers and Leonard Bickford.

Sheriff Larid told the Commissioners that he's not asking for anything just making them aware that he might be back the first part of June.

Earl Pauley, Park Superintendent appeared before the Commission to discuss the cost of mattresses for the Fayette County Park.

Mr. Pauley told the Commissioners that the cost of 4-new mattresses, 61 sheets of plywood, new mattress covers would be \$4,133.53.

Mr. Pauley told the Commissioners that the park can do this for \$2,706.59.

Commissioner Wender offered a motion to approve up to \$3,000.00 for the replacement of mattress covers, mattresses and plywood for the Fayette County Park. Commissioner Lopez seconded. All approved.

Mr. Pauley told the Commissioners that the backhoe needed brake pads and a motor.

Commissioner Lopez offered a motion to approve \$5,000.000 to upgrade the backhoe at the Fayette County Park. Commissioner Wender seconded. Unanimous.

Alice King, Region 4 Planning and Development Council appeared before the Commission to hold a public hearing at 11:15 a.m. for the Small Cities Block Grant for Page-Kincaid Public Service District-Ingram Branch Wastewater Extension Project.

Ms. King told the Commissioners that the total cost of the project is \$5,900,000-they are requesting a Small Cities Block Grant,

amount \$1,500,000, a WVIJDC, amount \$850,000, and a USDA Rural Development Grant, amount \$3,550,000.

Ms. King told the Commissioners the proposed project will construct sewer collection and treatment facilities to serve the Wriston and Ingram Branch areas of the Page-Kincaid Public Service District. No opposition.

The public meeting was closed at 11:19 a.m.

Ms. King presented a Resolution authorizing Commissioner Eskew to execute agreement for the Commissioners.

Commissioner Wender offered a motion to approve and authorize Commissioner Eskew to sign the adoption of said Resolution.

Commissioner Lopez seconded. Resolution signed.

Commissioner Lopez offered a motion to approve and authorize the adoption of the Citizen Participation Plan Resolution. Commissioner Wender seconded. Resolution signed.

Commissioner Wender offered a motion to approve and authorize the adoption of a Resolution Formalizing a Fair Housing Program.

Commissioner Lopez seconded. Unanimous. Resolution signed.

The Commissioners asked Michael Martin, Mayor of Mount Hope and Alice King to give them an update on the Kilsyth sewer project.

Ms. King told the Commissioners she would keep the Commission informed of what's going on.

Ms. King told the Commissioners that a project meeting was scheduled for Thursday, April 29, 2004 at 11:00 a.m. at the Mount Hope Housing Authority regarding the Kilsyth Sewer Extension Plant upgrade but had been cancelled.

W.D. Smith, Executive Director, Region 4 Planning and Development Council told the Commission that everything is okay with the project, will receive prepared documents around December 2004.

Chris Dyer, Housing Consultant for the Fayette County Housing and Economic Opportunity Council appeared before the Commission to ask the Commission if there were any resource that they are aware of whereby he could get a cell phone to help him coordinate the West Virginia Housing Development Fund loans and rebuilding.

Commissioner Wender asked Ms. Holly to call Cellular One to see if they could use the demo phones until July, if they refuse asks about a short term contract.

Mr. Dyer told the Commissioners that he spoke with Phil Belcher with Multi-Cap and they have extended his contract to \$7,500.00. Mr. Dyer told the Commissioners that Multi-Cap prefers that the Commission reimburse them.

Commissioner Wender offered a motion that the Commission subsidizes the Fayette County Housing and Economic Opportunity Council travel expenses not to exceed \$350.00 over the next three months. Commissioner Lopez seconded.

Donna Kauff with the Alloy Credit Union appeared before the Commission to discuss payroll deduction for County employees.

Ms. Kauff told the Commissioners that they are opening a branch office in Fayetteville.

Commissioner Wender asked what would be the benefit.

Ms. Kauff replied they offer shares, personal loans and vehicle loans.

Ms. Holly informed the Commissioners that the County already participates in the West Virginia Credit union.

The Commissioners asked Ms. Kauff to prepare a letter to inform the employees of the days she would be at the payroll office to sign up new members or to enroll current members for payroll deduction.

Commissioner Wender offered a motion to approve that the Fayette County employees participate in the Alloy Employees Federal Credit Union and authorize the deduction from those members who wish to enroll. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to go into Executive Session with Keith Richardson. Commissioner Lopez seconded. Unanimous.

The Commissioner reconvened the County Commission meeting at 12:56 p.m.

The Commissioners received and reviewed a letter from the Fayette County Housing and Economic Opportunity Council informing that nominations are now being accepted for the Development Board members and if the Commission knows someone that meets the criteria and desire to work on a team to better the lives of the people in Fayette County to complete the form. The Commissioners approved to nominate Judson Wallace.

The Commissioners approved and signed the Planning Commission minutes of March 29, 2004.

The Commissioners signed order having reviewed the total number of registered and the number of registered voters of each party in each precinct assigns the number of vote recording devices in each precinct to be prepared for each party, except for "independent"



voters, which shall be determined under West Virginia Code §3-4A-20.

Ms. Holly presented on behalf of Steve Cruikshank, OES Director two Resolutions authorizing the filing of an application to the West Virginia Office of Emergency Services for Hazard Mitigation Grant Funds for FEMA DR-15.00-WV to the Commissioners.

Commissioner Wender offered a motion that the Fayette County Commission submits application for the acquisition of three structures located in the floodway/floodplan of Kilsyth, Scarbro, and Brownsville. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion that the Fayette County Commission submits application for the acquisition of twenty-two structures located in the floodway/floodplan of Kilsyth, Scarbro, Minden, Page, Beckwith, Bellwood, Glen Jean, Kincaid and Mossey. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to enter an amendment to the motions that the Commission each authorizes Steve Cruikshank, OES Director to sign and submit applications and in his absence Theresa White will sign.

The Commissioners signed a letter to Alison Chambers, Director, Family Law Masters requesting reimbursement for rent in the amount of \$2,025.00 for rent for the month of May.

The Commissioners received and reviewed a formal invitation from the Economic Development Administration for the Fayette County Commission to submit an Application for Federal Assistance for construction of infrastructural improvements for development of Fayette County's approximately 300 acres mixed-used Business Park.

Original copy forwarded to W. D. Smith, Executive Director, Region 4 Planning and Development Council.

The Commission recessed for lunch at 1:20 p.m.

The Commission reconvened from lunch at 2:40 p.m.

The Commission informed they had talked with Treatha Sexton, Registrar regarding the conversion that has to be done in the Voter's Registration Office. Ms. Sexton informed the Commission she would have to work overtime to get this done.

Commissioner Wender authorized overtime to be paid out of the election expense for the conversion in the Voter's Registration Office.

The Commissioners approved open-end overtime for the Voter's Registration Office to be paid out of the election expense fund.

Ms. Holly informed the Commissioners that the Secretary of State Office needs to be notified about the conversion.

Ms. Sexton told the Commissioners she would call Jan Casto at the Secretary of State Office.

Ms. Holly informed the Commissioners that on April 21 Kelvin Holliday, County Clerk received the contract from Election Systems and Software for the Presidential Primary Election. Ms. Holly told the Commissioners that she had scanned through the contract and the dollar amount is incorrect.

Commissioner Wender asked Carl Harris, Assistant Prosecuting Attorney to write a letter voicing their concerns regarding the contract.

Commissioner Wender authorized Kelvin Holliday, County Clerk to

sign the Election Systems and Software's contract on behalf of the Commission once the corrections are made.

Commissioner Wender informed the Commissioners that he had talked with Virgil Berry, Fayette County Chapter American Red Cross. Mr. Berry is requesting that the Commission purchase a trailer, cost \$3,500.00 to store emergency supplies and equipment.

Commissioner Wender offered a motion that the Commission purchase a trailer for the American Red Cross to store emergency supplies and equipment in the amount of \$3,500.00. Commissioner Eskew seconded.

Commissioner Wender informed the Commissioners that Virgil Berry will pick up the check.

Commissioner Wender offered a motion to accept the resignation of Keith Richardson, Building Code Officer effective April 30, 2004 it is with regret that Mr. Richardson would be leaving considering the implementation of the Building Code for May 1<sup>st</sup>. Commissioner Eskew seconded. Unanimous.

Commissioner Wender offered a motion to pay James Perdue, Maintenance Supervisor overtime for March 23 through April 20, 2004. Commissioner Eskew seconded.

The Commissioners received and approved an invoice from the West Virginia Association of Counties for four West Group West Virginia Code Chapter 7 books, amount \$180.00.

The Commissioners received and reviewed a letter from Verizon regarding the CustoPark service for the telephone at the Memorial Building.

The Commissioners received and reviewed a letter from Mountain

Heart Foundation requesting funding to pay for fifteen children from their service area to attend camp.

The Commissioners received and reviewed from Spilman, Thomas and Battle a list of the Coal Producing Counties in West Virginia.

The Commissioners received and reviewed a memo from Tom Woodrum, Chief Tax Deputy informing of the Assessors Valuation overpayment of \$.20.

The Commissioners received and reviewed a copy of a letter to Robert Hunt, Berwind Land Company from Carl Harris, Assistant Prosecuting Attorney advising that the Fayette County Commission has the money and would like to exercise the option to purchase the property described in that certain Option Agreement, for the purchase of the 1,065 acres situate near Oak Hill, Fayette County, West Virginia.

The Commissioners received and reviewed an Application for Employment from Robert Paul Byers.

The Commissioners received and reviewed a letter from the Secretary of State Office regarding campaigning during early voting.

The Commissioners received and reviewed a letter from the West Virginia A Vision Shared inviting the Commission to attend one of the upcoming public forums to provide direct feedback on the paper findings, offer additional suggestions, and help finalize recommended top priority actions for the State's non-profits.

The Commissioners received and reviewed a letter from Charter Communications enclosing their rate justification filing for the introduction of new equipment pursuant to 876-923(n) (4) & (o) of the

Federal Communication Commission's rules and regulations.

The Commissioners received and reviewed a letter from FEMA informing that the Fayette County Pre-Disaster Mitigation Plan adopted on October 14, 2003 has been approved and that Fayette County is now eligible to apply for federal disaster assistance for five years from the date on the letter.

The Commissioners received and reviewed a letter from the Federation of Humane Organizations of West Virginia asking the Commission to complete the Animal Shelter Organization Survey. The Commissioners asked that this be forwarded to Patti Payne, Manager, C-PAC.

The Commissioners received and reviewed a thank-you letter from the National Park Service thanking the Commission for appointing Chief Ranger Gary Hartley to the Fayette County New River Gorge Bridge Day Commission.

The Commissioners received and reviewed a check from the Town of Ansted for December 2003 to April 2004, amount \$250.00 contribution to the Fayette County Animal Control Center/C-PAC to be deposited in the Dog Tax Fund.

The Commissioners received and reviewed checks for 911 Fees from the Public Service Commission, amount \$59,468.59, Metro-Teleconnect Companies, amount \$39.20, Business Telecom, Inc., amount \$3.92, Verizon, amount \$36,790.41, Mountain Communications, LLC, amount \$97.90, VarTec Telecom, amount \$17.46 and AT&T Communications of WV, amount \$1,150.00.

The Commissioners received and reviewed checks from the West

Virginia Development Office for New Haven Public Service District-  
Paint Creek/Plum Orchard Water Extension, amount \$288,743.02 and  
Fayette County Health Department amount \$10,000.00, a check for Jail  
Fees from the City of Oak Hill, amount \$180.00, a reimbursement for  
the Fire Levy Fund, amount \$6,173.37, reimbursement for TRIDENT  
overtime, amount \$752.22, a refund from the United States Treasury,  
amount \$385.97, reimbursement for rent from the Fayette County Board  
of Education, amount \$4,583.33 and a Commission check from Coca-Cola  
Bottling Company, amount \$146.17.

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

The Commissioners received and reviewed from the Fayette County  
Animal Control Center/C-PAC Weekly Fees Collected for the week of  
April 16, 2004 to April 22, 2004, amount \$420.00.

The Commissioners received and reviewed a memorandum informing of  
the tentative schedule for Regional Training for County Officials.

The Commissioners received and reviewed 2004 Legislative Session  
Bill Summaries from the West Virginia Association of Counties.

The Commissioners received and reviewed a copy of codes regarding  
Firefighters.

Ms. Holly presented outstanding vouchers and checks to the  
Commission to be approved.

Commissioner Wender offered a motion to approve payment to  
Fayette Paving, Inc., amount \$6,500.00 and Empire Salvage and  
Recycling, amount \$33,500.00 for services from the FEMA Hazzard  
Mitigation Grant. Commissioner Eskew seconded.

Commissioner Wender offered a motion to authorize payment for services to Stafford Consultants for the New Haven Public Service District-Paint Creek/Plum Orchard Water Extension project, amount \$288,743.03. Commissioner Eskew seconded.

The Commissioners received and reviewed an e-mail from David Neal, E911 Coordinator regarding his budget, Valley Tower site, a new vehicle and a generator. The Commissioners asked that this be held for discussion on May 19, 2004.

The Commissioners received and reviewed a letter from the West Virginia University Extension Office regarding monthly internet charges. The Commission asked that this be held for discussion on May 19, 2004.

Ms. Holly told the Commissioners that the copier in the Circuit Clerk's Office needed to be replaced cost would be around \$11,000.00 to \$12,000.00.

Commissioner Wender asked Ms. Holly to leave some written instruction on May 4<sup>th</sup> regarding the copier.

Ms. Holly informed the Commissioners that she asked Carl Harris, Assistant Prosecuting Attorney about the contract with Townside Construction. Mr. Harris told her he would get back with her.

The Commissioners received and reviewed a memorandum from 4-C Economic Development Authority requesting that a check for \$800.00 be issued to the New River Convention and Visitors Bureau for the second half payment for the Fayette County Brochures, amount \$800.00. The Commission approved.

The Commissioners received and reviewed an e-mail from Sharon

Cruikshank, Chairman New River Convention Visitors Bureau asking that the Commission participate in the Bridge Day Magazine advertisement celebrating the 25 years' anniversary and that the Commission pay half for the advertisement.

Commissioner Wender offered a motion that the Commission pay half for the Bridge Day Magazine advertisement and participates in the Bridge Day Magazine celebrating 25 years. Commissioner Eskew seconded.

The Commissioners received and reviewed a letter from American Electric Power regarding the proposed rule dealing with the emission of mercury from Electric Utility Steam Generating Units under consideration at the US EPA.

Commissioner Wender suggested that a copy be forwarded to Gene Kistler and Randy Boyd for their opinion on this request.

The Commissioners received and reviewed a letter from the Unemployment Compensation asking that the Fayette County Urban Renewal Authority complete form UC-201B since they are a new employer.

The Commissioners received and reviewed a copy of a memorandum to Debbie Aliff, Payroll Clerk from Sheriff William Laird informing that Deputy Sheriff John Kauff was ordered to active duty with the military today April 26, 2004.

The Commissioners signed the Direct Deposit Authorization from the West Virginia State Treasurer's Office to begin distributing the Coal Severance, Oil and Gas Severance and Wine, Liquor and Private Club taxes.

The Commissioners received and reviewed an e-mail from Ms. Holly



informing of the balance of funds for C-PAC for Fiscal Year 2004  
(Expended July 2003 to April 2204 amount \$115,506.85, Balance as of  
May to June 2004 \$9,493.15).

The Commissioners received/reviewed and approved request from  
Earl Pauley, Park Superintendent to purchase \$200.00 in shrubbery to  
landscape the Animal Shelter.

The meeting was adjourned at 4:20 p.m. The next scheduled  
meeting is May 4, 2004.

*Kenneth L. Egan*

FAYETTE COUNTY COMMISSION

REGULAR SESSION

AUGUST 6, 2004

COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 6<sup>th</sup> day of August 2004.

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

Commissioner Wender offered a motion to approve exonerations as presented by the Assessor's Office. Commissioner Lopez seconded. All approved.

Commissioner Lopez offered a motion to approve vouchers and payrolls, payrolls to be released on August 13. Commissioner Wender seconded. Unanimous.

Dave Pollard, County Resource Coordinator appeared before the Commission to discuss Arbuckle Public Service District getting press from Kanawha Falls Public Service District.

Mr. Pollard informed the Commissioners that he had made some calls, the press is owned by the Commission through grants, in-kind contribution transfer of press.

The Commissioners asked Mr. Pollard to draft a letter to Arbuckle Public Service District and Kanawha Falls Public Service District informing that it is the Commissioners understanding that there are issues to be resolved in regard to a belt filter press currently in the possession of Kanawha Falls Public Service District that is needed and desired by Arbuckle Public Service District. The Commissioners request that both districts send appropriate representatives to the

County Commission meeting on Friday, August 20, at 9:30 a.m. so that they can completely understand and resolve those issues in the best interest of the Districts.

The Commissioners signed a letter to the Division of Highways regarding the new National Guard Armory located in Glen Jean. Commissioner Wender asked that a copy of the letter be sent to Randy Epperly, with the Division of Highways.

The Commissioners signed a letter to Louis Tabit informing him that the Fayette County Commission is unable to approve his request for funding for a sidewalk at the Montgomery Wayside Park.

The Commissioners signed a letter to Good News Outreach, Inc. informing the Fayette County Commission are unable to approve their request for funding at this time.

The Commissioners signed a letter to Bill Caudill requesting he accept an appointment to fill the unexpired term of the deceased C. R. "Bud" Hill, Jr. on the Fayette Transition Team, and letters to Dennis McCutcheon, Sherman Bobbitt, Al Gannon, Guy Dooley requesting they accept an appointment to a two-year term on the Fayette Transition Team.

The Commissioners signed an order and an appointment to serve letter appointing Sandra Cole to fill the vacancy of the unexpired term created by the resignation of Eddie Long as the County Citizen's representative member of the Fayette County Enhanced Telephone system Advisory Board.

The Commissioners received and reviewed a letter from the Fayette County National Bank informing of the need to substitute certain

securities pledged.

Commissioner Wender offered a motion to sign order ordering the release of said securities provided that securities will be substituted simultaneously and that Fayette County funds deposited with said banking institution will not be unsecured. Commissioner Lopez seconded.

Ms. Holly informed the Commissioners she called Kathy Ramsey regarding the Public Defender appointment. Ms. Holly told the Commissioners that Ms. Ramsey told her she is trying to set up a meeting.

The Commissioners approved Kelvin Holliday, County Clerk request for postage for the Voter's Registration Office, amount \$303.94.

The Commissioners signed Order and appointment to serve letter appointing Doug Maddy to fill the unexpired term of William Caudill as a member of the Fayette County Planning Commission.

The Commissioners signed an Order to rezone property applied for in the name of Lost Paddle, Inc., contractual owner, zoning case Z-497-04-01 from R-R (Rural Residence District) to B-3 (business, Tourism District) be and is hereby granted.

The Commissioners signed the Fayette County Fire Levy Protection Agreement for the Nuttall Volunteer Fire Department, amount \$33,250.00 for the period July 1, 2004 to June 30, 2005.

The Commissioners signed the Annual Courthouse Incinerator Agreement for the period July 1, 2004 to June 30, 2005.

Commissioner Wender offered a motion to go into Executive Session with Allen Ballard to discuss personnel matter, hiring a Building

Inspector. Commissioner Lopez seconded.

Upon returning from the Executive Session, Commissioner Eskew informed the Commission has hired Allen Ballard as Building Inspector and the Commission will be advertising for a Manager of the Fayette County Memorial Building.

Commissioner Wender asked Commissioner Eskew to give a summary on how they selected the Building Inspector.

Angie Sleeth, Region 4 Planning and Development Council appeared before the Commission to present a drawdown request for the Small Cities Block Grant-New Haven Public Service District-paint Creek/Plum Orchard Water Extension, Contract #13, amount \$84,284.14.

Commissioner Wender offered a motion to approve drawdown request for the SCBG-Paint Creek/Plum Orchard Water Extension, Contract #13 in the amount of \$84,284.18 and authorize Commissioner Eskew to sign Resolution. Commissioner Lopez seconded. Resolution signed.

Ms. Sleet presented two Resolutions to the Commissioners to sign for the Economic Development Authority Grant: 1) A Letter of Understanding for Commissioner Eskew to administer money, 2) Resolution authorizing Commissioner Eskew to execute agreement.

The Urban Renewal Authority approved for Region 4 Planning and Development Council to administer the Economic Development Authority grant.

Commissioner Wender asked Ms. Sleeth to read the Resolution. Ms. Sleeth read the Resolution. The Commissioners approved and signed the Resolution and Letter of Understanding.

Danny Wright, Chairman of the Fayette County Historic landmark

Commission appeared before the Commission to request funding and discuss the final plans of the LaFayette Statue.

Mr. Wright told the Commissioners the statue is 6'2" and he is requesting a few more dollars to finish the project, the cost of the project is \$23,000 they raised \$22,600; the statue to arrive September 23, unveiling is September 25, 2004 at 1:00 p.m.

Mr. Wright told the Commissioners of the final details. Mr. Wright is asking that the Fayette County Commission pay cost of bronze plaques on front and back of the statue, cost of plaques from Bob Wills at a 40% discount total amount \$750.00 including shipping (made in Kingwood); Fayette County Commission pay for invitations \$60 for 150 formal invitations, general invitation in newspaper; Fayette County Commission to pay for 12-14 page book that will be the program book to include documents critical to the event; the book will be 8½ x 11 from Plateau Printing, cost \$613.00, videos will cost \$15.00, DVD will cost \$20.00.

Mr. Wright told the Commissioners he is requesting \$1,500.00 to finish the project.

Mr. Wright told the Commissioners that John Pino will be building the base.

Larry Parsons appeared before the Commissioners to discuss the Dilapidated Building Program.

Carl Harris, Assistant Prosecuting Attorney, presented to the Commissioners for the Dilapidated Building Committee, the Amended Ordinance regulating the repair, alteration, improvement, vacating, closing, removal, or demolition of unsafe or unsanitary structures and

the clearance and removal of refuse, debris, overgrown vegetation, toxic spills or toxic seepage on private land, all under the authority of Chapter 7, Article 1, Section 3ff of the West Virginia Code.

Commissioner Wender offered a motion to approve and sign Amended Ordinance as presented by the Fayette County Dilapidated Committee. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion that the Commissioners appoint Larry Parsons Litter Control Officer. Commissioner Lopez seconded. Unanimous.

Ms. Holy asked if Mr. Parsons was going to remain on the Solid Waste Authority. Mr. Parsons replied yes.

Alicia Landers, Threat Preparedness Coordinator/Strategic National Stockpile Coordinator for the Fayette County Health Department appeared before the Commission regarding their purchase of a building to store supplies and they need a place to store the building. Ms. Landers asked the Commissioners if they could store the building behind the WVU Extension Office.

The Commissioners recessed to look at the proposed site.

Upon returning from reviewing the proposed site for the building, Commissioner Wender offered a motion to approve request of the Fayette County Health Department to place building on county property behind the WVU Extension provided 1) if the Fayette County Health Department decides to move or 2) if for a good reason in the future the Commission would insist that the Fayette County Health Department stand ready to move building who asked. Ms. Holly asked the Commission should either require a 30-day written notice. Carl

Harris, Assistant Prosecuting Attorney replied yes. Commissioner Eskew seconded. All approved.

The Commissioners signed a letter to the West Virginia Development Office informing that in a previous meeting they broached the ideal of assisting the Fayette County Commission and the Fayette County Urban Renewal Authority in making contact with potential master developers for the Wolf Creek Park Project. The Commissioners asked the West Virginia Development Office to arrange a meeting as soon as is convenient to explore the idea and begin the process of determining the best way to go forward in developing Wolf Creek Park Project.

The Commissioners received and reviewed a letter from the Fayette County Urban Renewal Authority informing they have considered an agreement with the 4-C Economic Development Authority that will enable them to move forward in receiving an \$800,000 grant from the West Virginia Department of Highways under the Industrial Access Road Program.

Commissioner Wender is requesting that the Fayette County Commission enter a Binding Letter of Credit on behalf of the Fayette County Urban Renewal Authority for \$600,000 for an Industrial Access Road Program.

Commissioner Lopez asked Carl Harris, Assistant Prosecuting Attorney if the Commissioners can commit to a Binding Letter of Credit for five years due to their staggered terms, does anything prohibit the county to enter beyond their term.

Commissioners Lopez informed the Commissioners he needs a little time to think on, reluctant to obligate county 100% support of the



project.

Commissioner Lopez asked that this be scheduled to discuss at the August 20, 2004 County Commission meeting.

The Commissioners received and reviewed a request from Kelvin Holliday, County Clerk requests purchase of a computer for the Voter's Registration Office, cost \$2,189.00.

Commissioner Wender offered a motion to allocate up to \$2800 for the purchase and installation of a computer for the Voter's Registration Office. Commissioner Lopez seconded.

The Commissioners received and reviewed a request from Kelvin Holliday, County Clerk requesting that Linda Williams be paid for working the primary election (\$65.00).

Commissioner Wender offered a motion to pay Linda Williams \$65.00 for working the primary election. Commissioner Lopez seconded. All approved.

The Commissioners received and reviewed a letter from Thelma Kincaid, Circuit Clerk requesting permission to hire a part-time employee for approximately six (6) weeks to check, count and package the 26,000 gray secrecy envelopes for the General Election.

Commissioner Lopez offered a motion for Thelma Kincaid, Circuit Clerk to hire a part-time employee to check, count and package the 26,000 secrecy envelopes for the General Election. Commissioner Wender seconded. All approved.

Ms. Holly informed the Commissioners that James Perdue, Maintenance Supervisor informed her that they are unable to get rid of the odor in the Payroll Office and suggested removing and replacing

the carpet.

Commissioner Wender offered a motion to replace the carpet in the Payroll Office. Commissioner Lopez seconded. All approved.

Ms. Holly informed the Commissioners that James Perdue, Maintenance Supervisor informed her that the garage door by the Extension Office needs to be replaced. Mr. Perdue has received bids from Right Door Company (\$410.00) for door and installation and Lowe's (\$429.00) for door and installation. Mr. Perdue informed he can purchase the door from Lowe's for \$194.00. Deputy Fitzwater will install for \$75.00.

Commissioner Wender offered a motion to purchase the door from Lowe's for \$194.00, Deputy Fitzwater to install. Commissioner Lopez seconded. All approved.

The Commissioners received and reviewed a letter from James Perdue, Maintenance Supervisor informing that the Sheriff Department has requested signs for their reserved parking spaces. Mr. Perdue informed the Commissioners he would do the signs.

Commissioner Wender offered a motion that James Perdue purchases the materials needed to make and paint signs for the Sheriff Department reserved parking spaces. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez asked Ms. Holly to ask David Neal, E911 Coordinator to do a follow-up on the street signs for Glen Jean and give the Commission an update.

The Commissioners received/reviewed and approved C-PAC allotment for the month of August, amount \$11,496.01.

Ms. Holly informed the Commissioners she received a call from Tom Oxley, City Manager for the City of Oak Hill regarding C-PAC not picking up dogs in the City limits.

Commissioner Wender asked Ms. Holly to send an e-mail to Patti Payne, Manager C-PAC regarding this matter.

The Commissioners received and reviewed a fax from Commissioner Wender to Ms. Holly and Allen Ballard, Manager Fayette County Memorial Building regarding John David's request for the use of the shower stalls for Christian Endeavor for next summer.

Ms. Holly informed the Commissioners that Mr. Ballard approved the use of ten shower stalls for Christian Endeavor for next summer.

Ms. Holly informed the Commissioners that she did talk with Allen Ballard and Ray St. Clair regarding the replacement of the steps in the rear of the Danese Volunteer Fire Department. Ms. Holly told the Commissioners that Mr. Ballard and Mr. St. Clair will get estimates of the cost and their time to build on county time.

Ms. Holly presented a letter from Casto Technical Service regarding the renewal HVAC Maintenance Agreement, cost \$4,816.00. Ms. Holly told the Commissioners that James Perdue, Maintenance Supervisor has reviewed.

Commissioner Wender offered a motion to approve renewal HVAC Maintenance Agreement from Casto Technical Services, amount \$4,816.00 per year. Commissioner Lopez seconded. Unanimous.

Ms. Holly told the Commissioners she forwarded request for payment from Townside Construction to Allen Ballard to review. Per Mr. Ballard's review he approved request for payment of \$5,993.00 for

replacement of the deteriorated wood in the soffit and fascia on the North and South side of the Memorial Building. The Commissioners approved balance \$1,500.00.

The Commissioners received and reviewed Accident Report of the Dog Warden truck.

The Commissioners received and reviewed an e-mail from Steve Cruikshank, OES Director regarding the flood damage.

The Commissioners received and reviewed a copy of a letter to David Pollard, County Resource Coordinator from Spilman, Thomas and Battle regarding an invoice for professional services, amount \$1,469.00.

Commissioner Wender offered a motion to approve invoice from Spilman, Thomas and Battle, amount \$1,469.900, payable from the balance of the \$140,000 earmarked for the Wolf Creek Park project. Commissioner Lopez seconded. Unanimous.

Ms. Holly informed the Commissioners she received one application for the custodian position for the courthouse maintenance department.

Commissioner Wender offered a motion to run the advertisement for the maintenance department and to use the same as previously advertised, and to run ad to advertise for manager for the Memorial Building. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to approve petitions to combine or divide and segregate land for Matthew D. and Shannon Dean and Timothy C. Aleshire and Sherry L. Giles as submitted by the Assessor's Office. Commissioner Lopez seconded. Unanimous.

The Commissioners signed letters to the Kanawha Falls Public

Service District, Deepwater Public Service District, Armstrong Public Service District, Meadow Bridge Public Service District, Arbuckle Public Service District, Oak Hill Sanitary Board, Fayetteville Sanitary Board, White Oak Public Service District, Page-Kincaid Public Service District, Pax Sanitary Board, Ansted Sanitary Board, Mount Hope Sanitary Board informing that the Fayette County Commission has started working on a comprehensive wastewater plan to ensure public health and protect its water resource. The Commissioners informed that Mark Ehrnschwender, Chairman of the Fayette Transition Team is in charge of gathering information on current conditions at wastewater facilities, and that Mark is also prepared to talk about the plan's goals and collect input on the plan. The Commissioners asked that each Board extend to Mark all possible cooperation in this matter.

Commissioner Wender asked Ms. Holly where the County stand on the Courthouse elevator and Southern Appalachian labor School grant.

The Commissioners received and reviewed several correspondences from the Workers' Compensation Division and the Unemployment Compensation Division.

The Commissioners received and reviewed checks for 911 Fees from Business Telecom, Inc., amount \$3.92, Verizon, amount \$36,384.37, Mountain Communications, LLC, amount \$57.09, Z-Tel Communications, Inc., amount \$58.00, Nos Communications, Inc., amount \$4.00; reimbursement for Fayette County Economic Opportunity Brochures, amount \$1,225.00; reimbursement TRIDENT overtime, amount \$3,597.12; Franchise Fees from Bradley Communication, Inc., amount \$550.91, Charter Communications, amount \$24,671.77; WV Development Office

Synfuel Tax, amount \$40,000.00; Supreme Courts, Family Law Master rent, amount \$2,025.00; WV Development Office, HUD-SCBG Fund, Paint Creek/Plum Orchard Water Extension, amount \$92,708.06; and reimbursement from Brian Parsons, amount \$375.98 travel.

The Commissioners received and reviewed from the Fayette County Animal Control Center/C-PAC the Activity Report, Monthly Revenue Report for the month of July and Weekly Fees Collected for the week of July 23, to July 29, 2004, amount \$491.00, the week of July 30 to July 31, 2004, amount \$50.00, and the week of August 1 to August 5, 2004, amount \$350.00.

The Commissioners received and reviewed Oath of Office from Guy Dooley, Fayette County Planning Commission, Susan M. Wood, Fayette County Library Board, and David Goff, Fayette County Enhanced Emergency Telephone System Advisory Board.

The Commissioners received and reviewed letters from Region 4 Planning and Development Council informing that the City of Mount Hope Project Kilsyth Sewer Extension Plant Upgrade meeting has been scheduled for Tuesday, August 17, 2004 at 1:00 p.m. at the Mount Hope Housing Authority and a letter informing that the meeting has been changed from August 17, 2004 to Monday, August 16, 2004 and a letter informing that the proposal for public financial assistance application has been found to be within the overall aims and goals of Region 4 Planning and Development Council.

The Commissioners received and reviewed a letter from Roge Jean Arbaugh regarding passing literature in and about the Courthouse.

The Commissioners asked Carl Harris, Assistant Prosecuting

Attorney to draft letter informing Ms. Arbaugh that no solicitation inside the courthouse, solicitation outside only and cannot interfere with business.

The Commissioners received and reviewed a fax from Tim Richardson, Zoning Officer informing he received a call from Jesse Bibb informing that he has decided to decline the position of "building code official."

The Commissioners received and reviewed a letter from Fannie Mae informing that her office will be hosting a Housing Industry Roundtable with Congressman Nick J. Rahall.

The Commissioners received and reviewed letters from Stafford Consultants, inc. regarding the New Haven Public Service District Contracts 13 and 14.

The Commissioners received and reviewed from the West Virginia Development Office the Annual Program Income (PI) Activity Reporting forms. Original forwarded to W. D. Smith, Executive Director, Region 4 Planning and Development Council.

The Commissioners approved 24 hours overtime for James Perdue, Maintenance Supervisor.

The Commissioners received and reviewed a letter from Branch Banking and Trust (BB&T) informing of the securities that were held by BB&T as collateral to secure the deposits of Fayette County Commission as of July 31, 2004.

The Commissioners received and reviewed a notice from the Fayette County Chapter American Red Cross informing they will be holding a "Bucket Brigade" throughout various locations in Fayette County.

The Commissioners received and reviewed a remittance by the County Clerk Office to the State Treasurer's Office, amount \$400.00.

The Commissioners received and reviewed Fiscal Year 2004 Homeland Security Grant for Citizens Corp Grant (\$10,000), Law Enforcement Terrorism Prevention (\$172,970), and Emergency Operations Center Program (\$30,000).

The Commissioners received and reviewed a letter from the West Virginia Development Office informing they are pleased to commit a \$100,000 grant to the Fayette Hills Unity Apartments project.

The Commissioners received and reviewed a letter from St. Paul Fire and Marine Insurance Company acknowledging receipt of claim GP0930854609T005. A copy of the letter forwarded to Sheriff Bill Laird.

The Commissioners received and reviewed letters from the Secretary of State Office regarding the Constitutional Amendment (copy forwarded to the Circuit Clerk's Office) and pollworkers.

The Commissioners received and reviewed from the State Farm Insurance Company Notice of Privacy Policy.

The Commissioners received and reviewed Status Report from the 911 Center for January through July 2004.

The Commissioners received and reviewed a letter from Terry Eagle Coal Company, LLC informing of the pending Phase I release for permit U-6016-88 that is located in Nicholes and Fayette Counties near Dixie, WV. A copy forwarded to Tim Richardson, Zoning Officer.

The Commissioners received and reviewed a copy of the Upgrade of U. S. Route 60 minutes from Louis Tabit, Chairman.



The Commissioners received and reviewed letters from the Department of Tax and Revenue informing they reviewed the natural resource accounts and their review indicates that a clerical error was made and they have provided the recommended mineral appraisal changes.

The Commissioners received and reviewed from Dave Pollard, the Fayette County Community Resource Coordinator Quarterly Report.

The Commissioners received and reviewed a News Release from the West Virginia Division of Culture and History informing that applications are now being accepted for historic preservation survey and planning grants through the State Historic Preservation Office.


The Commissioners received and reviewed a fax from the County Commissioners' Association of West Virginia regarding the Board of Risk and Insurance management Proposed Legislative Rules for the Public Entities Insurance Program.

The Commissioners received and reviewed a letter from Senator Robert Byrd informing that the \$1,850,000 for the New River Gorge National River project is included in the Fiscal year 2005 U. S. Department of the Interior Appropriations bill.

The Commissioners received and reviewed a letter from PEIA informing of the premium changes due to Tobacco Status for August 2004.

Commissioner Lopez made a motion to adjourn the County Commission meeting. Commissioner Wender seconded. Unanimous.

The meeting was adjourned at 1:13 p.m. The next scheduled meeting is August 20, 2004.

  
\_\_\_\_\_

FAYETTE COUNTY COMMISSION  
SPECIAL SESSION  
AUGUST 20, 2004  
COURTHOUSE  
FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a special session on this 20<sup>th</sup> day of August 2004.

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

Eddie Young presented exonerations to be signed to the Commissioners. Mr. Young asked the Commission to schedule Scott Burgess to discuss mineral taxes.

The Commissioners asked that Mr. Burgess be scheduled for 9:30 on August 30, 2004 to discuss mineral taxes.

Commissioner Wender offered a motion to accept/approve and sign exonerations as submitted by the Assessor's Office. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve vendors and invoices. Commissioner Wender seconded. Unanimous.

Harold Bragg asked the Commissioners for an update on the addressing in Glen Jean. The Commissioners suggested holding for discussion when David Neal, E911 Coordinator come up.

Dave Pollard, County Resource Coordinator appeared before the Commission and gave a brief background outline of recent meetings with Arbuckle Public Service District and Kanawha Falls Public Service District regarding the belt filter press.

Billy Preast, General Manager, Kanawha Falls Public Service District informed the Commissioners that the Public Service District

has made a substantial investment in the unit and that they are asking the Arbuckle Public Service District to consider signing an agreement to paying their operator to run the press, would like to recover legal fees, engineering fees, total cost would be approximately \$7,000.00 and turn the machine over to the Fayette County Commission. Mr. Preast told the Commissioners he would check figures.

Commissioner Wender asked Frederick Hypes, Engineer for the Arbuckle Public Service District if he could get an answer on this today.

Mr. Hypes told the Commissioners it would take about an hour.

Tom Oxley, City Manager for the City of Oak Hill told the Commissioners the City would be interested in renting.

Commissioner Wender asked Carl Harris, Assistant prosecuting Attorney if the County going to own the press.

Mr. Harris told the Commissioners he would have to look at the contract.

Commissioner Eskew informed the decision of the Commission that Fred Persinger with Kanawha Falls Public Service District to accept, will be responsible for Belt Press and would be willing to share with others.

Commissioner Wender asked that Carl Harris write up Agreement contingent upon answers from the West Virginia Development.

Commissioner Wender offered a motion that the County Commission agrees to endorse a final document. Arbucke Public Service District will be the legal owner, a final document to be prepared by Carl Harris, Assistant Prosecuting. Commissioner Lopez seconded.

Unanimous.

Harold Bragg appeared before the Commission to discuss addressing in the Glen Jean area.

Mr. Bragg told the Commissioners that all the streets have been renamed by the State without the knowledge of the residents.

Mr. Bragg presented petitions to the Commissioners requesting that the State change the street names back to what they were.

Commissioner Lopez asked David Neal, E911 Coordinator to get with Mr. Bragg to discuss and see what they come up with. Commissioner Lopez asked Mr. Neal to put his suggestions in a letter to the Division of Highways.

Mr. Neal told the Commissioners he would submit the petitions to the Division of Highways.

Judy Radford, 4-C Economic Development Authority appeared before the Commission to inform the Commissioners that the West Virginia State University Division of Agriculture would like for the Commission to hire one of their Extension Agents.

Ms. Radford told the Commissioners that the West Virginia University agrees to specifically provide community and economic development programmer initiative as concurred by the 4-C Economic Development Authority.

Ms. Radford outlined the Memorandum of Understanding.

Bill Woodrum told the Commissioners that he received the Comprehensive Plan from Dave Pollard, County Resource Coordinator.

Commissioner Wender informed the Commission that the Agent work would be set by the Fayette Transition Team.

Commissioner Wender asked Ms. Radford to talk about the Memorandum of Understanding.

Ms. Radford told the Commissioners the term of this contract will be for five (5) years comprising the performance period of October 1, 2004 to September 30, 2009. There should be an annual review of accomplishments submitted by the West Virginia State University extension agent by December 31 of each year and an annual review of the terms and conditions of the agreement will be performed by the authorized representative.

Ms. Radford told the Commissioners they would have to agree to contribute-1) office space (including utilities furnishings, copier and fax), 2) cell phone and internet service, 3) postage, and 4) full time clerical support for the West Virginia State University Community and Economic Development agent.

Commissioner Wender offered a motion that the Fayette County Commission approves the Memorandum of Understanding, only need President Eskew signature and authorize President Eskew to sign. Commissioner Lopez seconded. (See attached)

Commissioner Wender suggested having James Perdue, Maintenance Supervisor to review and make recommendation on the custodian position, have the Sailors and Soldiers Memorial Building Committee review and make recommendation on the manager/custodian position. Commissioner Wender asked to have them get back with the Commission on August 30, 2004.

Commissioner Wender suggested scheduling to discuss and make a decision of the binding letter of credit for the Wolf Creek Park

8/20/08

WV State Univ. 74C

Bill Woodrum

Judy Radford

Jenny Fertig

MW motion  
only KE sign  
auth. Mr. Eskew to sign  
w/changes

JL second

J. Radford  
change

**MEMORANDUM OF UNDERSTANDING**  
**For**  
**Cooperative Extension Services in Fayette County, West Virginia**  
**Amongst**  
**The West Virginia State University Division of Agricultural, Consumer, Environmental, and Outreach Programs**  
**The Fayette County Commission**  
**The 4-C Economic Development Authority**

West Virginia State University (WVSU) is a Historically Black, 1890 Land-Grant Institution providing Cooperative Extension Programs through its Division of Agricultural, Consumer, Environmental, and Outreach Programs (ACEOP) for the citizenry of West Virginia. Through this memorandum of understanding, WVSU agrees to specifically provide community and economic development programmatic initiatives as concurred by the 4-C Economic Development Authority Executive Director, which are to be implemented by a WVSU Community and Economic Development agent, to serve the counties of Fayette, Nicholas, Raleigh and Summers, with a primary emphasis on Fayette County; and the Fayette County Commission and the 4-C Economic Development Authority agree to provide further financial and in-kind support for this agent.

Whereas, the Fayette County Commission desires to support the placement of the WVSU Community and Economic Development agent, the authorized representatives of the Fayette County Commission hereby agree to contribute: 1) office space (including utilities, furnishings, copier and fax), 2) cell-phone and internet service, 3) postage, and 4) full-time clerical support for the WVSU Community and Economic Development agent.

Whereas, the 4-C Economic Development Authority also desires to support the placement of the WVSU Community and Economic Development agent to provide additional community and economic development assistance to Fayette County, the authorized representative thereof hereby agrees to provide: 1) \$10,000 annually toward the salary and wages for a full-time WVSU extension agent to serve the counties of Fayette, Nicholas, Raleigh and Summers, with a primary emphasis on Fayette County, 2) \$10,000 annually toward the salary and wages of full-time clerical support for the WVSU extension agent, and 3) provide guidance on the strategic development and implementation of programmatic efforts by the WVSU Community and Economic Development agent housed in Fayette County through the WVSU Specialist for Community Resource and Economic Development who directly supervises the agent.

Whereas, the WVSU Division of ACEOP wishes to expand the working relationship with the 4-C Economic Authority and Fayette County in the areas of community and economic development, authorized representatives thereof hereby agree to provide: 1) funds to compensate for the balance of annual salary and wages not provided by 4-C Economic Development Authority or other funding partners for a <sup>changes to be made</sup> full-time Community and Economic Development extension agent, 2) fringe benefits in line with full-time WVSU Extension staff, 3) annual travel allowance, and 4) administrative support and supervision for said agent.

The term of this contract shall be for 5 (five) years comprising the performance period of October 1, 2004 to September 30, 2009. An annual review of accomplishments submitted by the WVSU extension agent to all the involved parties by December 31<sup>st</sup> of each year and an annual review of the terms and conditions of the agreement will be performed by the authorized representatives.

Dissolution of this Memorandum of Understanding is permissible by any party of this agreement for a failure by the other party(ies) to comply with the stipulations as agreed here within or for dissatisfaction of service, when upon being provided written notification to the appropriate designee, of dissatisfaction and a sixty (60) day period to allow for rectification, there remains unresolved dissatisfaction of service. The Agreement may also be terminated other than on its anniversary date upon the occurrence of certain acts which indicate an inability to execute it responsibly, or which indicate a basic disregard for the original intent of the agreement, or which make it clearly impossible to perform. A party declaring a failure to perform shall promptly inform the other of that condition and shall petition for a specific remedy to be undertaken and achieved within a period of sixty (60) days. Failure to accomplish an acceptable remedial action shall permit the complaining party to terminate the agreement at the conclusion of said sixty (60) day period.

In the event of the termination of this agreement or affiliation, for whatever cause and at whatever time, each organization shall acknowledge the independence of the other and publicly affirm the good reputation and professional standing of the other.

At the end of this established period the parties are not obligated in any form or circumstance to extend the contract's term.

Be it known that on these ascribed dates, authorized officials of the aforementioned agencies hereby freely consent to effect this agreement in good faith through their respective signatures affixed herein.

\_\_\_\_\_  
Dr. R. Charles Byers, Vice President  
Planning and Advancement, West Virginia State University

\_\_\_\_\_  
Date

\_\_\_\_\_  
Dr. Orlando F. McMeans, Dean and Director  
Division of ACEOP, West Virginia State University

\_\_\_\_\_  
Date

\_\_\_\_\_  
Kenneth L. Eskew, President  
Fayette County Commission

\_\_\_\_\_  
Date

\_\_\_\_\_  
John H. Lopez  
Fayette County Commission

\_\_\_\_\_  
Date

\_\_\_\_\_  
Matthew D. Wender  
Fayette County Commission

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judy Radford, Executive Director  
4-C Economic Development Authority

\_\_\_\_\_  
Date



Industrial Access Road Program for August 30, 2004.

Diane Meadows, Brian Sparks, Debbie Tate and Amber Jones, WVU Extension Agents and Bill Frye, WV Net System appeared before the Commission to discuss internet at the WVU Extension Office.

Ms. Meadows introduced Debbie Tate, 4-H Agent to the Commissioners.

Ms. Tate told the Commissioners her goals for the 4-H Program.

Ms. Meadows informed the Commissioners of the internet service to the WVU Extension Office.

Bill Frye suggested that the Extension Office connect to Charter Cable High Speed for \$720.00 a year, ATM connector or hook up with the County System.

Commissioner Wender asked Mr. Frye if he had talked with Ms. Holly about connecting to the County's system. Mr. Frye replied no.

Commissioner Wender informed he would ask Ms. Holly to talk with Mr. Frye regarding the internet.

Commissioner Wender offered a motion to approve putting a storage building on the WVU Extension grounds. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve Jackie Hickman overtime (43 hrs). Commissioner Wender seconded. Unanimous.

The Commissioners signed the invoices for the City of Mount Hope (\$145.50) and the City of Oak Hill (\$1,115.50) for the confinement of inmates at the Southern Regional Jail for the month of July.

The Commissioners approved travel voucher for Kelvin Holliday, County Clerk.

The Commissioners received and reviewed the estimate to replace landing and steps at the Danese Police Detachment (\$1,268.22).

Commissioner Lopez suggested talking with Earl Pauley, Park Superintendent to see if someone from the Fayette County Park could do repairs. Commissioner Lopez informed he would call and talk with Mr. Pauley.

Kelvin Holliday, County Clerk appeared before the Commission to inform the Commissioners about the absentee situation.

Mr. Holliday told the Commissioners he needs two teams to handle the absentee voting: first team to work forty days prior to the election and second team to work twenty days prior to the election.

Commissioner Wender offered a motion to approve first team to work forty days prior to the election and the second team to work twenty days prior to the election. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to hire Judy Wells to work as a replacement person not to exceed five days. Commissioner Lopez seconded. Unanimous.

Commissioner Wender asked Mr. Holliday about the Preservation Management Grant.

Mr. Holliday told the Commissioners he just found out about the grant Tuesday.

Commissioner Wender asked Ms. Berry to have Ms. Holly call the Preservation Committee and set up a meeting as soon as possible to inform them of the grant.

Selena Vickers appeared before the Commission to inform them that

the Fayette County Housing Economic Opportunity Council has the opportunity to get an interim from Mountain State University.

Ms. Vickers informed the Commissioners that the interim requires a million dollar comprehensive general liability and professional liability insurance. Ms. Vickers asked if the County would give them a copy of their Certificate of Coverage Insurance.

The Commissioners asked ms. Vickers to give Jim Lively a call on behalf of the Commission to see if the interim would be covered.

Ms. Vickers presented to the Commissioners from their last Board meeting-covered expenses submitted for three months from Chris Dyer, Housing Consultant.

Ms. Vickers told the Commissioners that Damon Bradshw said some discouraging statements.

Ms. Vickers asked the Commission if there was anything they can do regarding this situation they would appreciate.

Commissioner Lopez offered a motion to reappoint Roger Wagner, II a member of the Kanawha Falls Public Service District. Commissioner Wender seconded. Unanimous. Order and an appointment letter to serve was signed.

James Perdue presented on behalf of Sheriff William Laird a request to the Commissioners of estimates on repairing and sealing the parking lot between the courthouse and road office.

Commissioner Lopez offered a motion that the Maintenance Department, do the repairing and sealing of the parking lot between the courthouse and road, amount \$1,137.26 not to exceed \$2,000.00. Commissioner Wender seconded. Unanimous.

Commissioner Lopez offered a motion to approve minutes for March 5, 8, 15, 19, 24 and 29, 2004. Commissioner Lopez seconded Unanimous.

Commissioner Wender offered a motion to approve petitions to combine or divide and segregate land for Alfred F. and Victoria Lynch, Charles V. and Patsy P. Hendricks, James S. Lancaster, James W. and Juanita Pugh, Sarah M. Jacobs, William and Alexander Belcher, Billy R. Simms, Percy and Judith Jarrell, Virgil L. and Kimberly Kincaid, Jr., Leondies Payne etux, Davis S. Hamilton etux, and Andrew A. Avancini. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to endorse and support the Natural Capital Investment Fund (NCIF) application to the West Virginia Development Office's Appalachian Regional Commission Program for \$250,000 under the "Building Entrepreneurial Economics" in Appalachian Initiative. Commissioner Lopez seconded. Unanimous.

The Commissioners signed a letter to the West Virginia Development Office endorsing and support of the NCIF application.

The Commissioners received and reviewed a thank-you letter from Doug Maddy thanking the Commission for appointing him to serve as a member of the Fayette County Planning Commission.

The Commissioners received and reviewed a thank-you letter from the Fayette County Emergency Food Assistance Center thanking the Commission for assisting them in securing the \$5,000.00 grant to help maintain their facilities and their vehicle, and possibly expanding their current program.

Commissioner Wender offered a motion to approve the requisition for supplies for the WVU Extension Service, funds to come from the

Agriculture Budget line. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from David Neal, E911 Coordinator informing the Commission that David Wriston has been terminated as Probationary Part-time Communications Specialist.

Commissioner Wender suggested having Ms. Holly check with David Neal regarding the guidelines for terminating policy.

The Commissioners received and reviewed from the West Virginia Development Office the Annual Small Cities Block Grant Reporting Form.

The Commissioners received and reviewed a letter from Sheriff William Laird regarding expenditure of Asset Forfeiture Fund and purchase of office furnishing.

The Commissioners received and reviewed a letter from Sheriff William Laird regarding the COPS MORE 2001 Progress Report.

Commissioner Wender offered a motion to authorize funding for \$2,000 for the Danese Community Improvement for repairs to the building. Commissioner Lopez seconded. Unanimous.

Commissioner Wender asked that a letter be written to Mountain Transit Authority asking that they provide the Commission with a buss schedule for the area of Fayette County before they appoint someone to the Board.

Commissioner Wender told the Commissioners that Calvin Hite gave him an update of what's going on at the national Park Services.

Commissioner Wender told the Commissioners he would like to get someone from the Firefighters Association to discuss the Levy that's coming up.

Commissioner Wender suggested asking Steve Cruikshank, OES

Director and Shannon Estep, President of the Firefighters Association to come in early in September to discuss the upcoming Levy Election.

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

The Commissioners received and reviewed a letter from Senator Randy White requesting a meeting with the Commission to discuss the Glen Jean intersection of US-19, Corridor G in Fayette County.

The Commissioners asked to contact Randy Epperly with the Division of Highways, and schedule him on the agenda for August 30, 2004.

The Commissioners received and reviewed a Notice of NonCompliance to Sheriff laird from the U. S. Department of Justice regarding the COPMORE 2001 Progress Report.

The Commissioners signed a Memorandum of Understanding between the Fayette County Health Department and the Fayette County Commission.

The Commissioners received and reviewed a letter from Specialty Risk Service regarding claim #YES05650, claimant Charles Canterbury.

The Commissioners received and reviewed the Weekly Fees Collected from the Fayette County Animal Control Center/C-PAC for the week of August 6 to August 12, 2004, amount \$135.00.

The Commissioners received and reviewed from the West Virginia Department of Transportation the Public Improvement Document (Projects not yet federally authorized).

The Commissioners received and reviewed from Region 4 Planning and Development Council a copy of the Regional Dimensions newsletter.

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

The Commissioners received and reviewed Certificate to Operate Courthouse Incinerator from the Division of Air Quality.

The Commissioners received and reviewed Trial Balance after adjustments as of August 30, 2004.

The Commissioners received and reviewed from Software Systems, Inc. authorization to Proceed to repair hard drive on Judy Hess PC.

The Commissioners received and reviewed Assessor's Valuation Fund Actual Revenue and Expenditure Report for Fiscal Year 2003-2004.

The Commissioners received and reviewed an e-mail from Beth Gardner regarding the Greenbrier Challenge.

The Commissioners received and reviewed a letter from the Department of Tax and Revenue informing they reviewed the Tax Year 2004 appraisal error(s) for property located in Valley District of Fayette County that a clerical error was made and they have provided the recommended mineral appraisal changes on the property of George Foulke, Jr. and Shirley Flanagan.

The Commissioners received and reviewed Official Oath of Office from Deborah Sizemore and Doug Maddy members of the Fayette County Planning Commission and Office of Oath from Guy Dooley, Jr. and Al Gannon members of the Fayette Transition Team.

The Commissioners received and reviewed checks for 911 Fees from Citizen Communications Company, amount \$56.48, VarTec, amount \$7.76; St. Paul Travelers, amount \$2,068.25; and reimbursement, amount \$750.00.

The Commissioners received and reviewed from SunTrust Bank Pledge Statement giving a list of securities pledged as of July 30, 2004.

Susan Williams from the Charleston Gazette asked the Commission about the Wolf Creek Property \$600,000 Infrastructure loan.

Commissioner Lopez told Ms. Williams that at first he was sure about the loan. The Commission owns 12.15 acres in the Glen Jean area.

Commissioner Lopez told Ms. Williams he felt more comfortable about the loan after he talked with W. D. Smith, Executive Director Region 4 Planning and Development Council and Jim Lively the Fayette County's Insurance carrier.

The Commission told Ms. Williams that the Fayette County Urban Renewal Authority to give a Letter of Credit with the bank the Fayette County Commission would be obligated to pay the loan within five (5) years.

Carl Harris, Assistant Prosecuting Attorney informed the Commission they cannot give a five (5) year obligation on a loan.

Commissioner Lopez offered a motion to adjourn the County Commission meeting. Commissioner Wender seconded.

The meeting was adjourned at 12:40 p.m. The next scheduled meeting is August 30, 2004.

  
\_\_\_\_\_



FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
AUGUST 30, 2004  
COURTHOUSE

FAYETTEVILLE, WV 25840  
MEMBERS Present: Kenneth L. Eskew, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in a regular session on this 30<sup>th</sup> day of August 2004.

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

James Perdue, Maintenance appeared before the Commission to make recommendation for the custodian position.

Mr. Perdue told the Commissioners that he recommends Larry Adkins to be hired to fill the custodian position.

Commissioner Lopez offered a motion to accept James Perdue recommendation to hire Larry Adkins as custodian for the Maintenance Department, effective September 1, 2004, salary \$1,100 a month plus benefits. Commissioner Wender seconded. Unanimous.

Chief Deputy Steve Kessler appeared before the Commission to discuss the estimates he received on paving the parking lot between the courthouse and the road office.

Deputy Kessler told the Commissioners that estimates received were from Fayette Paving, Inc. (\$9,650) and Ed's Paving and Excavating (\$16,352.00).

Commissioner Lopez asked about the layout.

Ms. Holly asked if they know if these are State wage rates? Deputy Kessler and James Perdue replied no.

Deputy Kessler told the Commissioners he would check with both companies and get back with them.

The Commissioners approved exonerations as presented by the Assessor's Office.

Commissioner Wender offered a motion to approve exonerations for personal property for Judy Davies, IBM Credit, and approve refund for Wilcox Timothy (\$124.78). Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion that the Commission denies exoneration for Hamer Pellet Fuel Company. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve payrolls and invoices, payrolls to be released today. Commissioner Wender seconded. Unanimous.

Ms. Holly presented several letters from the State Tax Department informing they have reviewed the natural resources' account(s) and their review indicates that clerical errors were made and they have provided the recommended mineral appraisal changes to the Commissioners.

Eddie Young and Scott Burgess appeared before the Commission to inform the Commission that they will be meeting with the State Tax Department to discuss the mineral taxes regarding Pocahontas Land Company.

Mr. Burgess told the Commissioners he will be meeting with Jerry Knight from the State Tax Department to make a proposal.

Commissioner Eskew asked Mr. Burgess what the Commission would have to do.

Commissioner Lopez asked about requesting retro-pay.

Mr. Burgess told the Commission he would like to see the return

filed on this tract.

Mr. Young told the Commissioners that he and Mr. Burgess were here today to give the Commission an update on what's going on with the Pocahontas Land Company.

Commissioner Eskew requested that Mr. Young and Mr. Burgess go forward with this.

Mr. Burgess told the Commissioners he would make a recommendation to Jerry Knight.

Commissioner Eskew asked Mr. Young to work with Mr. Burgess on this matter.

Randy Epperly with the Division of Highways appeared before the Commission to discuss the Glen Jean Intersection.

Also presented were Dave Pollard, County Resource Coordinator, Tim Richardson, Zoning Officer, Al Gannon and his wife, Harold Bragg and Mike Hunter, National Park Service.

Mr. Epperly told the Commissioners that the Division of Highways is currently in the process of work on the Lochgelly intersection. There is no major modification for the Glen Jean intersection at this time.

Mr. Epperly told the Commissioners the long term solution for the Glen Jean intersection is to build a new intersection.

Mr. Epperly told the Commissioners he would continue to monitor the situation.

Mr. Bragg told Mr. Epperly that more accidents occur at the Glen Jean intersection than at the Lochgelly intersection.

Mike Hunter told the Commissioners this a serious concern.

Tim Richardson, Zoning Officer and Dave Pollard, County Resource Coordinator recommended to the Commission that Shad Dummitt be reimbursed for his zoning application.

Carl Harris, Assistant Prosecuting Attorney told the Commissioners he feels Mr. Dummitt shouldn't have been reimbursed.

Commissioner Wender offered a motion that the Commission extends an invitation to have the municipalities and the Division of Highways participate as a member of their Joint Planning Committee as they move into a new phase of land-use mapping for the U. S. Route 19 Corridor. The discussion to be scheduled for September 20<sup>th</sup> at 3:00 p.m. in the Commission hearing room. Commissioner Lopez seconded.

Commissioner Wender informed the Commission that the West Virginia State University Memorandum of Understanding is in place.

Attorney James Billings appeared before the Commission to contest the Will of Daniel T. Canterbury and appoint a curator in the Estate.

Attorney Phil Tissue was present to represent the Executor Ruth A. Arrington.

Carl Harris, Assistant Prosecuting Attorney asked that Attorney Billings and Attorney Tissue prepare an order and the Executor post a bond for \$55,000. Both attorneys agreed to present an Order.

Mr. Harris informed the Commission this will be heard in the Circuit Court.

Commissioner Wender offered a motion to submit the contested Will of Daniel T. Canterbury to probate. The Attorney's will prepare Orders, the Executor to post a \$55,000 bond. Commissioner Lopez seconded.

Earl Pauley, Fayette County Park Superintendent and Peggy Bennett appeared before the Commission to discuss money two camps had given him to buy washer and dryer and to discuss handicap access at pool.

Mr. Pauley presented a list of things he would be discussing to the Commissioners.

Horseshoe Pit - Mr. Pauley told the Commissioners that the horseshoe pit is coming along great. Ms. Hanshaw had to cancel the tournament for this year.

Mr. Pauley told the Commissioners that he and Ms. Bennett are going to Parkersburg September 4 to show that the Fayette County Park has to offer. Mr. Pauley told the Commissioners if considered the Commission gets \$10,000 up-front bid for 2006.

Welder - Mr. Pauley told the Commissioners he needs a welder for the Park.

Mr. Pauley told the Commissioners he would like to purchase a new welder from northern Tools because the one they had burnt up. Cost would be \$2,549.99, no shipping charge. Mr. Pauley told the Commissioners it's a portable 230 amps.

Commissioner Lopez offered a motion to approve purchase of the portable 230 amp welder at \$2,550.00. Commissioner Wender seconded. Unanimous.

Camp - Mr. Pauley told the Commissioners he received a check for \$400.00 from Tim Douglas, pastor of the Church of God requesting that the Fayette County Park purchase a washer and dryer for the camp.

Tom Cashem from Cashem's Camp also left a check for \$800.00 to go toward the washer and dryer purchase.

Mr. Pauley told the Commissioners that while Mr. Cashem was at the camp his church spent \$1,884.00 at Means Lumber for materials used to build a nurse station at Cabin #3.

Mr. Pauley told the Commissioners they would like to waive Tom Cashem camp fees.

Mr. Pauley told the Commissioners they would set up the washer/dryer in the Craft building, agreed to an additional \$100 cap fee to cover water and electric.

Commissioner Lopez offered a motion to waive the \$650.00 camp fee for Cashem camp and to approve purchase of the washer/dryer for the Fayette County Park. Commissioner Wender seconded. Unanimous. The Check donations should be deposited in the General County Fund.

Pool Handicap - Mr. Pauley told the Commissioners the park need's signs, needs to pave, and they need to install a ramp at the back doors at the pool.

Mr. Pauley told the Commissioners they have put up two handicap ramps at the parking lot at the pool and canteen; do not have dressing room accessible, do have handicap accessible in women's but do not have handicap accessible in the men's, have to do bathroom stalls, wants to build a ramp into the pool, cost would be \$6,000.00.

Danese Detachment - Mr. Pauley told the Commissioners they need to be reworked and needs some work to improve the steps.

Mr. Pauley told the Commissioners he does not feel this needs to be done immediately possibly in October. Mr. Pauley suggested metal. The Commissioners asked Mr. Pauley to get price for the metal.

Mr. Pauley told the Commissioners a motor blew in a deputy

sheriff car.

Commissioner Wender asked Ms. Holly to ask Carl Harris, Assistant Prosecuting Attorney what leverage the Commission can expect to get a response from Equitable Gas.

The Commission adjourned for lunch at 12:20 p.m. and will unlock the ballot room.

The Commissioners reconvened the County Commission meeting at 1:05 p.m.

Attorney Phil Tissue appeared before the Commission for a hearing to abandon a roadway in Kimberly, the petitioner's Lowell and Virginia Thomas and Anna Margaret Bracy.

Also present was Thomas Steele, Assistant Prosecuting Attorney, John Philip Melick with Jackson and Kelly representative for Walter Stroud Pardee and Curtin Realty LLC, and David Divita.

Attorney Tissue told the Commissioners he had given notice to parties of this petition.

Mr. Tissue told the Commissioners that this hearing would require an hour or an hour and a half. Mr. Tissue told the Commissioners he has several maps to present.

Pardee and Curtin Realty LLC asked that the minutes reflect that they were present to oppose this abandonment.

David Divita told the Commissioner he opposed the abandonment also.

Commissioner Wender asked that this hearing be rescheduled for September 13, 2004 at 10:45 a.m.

W. D. Smith, Executive Director, Region 4 Planning and

Development Council, New Haven Public Service District Board Members, Ed Shutt, Stafford Consultants appeared before the Commission to request funding for Phase III future Water Extension Service.

Mr. Shutt told the Commissioners they are in the last Phase of Paint Creek/Plum Orchard Water Extension Project.

Mr. Shutt asked the Commissioners if they would endorse and support the funding for an ARC grant.

Mike Miller with WV American Water told the Commissioners they were interested to see that this project expands.

Commissioner Wender asked someone to put together a strategy on how the prices fit together.

Commissioner Wender asked Dave Pollard, County Resource Coordinator and W. D. Smith to prepare a letter to Congressman Nick Rahall and inform him of this project. (See attached Summary)

The Commissioners received/reviewed and signed Motor Fuel Excise Tax Government Refund Application Gasoline.

Jim Lively, Sr. With Jim Lively Insurance appeared before the Commission to discuss the insurance renewal.

Mr. Lively presented a notice informing the Commission that their Employment Practice Liability coverage terminated on July 1, 2004 to the Commissioners.

Mr. Lively informed the Commission they will not have coverage for claims which are reported after this limited period unless they purchase a Reporting Endorsement or obtain a replacement policy providing coverage for prior acts.

Mr. Lively told the Commissioners the cost of this coverage for



# New Haven PSD

Hearing 08-30-04

W.D. Smith	Region 4 Planning & Dev. Council	(304) 872-4970
Tom Saunders	WV Development Office	(304) 558-4010
Ed Shutt	Stafford Consultants	304-925-9555
Sandy Berry	Stratton Consultants	304-425-9535
Ronna Lively	- NH PSD	304-469-9535
Loren J. Fox	NH PSD	304-469-4772
Kenneth Hayes	NH PSD	304-658-4385
Angie Groves	Region 4 PDC	304-872-4970 x13
Eugene Pennington	NH PSD	304-658-4393
Ann Berrey	"	304-574-2076
Doug Olds	WV WDA	304-558-3612
Patrick A. Taylor	WV BPM	304-558-6749
Rose Mary Christian	USDA, Rural Development	304-252-8644 <sup>Ext.</sup> 170
Mike Miller	WV-American	304-340-2009
Dave Rollard	Fay Co. Res. Com.	304-574-4258
MARIL SANKOFF	WV-American	304-340-2974
Phil Tissue	Attorney N.H. PSD	304-469-4431

**NEW HAVEN PUBLIC SERVICE DISTRICT**

**PHASE IIIA  
PRELIMINARY  
PROJECT SUMMARY**

*Revised 8/30/04*

<i>PROJECT</i>	<i>PRIORITY</i>	<i>ESTIMATED CONSTRUCTION COST</i>	<i>ESTIMATED PROJECT COST</i>	<i>POTENTIAL CUSTOMERS</i>	<i>COST PER CUSTOMER</i>	<i>WVAWC (1) CONTRIBUTION</i>	<i>GRANT/LOAN FUNDS REQUIRED</i>
Stringtown Road	A	1,418,307	1,881,000	92	20,445	148,000	1,733,000
Sunday Road / Clifty	A	308,297	567,000	15	37,800	24,000	543,000
Shawver Road	A	330,700	453,000	15	30,200	24,000	429,000
Hawver Road Contract 5	A	347,205	500,000	15	33,333	24,000	476,000
Power Plant/Beauty Mt. Rd.	A	639,666	878,000	41	21,414	66,000	812,000
Miller Ridge Road North	A	421,227	600,000	18	33,333	30,000	570,000
<b>TOTAL PHASE IIIA</b>		<b>\$3,465,402</b>	<b>\$4,879,000</b>	<b>196</b>		<b>\$316,000</b>	<b>\$4,563,000</b>

**PHASE IIIB  
PRELIMINARY  
PROJECT SUMMARY**

Saturday Road (Ramsey)	B	322,325	482,000	16	30,125	26,000	456,000
Miller Ridge Rd/Arrow Wood	B	662,465	936,000	31	30,194	50,000	886,000
Fox Cemetery Road	B	97,065	144,000	3	48,000	4,000	140,000
Spy Rock/Edmond Route 7	B	245,000	348,000	6	58,000	10,000	338,000
Saturday Rd. Inter./Balance	B	284,000	397,000	6	66,167	10,000	387,000
Flanigan Mountain	B	529,960	773,000	8	96,625	14,000	759,000
<b>TOTAL PHASE IIIB</b>		<b>\$2,140,815</b>	<b>\$3,080,000</b>	<b>85</b>		<b>\$114,000</b>	<b>\$2,966,000</b>

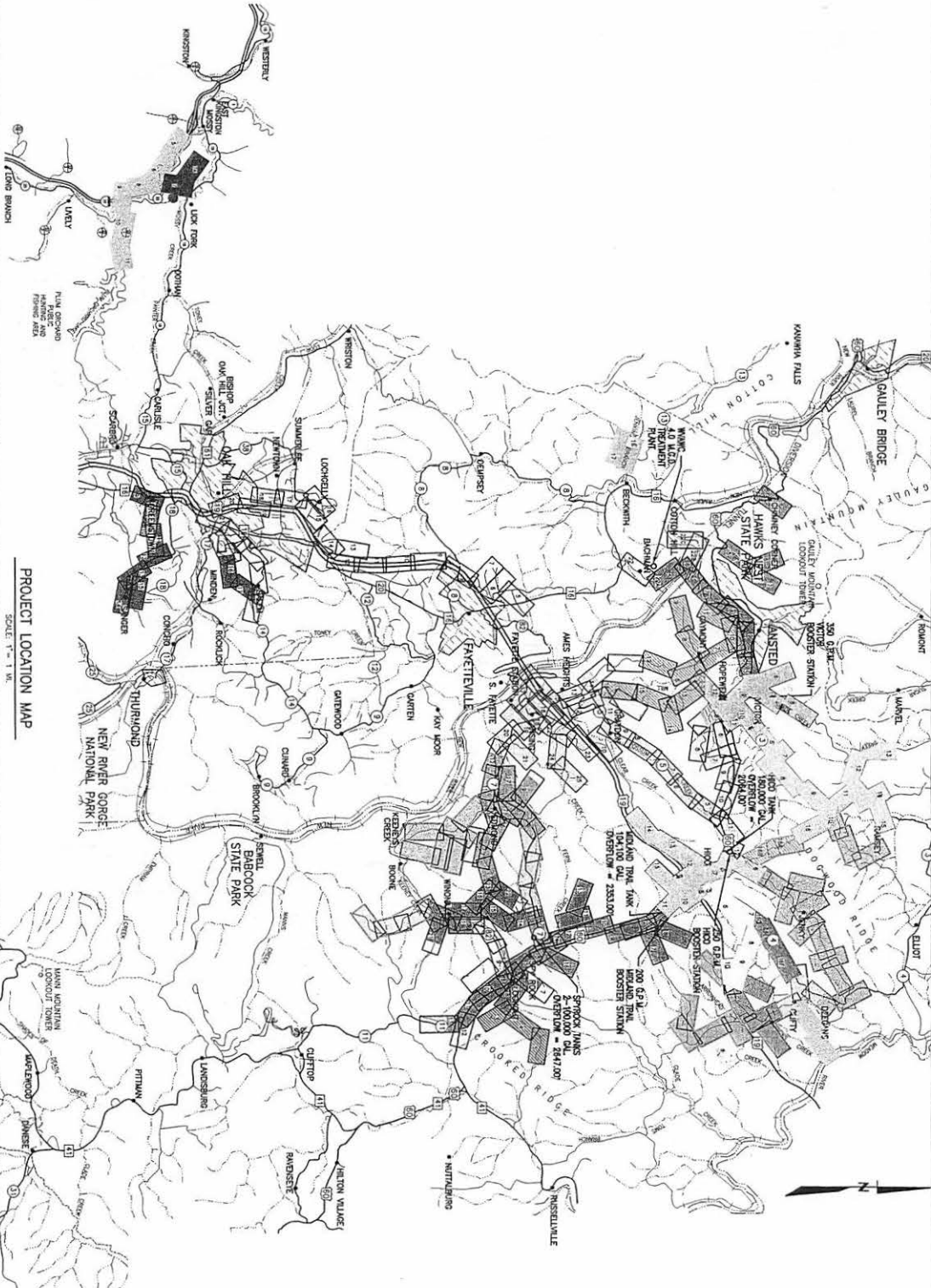
May 14, 2002

Revised January 24, 2003

Revised July 23, 2004

Revised August 30, 2004

Notes: WVAWC's contribution based upon 80% signed users at \$2,000 per customer.



**PROJECT LOCATION MAP**  
SCALE: 1" = 1 MI.

**PROJECT LAYOUT MAP LEGEND**

- 13 U.S. HIGHWAY
- 14 W.V. NUMBERED HIGHWAY
- 15 W.V. COUNTY NUMBERED ROUTE
- 16 TOWN BOUNDARIES
- 17 PARK BOUNDARIES
- 18 RIVER/CREEKS
- 19 GRAVEL/PAV'T ROADS
- 20 ROAD CENTER LINE
- 21 TUNNEL
- 22 PLAN SHEET #/ NUMBER
- 23 CONTRACT NO. 1 - (COMPLETED)
- 24 CONTRACT NO. 2 A & B - (COMPLETED)
- 25 CONTRACT NO. 3 - (COMPLETED)
- 26 CONTRACT NO. 4 - (COMPLETED)
- 27 CONTRACT NO. 5 - (COMPLETED)
- 28 CONTRACT NO. 6 - (COMPLETED)
- 29 CONTRACT NO. 7 A & B - EX. - (COMPLETED)
- 30 EIGHT ROAD CHANGE ORDER - CONTRACT NO. 7A - (COMPLETED)
- 31 CONTRACT NO. 8 - (COMPLETED)
- 32 CONTRACT NO. 9 - (COMPLETED)
- 33 CONTRACT NO. 9A - (COMPLETED)
- 34 CONTRACT NO. 11 - (COMPLETED)
- 35 CONTRACT NO. 11 A & B - (COMPLETED)
- 36 CONTRACT NO. 12 - SANDHAY ROAD/HOSSE SHOPE CREEK - (COMPLETED)
- 37 SANDHAY ROAD/VALETS ROAD ROADWAY - (COMPLETED)
- 38 PAINT CHECK - CONTRACT NO. 13 - (UNDER CONSTRUCTION)
- 39 PAINT CHECK - CONTRACT NO. 14 - (UNDER CONSTRUCTION)
- 40 HAMMER ROAD FROM CONTRACT NO. 5 - PHASE II A
- 41 SPRINGDALE ROAD - PHASE II A
- 42 SANDHAY ROAD/CURT AREA - PHASE II A
- 43 SANDHAY ROAD - FLEMING CHANGE ORDER - PHASE II A
- 44 SANDHAY ROAD - PHASE II A
- 45 VALETS ROAD NORTH - PHASE II A
- 46 VALETS ROAD SOUTH - PHASE II A
- 47 POWER PLANT/BAYLUM MOUND ROAD AREA - PHASE II A
- 48 FOX CREEK/TWIN HOLLOW - PHASE II B
- 49 SANDHAY ROAD INTERSECTION - BLANCKE - PHASE II B
- 50 VALETS ROAD/ARMONWOOD AREA - PHASE II B
- 51 SPRINGCREEK/DEBARCO CONNECTION/ROUTE 7 - PHASE II B
- 52 FAYETTEVILLE MOUNTAIN AREA PHASE II B

NO.	DATE	BY	NO.	REVISIONS	DATE	BY

**STAFFORD CONSULTANTS INCORPORATED**  
ENGINEERING DESIGN AND CONSULTING  
PRINCETON, WEST VIRGINIA

NEW HAVEN PUBLIC SERVICE DISTRICT  
WATER SYSTEM - PHASE III  
FAYETTE COUNTY, WEST VIRGINIA

**LOCATION MAP W/LEGEND**

DATE	CHECKED	DESIGNED	SCALE
04-9			

SHEET NO. **1**

2/3/04

Employment Practice Liability is \$9,294.00.

Commissioner Wender offered a motion that the Commission approves the cost of Employment Practice Liability coverage, cost \$9,294.00 plus \$92.94, total cost \$9,386.94. Commissioner Lopez seconded. Unanimous.

The Commissioners signed a letter to Kanawha Falls Public Service District extending their appreciation to the Board members for making it possible for the Commission to meet the required match necessary for the Arbuckle Public Service District to receive a grant from the Governor's Contingency Fund. A copy of the letter was forwarded to Billy Preast, General Manager.

Commissioner Wender informed the Commissioners that the check for Pannell and Sons has been prepared, but holding check until they receive the release from the State Tax Department.

Commissioner Wender informed the Commissioners that he is still trying to connect with Mark Lokant to discuss the gas line at the Fayette County Park.

Commissioner Lopez left at 3:00 p.m.

Commissioner Wender offered a motion to approve minutes of April 1, April 20, April 26 and May 4, 2004. Commissioner Eskew seconded. All approved.

The Commissioners signed a letter prepared by Dave Pollard, County Resource Coordinator to the Town of Fayetteville, the City of Oak Hill, the City of Mount Hope and the West Virginia Department of Transportation inviting them to participate as a member of their Joint Planning Committee into a new phase of land-use mapping for U. S.

Route 19 Corridor.

The Commissioners received and reviewed a letter from Attorney J. B. Rees requesting that Kenneth Roop be replaced as a member of the Fayette County Public Defender Corporation.

Commissioner Wender informed the Commissioners that the Public Defender Corporation minutes did not take a vote to replace Mr. Roop.

Ms. Holly told the Commissioners she received the Agreement for the Legislative Digest grant in the amount of \$3,000 for the Gauley Bridge Colts Midget League.

The Commissioners signed a letter to the Gauley Bridge Colts Midget League attaching a copy of the Agreement and asked that they submit copies of their checks payable to the Vendors and paid invoices signed by an authorized agent of their organization dated and marked "Approved for Payment" to the Commission, and the Commission will submit the request for reimbursement.

Commissioner Wender offered a motion to reappoint John Raney, Tim Richardson, Larry Parsons, Tim Hannah and Phil Perone members of the Fayette County Beautification Committee for a two-year term. The Commissioners signed Orders and appointment letters to serve.

Ms. Holly informed the Commissioners she received two more applications for the Memorial Building manager/custodian position. Ms. Holly told the Commissioners she forwarded the applications to Allen Ballard to give to the Memorial Building Board members to review.

The Commissioners received and reviewed notice from the West Virginia Development Office informing that a Small Cities Block Grant

Training Session is scheduled for September 8-10, 2004 at the Radisson Hotel in Morgantown, West Virginia.

Ms. Holly told the Commissioners she talked with Bill Frye, WV Net regarding internet access for the WVU Extension Office. Ms. Holly told the Commissioners she talked with Software Systems and asked them to send an estimate. Ms. Holly told the Commissioners that Mr. Frye told her that WVU Extension Office will pay 100% cost.

Ms. Holly informed the Commissioners she received a notice from the United States Bankruptcy Court regarding West Virginia White Water, Inc.

Ms. Holly told the Commissioners she sent a copy of the notice to Carl Harris, Assistant Prosecuting Attorney asking that he advise the Commission of any action they need to take in this matter since the Fayette County Commission authorized the sale of a \$200,000 Industrial Development Revenue Bond issue for Whitewater Inn, Inc. in 1982.

Ms. Holly informed the Commissioners that Mr. Harris told her the Commission don't need to do anything. The notice is simply a motion to go from a Chapter 11 to Chapter 7. A copy of the notice was forwarded to Tom Woodrum, Chief Tax Deputy.

Ms. Holly informed the Commissioners that Allen Ballard sent down a request for a Memorial Wall of Honor Project. Ms. Holly told the Commissioners that Mr. Ballard would like to solicit for donations. Ms. Holly told the Commissioners she sent over to Carl Harris, Assistant Prosecuting Attorney to see whether or not the Commission can solicit for donations, she also suggested that the American Legion or the Memorial Building Board Committee solicit.

Ms. Holly told the Commissioners that Mr. Harris informed her that the Statue expressly permits contributions and he suggested it go through the Memorial Building Board Committee.

Ms. Holly informed the Commissioners that she received a call from David Langford with Appalachian Electric Power informing that Appalachian Power Company is implementing its own electrical inspection program effective November 1, 2004. If a County has its own plan, they will not implement in that County.

The Commission asked that Ms. Holly forward a copy of the message to Tim Richardson, Zoning Officer or Dave Pollard, County Resource Coordinator to respond.

The Commissioners received and reviewed a letter from the Town of Gauley Bridge regarding the number of stray animals in their area. They have called the animal control office but have received no response.

The Commissioners asked that this complaint be forwarded to Patti Payne.

Commissioner Wender offered a motion to approve overtime for Debbie Berry ( 32 hrs.). Commissioner Eskew seconded. All approved.

Commissioner Wender offered a motion to approve overtime for James Perdue (114 hrs). Commissioner Eskew seconded. All approved.

The Commissioners received and reviewed a letter from Evangel Fellowship Outreach Ministry asking that the old Beckwith School be used as the polling place for the Beckwith area.

Ms. Holly told the Commissioners that there's not enough time prior to the General Election. The Commission asked to hold until

next year.

The Commissioners received and reviewed quotes from Kelvin Holliday, County Clerk that he received for Election Kits. Mr. Holliday told the Commissioners he received a quote from Casto and Harris for \$2,020 and Dayton Legal Blank for \$2,060. Mr. Holliday recommended to the Commissioners to approve lower quote of Casto and Harris (\$2,020).

Commissioner Wender offered a motion to approve Casto and Harris (\$2,020) to furnish the Election Kits for the General Election to be held November 2, 2004. Commissioner Eskew seconded. Unanimous.

The Commission asked Ms. Holly to call Fred Armstrong to get a status of the Preservation Records Management Grant.

Ms. Holly informed the Commissioners she talked with Dan Snead. He is in the process of finalizing specifications for the Courthouse window project. He hopes to advertise by September. Ms. Holly told the Commissioners they may have to ask for an extension.

The commissioners received a letter from the Pax Regional Community Center thanking the Commission for their fiscal year appropriation of \$1,000.00 and regarding their discussion with the Town of Pax about moving the City Hall to the Community Center.

The Commissioners received and reviewed a letter from the Fayette County Senior Programs requesting the support of the Fayette County Commission for contribution for this fiscal year.

Ms. Holly told the Commissioners that a check for \$500.00 has been prepared.

The Commissioners received and reviewed a letter from the Beards



Fork Community Organization requesting their allotment for this fiscal year, amount \$500.00. Ms. Holly told the Commissioners that the check has been prepared.

The Commissioners received and reviewed from Region 4 Planning and Development Council a copy of the legal advertisement for the New Haven Public Service District Sewer Project.

Ms. Holly told the Commissioners she received a note from Selena Vickers informing she has faxed Jim Lively Insurance the information regarding the insurance.

Ms. Holly told the Commissioners that Beverly Oxley had called with some questions and she told her to contact Chris Dyer, Housing Consultant with the Fayette County Housing and Economic Development Organization.

The Commissioners asked Ms. Holly to e-mail Ms. Vickers and asks her if she talked with Ms. Oxley and got the problem solved.

The Commissioners received and reviewed a letter from Mountain Transit Authority informing them of Galen Horrocks resignation on the Board of Directors.

Commissioner Wender asked Ms. Holly to write a letter to Mountain Transit Authority asking what areas of Fayette County are being served.

The Commissioners received and reviewed a letter from the West Virginia Division of Labor regarding the change in the Elevator Safety Act. The change, which became effective June 13, 2004, turns inspections of privately owned elevators over to approved private elevator inspectors. The Division of Labor will continue to inspect

elevators in state owned building.

Ms. Holly informed the Commissioners she received a Petition from Attorney Lynn Pollard to consolidate Deepwater Public Service District and Armstrong Public Service District.

Ms. Holly told the Commissioners she looked over the Petition and had a few questions, she called Ms. Pollard waiting to hear back from her.

Ms. Holly told the Commissioners she received a call from Leonard Spencer, Surveyor regarding precinct maps.

Ms. Holly told the Commissioners she called Kelvin Holliday, County Clerk to see what the change would be and he informed her that he wasn't sure what Mr. Spencer will change.

Commissioner Eskew asked Ms. Holly to verify cost with Leon Spencer.

The Commissioners received another letter from the Fayette County Public Defer Corporation asking that Kenneth Roop be replaced as a member of their Board.

Commissioner Wender asked Ms. Holly to send a copy of the letter that was sent to them on June 3, 2004 and highlight the word "vote."

The Commissioners received and reviewed a letter from Diane Meadows, CPC with WVU Extension Service asking if they could keep the cable service that is currently installed until a decision is made concerning a possible connection to the courthouse service.

Commissioner Wender suggested informing Ms. Meadows they are tabling this request pending estimates from Software Systems and Bill Frye, WV Net.

The Commissioners received and reviewed a copy of a letter to Jackson Kelly, PLLC from Carl Harris, Assistant Prosecuting Attorney regarding the re-payment provision in the contract between the Fayette County Urban Renewal Authority and the Infrastructure Counsel.

The Commissioners received and reviewed from the West Virginia Development Office notices of public meetings for the State Consolidated Development Plan.

The Commissioners received and reviewed an invoice from the Complete System Support, Inc. (CSSI), amount \$2,620.56.

The Commissioners received and reviewed Certificate of Coverage from the Workers' Compensation Commission for the period July 1, 2004 to November 30, 2004.

The Commissioners received and reviewed a letter from Dunn Engineers, Inc. Thanking the Commission on behalf of the Arbuckle Public Service District for their assistance in making the County's belt filter press available to them.

The Commissioners received and reviewed an Application for Employment from Kari Ann Jones.

The Commissioners received and reviewed a letter from the Secretary of State enclosing materials for the 2004 General Election.

The Commissioners received and reviewed Official Oath of Office from W. R. Wagner, II member of the Kanawha Falls Public Service District.

The Commissioners received and reviewed a letter from the West Virginia State Emergency Response Commission informing that the 2004 SERC Grant request has been approved. The funding has been awarded to

the LEPC in the amount of \$1,501.27. A copy of the letter forwarded to Steve Cruikshank, OES Director.

The Commissioners received and reviewed several correspondences from the Worker's Compensation Commission and the Unemployment Compensation Commission.

The Commissioners received and reviewed a letter from the Office of Emergency Services regarding the Fiscal year 2005 Emergency management Performance Grant (EMPG) Application. A copy forwarded to Steve Cruikshank, OES Director.

The Commissioners received and reviewed a letter from Southern Appalachian Labor School inviting the Commission to welcome a new family to the New Page Housing Project.

The Commissioners received and reviewed Weekly Fees Collected from the Fayette County Animal Center/C-PAC for the week of August to August 19, 2004, amount \$175.00 and the week of August 20 to August 26, 2004, amount \$215.00.

The Commissioners received and reviewed information from Commercial Technology Group, LLC (ComTech) on their Time and Attendance products.

The Commissioners received and reviewed from Spilman Thomas and Battle a chart of the Coal Producing Counties in West Virginia. A copy forwarded to Eddie Young, Assessor's Office.

The Commissioners received and reviewed a letter from St. Paul Fire and Marine Insurance Company informing that claim #GP0931280709T001 has been assigned to Regina Laughery for handling.

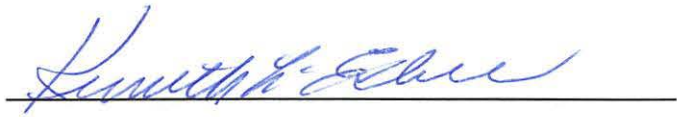
The Commissioners received and reviewed a recognition Certificate

from the West Virginia Association of Counties for fiscal year 2004-2005.

The Commissioners received and reviewed e-mails from Chris Dyer, Housing Consultant and Selena Vickers member of the Fayette County Housing Economic Organization Council regarding the Multi-Cap meeting.

The Commissioners received and reviewed checks for the 911 Fees from Business Telecom, Inc. amount \$7.84, Operating Account, amount \$2,085.50, AT&T Communications of WV, amount \$1,626.00, Granite Telecommunication, LLC, amount \$80.00, Metro-Teleconnect Co., amount \$27.44, Verizon, amount \$35,986.55; Alarm Fees, amount \$3,080.00; refund, amount \$4,107.67, Insurance claim, amount \$2,068.25; FLM rent, amount \$2,025.00, WV Development Office-Paint Creek/Plum Orchard, amount \$84,284.14; Wal-Mart Grant for the Fayette County Historic Landmark Commission, amount \$1,000.

The meeting was adjourned at 4:31 p.m. The next scheduled meeting is September 13, 2004.

  
\_\_\_\_\_

FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
DECEMBER 17, 2004  
COURTHOUSE  
FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 17<sup>th</sup> day of December 2004.

Commissioner Eskew called the meeting to order at 9:05 a.m.

Commissioner Eskew informed that in their last meeting there were to projects (New Haven Public Service District and Danese Public Service District) seeking support of the Fayette County Commission to make application for a Small Cities Block Grant.

Commissioner Eskew suggested prioritizing the projects that are seeking support for a Small Cities Block Grant.

Commissioner Wender asked Dave Pollard, County Resource Coordinator for input on the Danese Public Service District and the New Haven Public Service District Projects.

Mr. Pollard told the Commissioners that Danese Public Service District is further along with their project than New Haven Public Service District, Mr. Pollard suggested that Danese Public Service District should be given priority.

Commissioner Wender offered a motion to give priority to sponsor a Small Cities Block Grant application in the amount of \$1,500,000 on behalf of the Danese Public Service District Project for 2005 funding year. Commissioner Eskew seconded. Unanimous.

Commissioner Wender offered a motion to approve exonerations as submitted by the Assessor's Office. Commissioner Lopez seconded.

Unanimous.

Commissioner Wender offered a motion to approve refunds for Karen S. Lloyd (\$44.92) and James Rappold (\$197.82) as submitted by the Assessor's Office. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve vouchers and payrolls, payrolls to be released today. Commissioner Wender seconded. Unanimous.

Ms. Holly informed the Commissioners she received a list of the executive committee poll workers for the Special Levy Election being held February 5, 2005.

Ms. Holly presented the Order to the Commissioners that needs to be signed.

Commissioner Wender offered a motion to accept the list of poll workers submitted by the Executive Committee. Commissioner Lopez seconded. Unanimous.

The Commissioners signed Order, ordering the balance of the Fayette County General School Fund in the amount of \$107,882.16 for the calendar year 2004 to be transferred to the Fayette County General School Fund to defray the balance due said fund for the cost of care and feeding of misdemeanor prisoners incarcerated by magistrates

Commissioner Eskew called the Zoning hearing to order at 9:30 a.m. Present were Tim Richardson, Zoning Officer and Leon Cooper, Chairman Fayette County Planning Commission.

Tim Richardson, Zoning Officer presented to the Commissioner Case #Z-498-04-1: Request of James H. Whitlock and Mava I. Whitlock owners, for a change in land classification from B-2 (Business, Local

District) to B-4 (Business, Major District) on 75 acres more or less of Surf. 239.70 acres near Courthouse, off Route 19 and Maple Lane, New Haven District.

Mr. Richardson presented a list of the public wishing to speak to the Commissioners.

Mr. Richardson informed that the request was tabled by the Commission at their November 19, 2004 meeting. All the adjacent property owners have been notified.

Mr. Richardson told the Commissioners that the recommendation of the Planning Commission is to rezone as requested by a vote of 7 for and 3 against, one abstain for this request.

Commissioner Eskew recognized the speakers who wished to comment. (See an attached list and minutes)

Commissioner Lopez offered a motion to table the request until January 10, 2005. Commissioner Eskew seconded. Unanimous.

Commissioner Wender informed the Commissioners that he disagrees with tabling the request today. (See attached minutes for further comments).

The Commissioners voted to table until the next Commission meeting January 10, 2005 at 9:30 a.m. Vote passed 2 to 1 abstention.

Mr. Richardson informed the Commissioners that there was no other business. The zoning hearing was adjourned.

Commissioner Wender offered a motion to approve the excerpt from November 19, 2004 County Commission meeting minutes. Commissioner Lopez seconded. Unanimous.

Judy Radford with 4-C Economic Development Authority appeared



# Fayette County Commission

## Minutes

**December 17, 2004**

The Fayette County Commission met in regular session, December 17, 2004, at 9:30 am. The zoning portion of this meeting as follows:

Members present: Ken Eskew, President  
Mathew D. Wender, Commissioner  
John H. Lopez, Commissioner

Also present, Tim Richardson, Zoning Officer, Leon Cooper, Chairman, Planning Commission

First order of business request:

**Z-498-04-1:** Request of James H. Whitlock and Mava I. Whitlock, owners, for a change in land classification from B-2 (Business, Local District) to B-4 (Business, Major District) on 75 acres more or less of Surf 239.70 AC NR Court hse, off Rt. 19 and Maple Lane, New Haven District.

List of public wishing to speak presented to President Eskew.

This is a request tabled by the County Commission at their November 19, 2004 meeting.

Recommendation of the Planning Commission read by zoning officer is to rezone as requested by a vote of 7 for and 3 against, one abstention for this request.

Recognized speakers as requested by President Eskew.

Tom Oxley, City Manager Oak Hill. Concern of application being considered on the merit of the application, recommendations from the Planning Commission and Transition Team to rezone as requested.

James Blankenship , representing the Whitlocks's. Issues have seemingly been tried to seep into this application. This application should be based on its own merits and recommendations from the planning commission, transition team, the Route 19 Overlay and the Unified Development Code. The merits of the criteria of the code in regard to B-4 zoning, the properties involved and the steps of development referenced in the Unified Development Code. Fairly assess this rezoning. Again there are no contracts in place in regard to this property. Please leave politics out of this application.

Kim Casto, October 19, 2004 the planning commission recommended to deny this request. On October 26, 2004 the county commission voted to send this request back to the planning commission for further consideration. On November 16, 2004 the planning commission sent a recommendation to approve as requested by a vote of 7-3 with one abstention and then the county commission voted to table this request November 19, 2004. For what reasons are you not approving this request today ?

Mathew Wender, assuming a vote today. This is not a fair question to the commission. The commission however will provide comments.

Ken Eskew, President, written comments were provided from the public, which the commission will consider.

Sid Howard, neighbor, questioned why he was not notified throughout this process and I have submitted comments to the commission.

It was established through the zoning officer that Mr. Howard wasn't notified because his property doesn't border the 75 acres that is being applied for, just the remainder of the Whitlock property.

John Lopez, commissioner, 7 years ago the Lilly property was applied for and the county commission denied this request by a 2-1 vote of which I did vote to approve. This is what Route 19 was developed for, business development. I supported this issue before.

**Disposition :** Motion to table request until the January 10, 2005 county commission meeting. Second by Ken Eskew.

Further discussion. Matt Wender, commissioner, acknowledged that he respects the other commissioners opinions. But is also disappointed that this request is not being voted on today. There is a question of the effects of a regional shopping center in Fayette County. With the Lilly property this is a win lose situation for Fayetteville and the county. With the Whitlock property it is a win win situation for both Fayetteville and the county. Municipalities around the state need financial support.

Leon Cooper, question as to parliamentary process, can the chair or president second a motion ? Ken Eskew, yes this person can.

Pat Day, please consider this application on its own merits and not be influenced by opinions on another project.

Al Gannon, Mr. Lopez, if you need assistance with information that has been heard on this application any member of the planning

commission will be glad to assist you in evaluating this information.

Will there be a sharing of the revenue through the Urban Renewal Authority ?

Ken Eskew, the URA is in the process of reviewing revenue sharing for the county.

Steve Louisos, is there no contacts been made to the Whitlock's as stated previously ?

Mr. Eskew, as stated by Mr. Blankenship, representing the Whitlock's no contracts have been entered into.

James Blankenship, this is all speculation. B-4 is defined and a plan is not required to present application. The definition of B-4 is regional development according to the unified development code.

Matt Wender, there will be only one regional development, because this area will only support one. The Whitlock's have the right to compete for this project.

John Lopez, one development will encourage another. In 1997 the planning commission voted to recommend approval of the Lilly property for business development and I was in favor of this then.

Kim Casto, what is your reason to table this request now ? Is it waiting on the ruling of the injunctions on the Lilly property ? A lot of obstacles still stand in the way with this project.

Ken Eskew, Kim Casto who do you represent in speaking in this meeting ? Kim Casto, I am speaking as an individual. The county commission can be a peacemaker with the matters at hand. And I do support the Whitlock application.

John Lopez, other lawsuits may surface.

Ken Eskew, the commission has spent time in researching land use management , the Unified Development Code and the Route 19 Overlay Plan and continue with the Route 19 Buildout Plan which is due to be completed June, 2005.

The commission is also reviewing documents of comment from the public concerning this request.

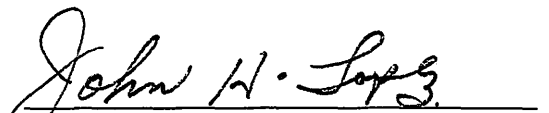
Leon Cooper, why were these comments submitted to the county commission and not the planning commission for their review ? Joy Marr, indicated she did not submit to planning commission. Tim Richardson, zoning officer acknowledged he did not receive any written public comment from either Joy Marr or Sid Howard.


**Vote on Motion :** To table until county commission meeting, January 10, 2005. 2 votes for the motion, 1 abstention.

Clarification by Matt Wender, this vote will be on January 10, 2005 at 9:30 am.

No other business. Zoning portion of this meeting. Adjourned.

  
Kenneth Eskew, President

  
John H. Lopez, Commissioner

  
Mathew D. Wender, Commissioner

before the Commission to discuss the TeleCom Project. Also, present were James Gaucher and Keith Montgomery.

Mr. Gaucher told the Commissioners that WVU Tech is a private partnership.

Mr. Gaucher informed the Commissioners of the Cities and Counties that is participating in the project.

Commissioner Lopez asked if the bond issue had to come from the Fayette County Commission

Mr. Gaucher informed no it would come from the West Virginia Economic Development Authority.

Keith Montgomery told the Commissioners that this is a non-profit project.

Mr. Montgomery told the Commissioner this is a West Virginia network, everyone pays the same price, no price increases for ten years, no liability associated with the debt, thirty to forty jobs. Mr. Montgomery asked the Commissioners if they would consider a feasibility study and sign a Resolution.

Attorney James Blankenship appeared before the Commission to present a petition to set a hearing to abandon an unused street, Petitioner Stephanie A. Davenstott-Gouge.

Commissioner Lopez offered a motion to set the hearing for January 10, 2005 to abandon the unused street as presented by Stephanie A. Davenstott-Gauge. Commissioner Wender seconded. Unanimous.

Commissioner Wender offered a motion that the Fayette County Commission sign the Resolution with iCon Communication West Virginia

Economic Development Authority fiber services to residents, Resolution similar to Raleigh County's with the exception that Fayette County Resolution to include Valley. Commissioner Lopez seconded.

Unanimous.

Howard Hughes appeared before the Commission to give them an update on the Upper Paint Creek Project.

Mr. Hughes told the Commissioners that he had met with E. L. Robinson Engineer to discuss a trout stream in the area and will be meeting with the West Virginia Turnpike in January to discuss a RV Park in the area. Mr. Hughes told the Commissioners the cost would be \$245,000. Mr. Hughes presented a copy of the plans to the Commission and informed the Commission he just wanted to bring the Commission up to date,

Mr. Hughes told the Commissioners that Delegate John Pino suggested asking the Commission if they would adopt a Resolution.

Commissioner Wender offered a motion that the Fayette County Commissions be the sponsor for the USDA Grant and authorize Commissioner Eskew to sign on behalf of the Fayette County Commission once the application is prepared. Commissioner Lopez seconded.

Unanimous.

Rodney Myers and Jim Akers appeared before the Commission to discuss the Fayette County Jail Museum storage space on the first and second floors.

Mr. Myers told the Commissioners they would like for them to have an engineer to look at the gutter on the outside wall.

Mr. Myers told the Commissioners that last year they had 979

visitors to visit the museum.

Jim Akers asked the Commissioners if they would consider paying Ann Cody's salary.

Commissioner Eskew suggested setting up an appointment for January 10<sup>th</sup> to have J. Dan Snead Associates and Sheriff William Laird to review the jail.

Bill Bragg and Leonard Coleman, attorneys with Goodwin and Goodwin, LLP appeared before the Commission regarding various counties and the City of Wheeling, West Virginia (the "Twenty-five West Virginia Municipalities"), issued their Single Family Mortgage Revenue Bonds, 1983 Series A ( the "1983 Bonds") to finance home loans in the Twenty-five West Virginia Municipalities.

Mr. Bragg presented a Resolution that Crews and Associates have requested authorization from the City of Wheeling, West Virginia on behalf of the Twenty-five West Virginia Municipalities to pursue the defeasance of the outstanding Bonds with the expectation to deliver moneys to the Twenty-five West Virginia Municipalities.

Mr. Bragg asked that the Commission authorize President Eskew to execute and deliver the acknowledgment on the Wheeling Resolution.

Commissioner Wender offered a motion to adopt Resolution and authorize Commissioner Eskew to sign on behalf of the City of Wheeling. Commissioner Lopez seconded. Unanimous.

Ms. Holly presented the Courthouse Facilities Improvement Fund Application for Phase II of replacing the existing windows of the Courthouse, the estimated cost is \$100,000.00 to the Commissioners.

Commissioner Lopez offered a motion to authorize President Eskew



to act on its behalf to enter into a contractual agreement with the Courthouse Facilities Improvement Authority to receive and administer funds pursuant to provision of the Courthouse Facilities Improvement Fund program. Commissioner Wender seconded. Unanimous. Resolution, cover letter and letter to the three elected officials and application signed.

The Commissioners signed applications for Fiscal Year 2005 Legislative Digest Information Sheet for the Local Economic Development Assistance for Upper Kanawha Valley Chamber of Commerce and Multi-Cap, Inc.

The Commissioners received and reviewed an e-mail from Commissioner Wender asking that the annual resolution for the LED Grant Program authorizing 4-C Economic Development Authority as our lead economic development authority be prepared.

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

The Commissioners signed a letter of support to Beth Gardner, Chairman of the Oak Hill Rail-Trail Committee for funding of the Oak Hill Rail-Trail application a grant to allow for the acquisition to fund construction of a 6-mile of a rail trail in Oak Hill.

The Commissioners received and reviewed from Beth Gardner, Chairman of the Oak Hill Rail-Trail Committee the Transportation Enhancement Program Intent-To-Apply Form from the West Virginia Department of Transportation Division of Highways

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 January 2005.

The Commissioners received/reviewed and signed the Final Performance Report from Region 4 Planning and Development Council for the New Haven Public Service District Saturday Road/Horseshoe Creek Water Extension, Project #WV 14305-02-I-214.

Ms. Holly informed the Commissioners that she talked with Dan Snead informed him that the Commission did approve the window replacement for the Courthouse. Mr. Snead told her that he will contact the contractors.

The Commissioners signed invoices for the confinement of inmates at the Southern Regional Jail for the Town of Fayetteville, amount \$97.00, and the City of Oak Hill, amount \$388.00.

The Commissioners signed Orders and appointment to service letters for John Hoffman and Gary Davis, members of the Fayette County Board of Zoning Appeals.

Commissioner Wender offered a motion to approve minutes of June 25 and June 28, 2004. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to approve Petitions to combine or divide and segregate land for Edward and Wanda Brellahan, Gary Richard Neal, Sr., Matthew R. Stover, and Charles and Jackie Rue as submitted by the Assessor's Office. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed the Courthouse Annex first floor initial Air Quality Study from REIC, Inc.

The Commissioners asked to hold off on the decision of the tile,

defer final decision to Sheriff William Laird and Eddie Young,  
Assessor.

The Commissioners received and reviewed a Memorandum from Cathy Jarrett regarding direct deposit for county employees. The Commissioner asked that this be deferred to the next county commission meeting.

Commissioner Wender offered a motion to approve zoning hearings minutes of November 19, 2004 and December 17, 2004. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from Alan Susman to the Federal Communications Commission on behalf of the citizens of Page and Kincaid regarding Highland Cellular commitment to build a cell site in this area.

Commissioner Wender asks that Tim Richardson, Zoning Officer review for other conflicts and let the Commission know if he have a problem with the Commission sending this letter.

Commissioner Wender suggested putting on Fayette County Commission letterhead and stamp the Commission names and mail if this is okay with Mr. Richardson.

The Commissioners received and reviewed an invoice from Michael Basile, with Spilman, Thomas and Battle for professional services, amount \$3,513.10. Commissioner Lopez offered a motion to approve the invoice in the amount of \$3,513.10 and to cap the project at \$6,500.00 additional work not authorized. Commissioner Wender seconded. Unanimous.

The Commissioners received and reviewed a letter from the City of Montgomery asking the Commission to commitment to \$5,000.00 the same amount as Kanawha County Commission has committed for funding for the repairs on their Public Works Garage property.

Commissioner Wender suggested writing a letter to the City of Montgomery and ask that they resubmit their request during the budget session.

The Commissioners received a request from the Assessor's Office for two additional phone lines in the Appraisal Office.

The Commissioners received and reviewed a letter from the State Tax Department informing they reviewed the results of the monitoring activity for Tax Year 2004. It was brought to the attention of the PVC that this is the first year the Fayette County Assessor's Office has had deficiencies.

Sheriff William Laird informed the Commissioners he was going to purchase radios under the Home Land Security Grant, amount \$28,850.00. Sheriff Laird told the Commissioners that since this was not under the State Contract he would have to advertise.

The Commissioners received and reviewed a letter from Sheriff William Laird to the Bridge Day Commission members regarding the pending civil action between Greg Rahall and the Bridge Day Commission relating to his alleged infringement on the Bridge Day trademark.

The Commission received and reviewed from Kelvin Holliday, County Clerk quotes for voter software support and hardware support for the Voter's Registration Office.

The Commission asked Ms. Holly to review contracts.

Commissioner Wender offered a motion to return to the County Clerk with an extension to discuss this matter in depth. Need to get more information? This was just given to them today? Will discuss further on January 10, 2005. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed resignation of John L. Witt from the Soldiers and Sailors Memorial Building Committee effective immediately.

The Commissioners received and reviewed a letter from Sustainable West Virginia inviting the Commission to attend the 2<sup>nd</sup> Annual Sustainable Development Conference on January 14 - 16, 2005 at the Coolfont Resort and Conference Center in Berkeley springs.

The Commissioners received and reviewed Victim's Impact Statement regarding the FEMA house the County owns.

The Commissioners received and reviewed an invoice from David Lewis for the construction of an extension onto the Valley Tower Site Building, amount \$2,000.00.

The Commissioners approved overtime for Jackie Hickman.

The Commissioners received and reviewed a letter from Danese Volunteer Fire Department regarding the replacing and the maintenance for the exterior steps leading to the second floor of the Danese Volunteer Fire Department.

The Commissioners received and reviewed a letter from Southern Appalachian Labor School informing that the Beards Fork Community Organization has keys to the entire facility and they can access it 24/7.

The Commissioners received and reviewed copies of letters to

Debbie Aliff, Payroll Clerk from Sheriff William Laird informing that Gayle Koone will be retiring effective December 31, 2004, Philip Statler will start work as a transportation officer for the Fayette County Sheriff Department on December 15, 2004, salary is \$21,120.00 and Nicole Kessler will start work with the Sheriff's Department December 1, 2004 her rate of pay will be \$6.50 an hour.

The Commissioners received and reviewed a letter from Sheriff William Laird regarding extradition expense reimbursements.

The Commissioners received and reviewed a letter from Sheriff William Laird enclosing invoice and support documentation for the overtime expenses incurred by the Fayette County Sheriff's Department resulting from the security requirements for Bridge Day 2004.

The Commissioners received and reviewed Federal Grants Funding Opportunities for Emergency Watershed Protection Support Services.

The Commissioners received and reviewed a letter American Institute regarding cost savings recommendation on the Fayette County Commission invoices for their long distance carriers.

The Commissioners received and reviewed Financial Statement of Fayette County for the Fiscal Year ended June 30, 2004.

The Commissioners received and reviewed Official Oath of Office from David Duncan, member of the Arbuckle Public Service District.

The Commissioners received and reviewed a letter from St. Paul Fire and Marine Insurance Company regarding Anna Thomas, claimant, claim #GP0931280709T007.

The Commissioners received and reviewed Status Report from the 911 Center for the period January through November 2004.

The Commissioners received and reviewed copies of the Fayette County Health Department minutes for the Month of November and copy of the Fayette County Health Department By-Laws.

The Commissioners received and reviewed a copy of the West Virginia AmeriCorps Promise Fellows 2002-2003 Yearbook.

The Commissioners received and reviewed a letter from David Neal, E911 Coordinator informing that James Koone has been promoted, effective November 1, 2004 to shift supervisor and his payroll adjusted to reflect the changes. His hourly rate is \$10.16 retroactively to November 1, 2004 including any overtime payroll (\$15.24).

The Commissioners received and reviewed a letter from Branch Banking and Trust informing that as of November 30, 2004 the securities were held by Branch Banking and Trust Company as collateral to secure the deposit of the Fayette County Commission.

The Commissioners received and reviewed Pledge Statement from SunTrust Bank giving a list of securities pledged as of November 30, 2004.

The Commissioners received and reviewed a letter from the State Tax Department informing they will be auditing the Fayette County Board of Health for the year ended June 30, 2004.

The Commissioners received and reviewed a copy of a letter to the West Virginia Division of Culture and History from J. Dan Snead and Associates, Inc. responding to their letter requesting additional information regarding the window replacement program at the Fayette County Courthouse.

The Commissioners received and reviewed a remittance by the Assessors to the West Virginia State Treasurer's Office for the month of November 2004, amount \$72.50.

The Commissioners received and reviewed a thank-you letter from the Fayetteville Christmas Committee thanking the Commission for their participation in the 2004 Fayetteville Christmas Parade and Town activities.

The Commissioners received and reviewed a letter from Stafford Consultants Incorporated enclosing five copies of Estimate No. 9 for the New Haven Public Service District Contract No. 13 or review and approval by the Owner.

The Commissioners received and reviewed a memorandum from Okey Skidmore, Manager Fayette County Memorial Building informing that the gym floor in the Memorial Building has become very dull and slick. Larry Spangler has contacted the custodians at Midland Trail High School who refinished their floor. The fees will be paid by Fayetteville High School, Fayetteville Middle School and the Ben Argento Basketball League. They would like to start December 26 and finish December 29, 2004.

The Commissioners received and reviewed an order from the United States of American Federal Energy Regulatory Commission informing they approved a five-year (204-2005) Resource Enhancement Plan for Elkem Metals Company.

The Commissioners received and reviewed request for leave from Dave Pollard, County Resource Coordinator for December 20, 2004 to January 4, 2005.



The Commissioners received and reviewed a letter from the Public Service Commission informing they received the petition for Case #04-1946-PSWD-PC, Fayetteville County Commission and it have been given the designation on the Commission's docket and forwarded to the Commission for processing.

The Commissioners received and reviewed several correspondences from Steptoe and Johnson, Schumacher, Francis and Nelson regarding lawsuits.

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

The Commissioners received and reviewed checks for 911 Fees from Verizon, amount \$35,680.42, Vartec Solutions, amount \$7.76, Business Telecom, Inc., amount \$3.92, Operating Account, amount \$1,443.36, Citizens Communications Company, amount \$64.02; Alarm Fees from National Park Service, amount \$900.00; Franchise Fees from Bradley Communications, Inc., amount \$531.35; WV Development Office-paint Creek/Plum Orchard Extension, amount \$17,410.09 and Christians Helping Other, amount \$1,835.52.

The Commissioners received and reviewed from the Fayette County Animal Control Center/C0-PAC Activity Report, and Monthly Revenue Report for the month of November; C-PAC allotment, amount \$9,749.60 for the Month of December and Weekly Fees Collected for the week of November 26 to November 30, 2004, amount \$30.00, the week of December 1 to December 2, 2004, amount \$30.00 and the week of December 3 to December 9, 2004, amount \$190.00.

The Commissioners received and reviewed several correspondences

from the United States Bankruptcy Courts.

The Commissioners received and reviewed several correspondences from the Workers' Compensation Commission.

The Commissioners received and reviewed an e-mail from Dave Pollard, County Resource Coordinator to Charlotte Holly regarding the Charter hook-up on the third floor.

The Commissioners received and reviewed an e-mail from Anne Cavalier to Commissioner Wender regarding the Longacre Property.

The Commissioners received and reviewed an e-mail from Commissioner Wender to Earl Pauley, Park Superintendent regarding paving and gravel for the Fayette County Animal Shelter.

The Commissioners received and reviewed an e-mail from the State Treasurer's Office informing that payment(s) was deposited to the Environmental Protection Agency account on December 9, 2004, amount \$5,315.42.

Commissioner Wender offered a motion to adjourn the County Commission meeting. Commissioner Lopez seconded. Unanimous.

The meeting was adjourned at 2:34 p.m. The next scheduled meeting is January 10, 2005.

  
\_\_\_\_\_

FAYETTE COUNTY COMMISSION  
SPECIAL SESSION AND BOARD  
OF EQUALIZATION AND REVIEW  
FEBRUARY 4, 2004  
COURTHOUSE

FAYETTEVILLE, WV 25840  
MEMBERS Present: Kenneth L. Eskew, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in a special session on this 4<sup>th</sup> day of February 2004.

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

Jeffrey and Linda Emery appeared before the Commission to voice their treatment and opinion regarding the Board of Zoning Appeals decision to approve Bill Smidi for a special use permit for the purpose of operating a restaurant with alcohol sales on .051 acres, Surf. Glen Jean Route 16, Glen Jean, Plateau District.

Mr. Emery told the Commissioners that in spite of the opposition from some of the residence and the National Park Services this request was approved.

Mr. Emery told the Commissioner that he was told that the next step he would have to take regarding this matter was to take this to the Circuit Court.

Mr. Emery told the Commissioners that he feels he shouldn't have to be the one to take this to the Circuit Court. Mr. Emery asked that an investigation be done by the Prosecuting Attorney's Office.

Carl Harris, Assistant Prosecuting Attorney told Mr. Emery that the Prosecuting Attorney's Office is required to represent the Board of Zoning Appeals.

Jeffrey and Linda Emery thanked the Commission for listing to

their complaints regarding this matter.

Commissioner Eskew called the Board of Equalization and Review to order at 10:09 a.m.

Commissioner Eskew entered various Administrative Notices from the West Virginia Department of Tax and Revenue regarding oil and gas values.

Commissioner Eskew asked if there were any other business to come before the Board of Equalization and Review.

Since there were no hearings scheduled, Commissioner Lopez offered a motion that the Commission adjourn as the Board of Equalization and Review. Commissioner Wender seconded. Unanimous.

The Commission reconvened the County Commission meeting at 10:15 a.m.

W. D. Smith, Executive Director, Region 4 Planning and Development Council appeared before the Commission to discuss the Disbursement Agreement for the Wolf Creek Park Project. Also present were Carl Harris, Assistant Prosecuting Attorney and Dave Pollard, County Resource Coordinator.

Mr. Smith told the Commissioners that they needed to update the Memorandum of Understanding information in the disbursement agreement, change Schedule B to \$1,500,000 currently applying for withdrawal of disbursement by drawdown, except purchase of property will not be a reimbursement.

Mr. Smith told the Commissioners that Mr. Harris needed to ask to change agreement to allow transfer to the Redevelopment Authority (Section 7.8).

Mr. Smith told the Commissioners that this is the time to make changes, but they may not be approved.

Mr. Harris suggested to the Commission to get title insurance on property, should shop around for lowest price.

The Commissioners asked Mr. Harris to check on the title insurance for the property.

Commissioner Eskew asked the Commissioners to approve for W. D. Smith to make the amendments to the Memorandum of Understanding and Disbursement Agreement.

Commissioner Wender informed that the Commission is scheduled to meet on February 9 and asked Dave Pollard, County Resource Coordinator and Carl Harris, Assistant Prosecuting Attorney if they could find out as soon as possible information regarding the Redevelopment Authority.

The Commissioners received and reviewed from Spillman, Thomas and Battle, PLLC a draft of the comparison and contract of the Urban Renewal Authority Building Commission Enabling Law and a draft of the Resolution.

The Commissioners asked to schedule W. D. Smith for the Commission meeting on February 13 at 9:45 a.m. to approve and sign the West Virginia Economic Development Authority Disbursement Agreement.

Commissioner Eskew asked Mr. Smith if the Fayette County Commission is responsible for the Letter of Understanding for the Small Cities Block Grant-Fayette County Courthouse 504 Compliance and Southern Appalachian Labor School (SALS).

Mr. Smith told the Commissioners that the Southern Appalachian Labor School Grant would have to be put out for bids cannot be

volunteer labor-inter-Governmental Agreement between the Fayette County Commission and Southern Appalachian Labor School. Mr. Smith informed the Commission that a Small Cities Block Grant implementation meeting with the West Virginia Development Office for the Southern Appalachian Labor School (SALS) dormitory and the courthouse elevator projects will be at the Fayette County Courthouse at 9:30 a.m. on Friday, March 12, 2004. A representative for the Southern Appalachian Labor School project should attend.

Commissioner Lopez asked Mr. Smith about the \$12,000 administrative fee. Discussion was held, Commissioner Wender asked Mr. Smith that in his opinion if he thought the cost of the administrative fee would be more than \$12,000.00. Mr. Smith informed he thinks the cost would be at least \$20,000 for the administrative fees instead of the \$12,000.00.

Commissioner Wender offered a motion to revise the administrative fees to \$20,000.00 on this Small Cities Block Grant and the additional money to come out of the Southern Appalachian Labor School \$150,000.00, Region IV to administer. Commissioner Lopez seconded.

Commissioner Wender offered a motion to approve vouchers as submitted. Commissioner Lopez seconded. Unanimous.

Ms. Holly asked Carl Harris, Assistant Prosecuting Attorney if he had anytime to work on the Danese Volunteer Fire Department lease. Mr. Harris replied no.

The Commissioner asked Ms. Holly to try and schedule the mineral hearings for February 13, 2004.

The Commissioner signed a letter to be sent to vendors asking

that they furnish the Fayette County Commission with their Taxpayer Identification Number and Certification.

The Commissioner signed a letter to the Elected officials and Department Heads requesting that each office, prior to March 2, 2004 submit a detailed request for appropriations for anticipated or expected expenditures for its respective office, including the compensation for its assistants, deputies, and employees for the ensuing year.

Ms. Holly informed the Commissioners that she advertised for bids for professional services and lease of automatic tabulating equipment and services for the conduct of the 2004 Primary and General Elections.

Ms. Holly told the Commissioners she received one bid from Election Systems and Software, and total cost per election is \$8,950.00.

Commissioner Lopez offered a motion to accept bid received from Election Systems and Software, amount \$8,950.00 for the Primary and General Elections. Commissioner Wender seconded. Unanimous.

Ms. Holly told the Commissioners that on January 12 they approved to pay the \$5,000.00 to Page-Kincaid Public Service District. Ms. Holly told the Commissioners that the check has been prepared and asked the Commission if they wanted to release the check. Commissioner Wender offered a motion to release the \$5,000.00 to Page-Kincaid Public Service District removing all restrictions on use of the funds. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from the West

Virginia Division of Culture and History informing that the Records Management and Preservation Board approved conditional funding for the Fayette County Clerk project at the requested amount of \$9,570.00, the Circuit Clerk's project, amount \$10,900.00 and the Sheriff's Office project at \$11,320.00 for a total of \$31,790.00.

Ms. Holly informed the Commissioners she received the agreements for the Legislative Digest Grants that needed to be signed for the Fayette County REACT Communication System (\$3,000), Fayette County Emergency Food Assistance Center (\$5,000), and the Ramp (\$25,000).

Commissioner Wender offered a motion to authorize Commissioner Eskew to execute the agreements on behalf of the County Commission. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve and authorize the adoption of the Local Economic Development Assistance Grant Program Contract between the West Virginia Development Office and the Fayette County Commission for the Fayette County REACT Communication System, the Fayette County Emergency Food Assistance Center, and the Ramp. Commissioner Wender seconded. Resolutions and agreements signed.

The Commissioners recessed for lunch at 12:00 p.m.

The Commissioners reconvened the County Commission meeting at 1:25p.m.

Ms. Holly told the Commissioners they received the 75% share of the Coal Tax, amount \$22,745.75.

The Commissioners received and reviewed a letter from Senator Robert Byrd thanking the Commission for contacting him regarding their concerns about the Environmental Protection Agency's (EPA) rulemaking



action regarding the discharge of wastewater from treatment facilities.

The Commissioners received and reviewed checks for 911 Fees from Metro-Teleconnect Companies, amount \$33.32, AT&T Communications of WV, amount \$78.00, Nos. Communication, Inc., amount \$4.00, Z-Tel Communications, Inc, amount \$10.00, Verizon, amount \$37,204.86, Citizens Communications Co., amount \$56.48, VarTec Telecom, Inc., amount \$11.64 and Business Telecom, Inc., amount \$3.92; check for reimbursement for rent for the Family Law Master office, amount \$2,025.00, check for reimbursement for Bridge Day, amount \$30,849.71; checks from the West Virginia Development Office for Flex-E-Grant 04-ARCP011, amount \$1,530.00, HUD/SCBG-Paint Creek/Plum Orchard, amount \$4,631.01; Jail Fees-City of Oak Hill, amount \$630.00; Franchise Fees from Bradley Communications, Inc., amount \$549.26 and Charter Communications, \$24,754.71.

The Commissioners received and reviewed from the Fayette County National Bank the combined tax statement for calendar 2003.

The Commissioners received and reviewed Worker's Compensation claims and correspondences.

The Commissioners received and reviewed a letter from the Internal Revenue Service regarding a statement of adjustment balance due of \$438.68.

The Commissioners received and reviewed a letter from Stafford Consultants, Inc. enclosing the Project Cut-off schedule for the New Haven Public Service District Contracts Nos. 13/14 Paint Creek/Plum Orchard.

The Commissioners received and reviewed a letter from Stafford Consultants, Inc. informing that the New Haven Public Service District will conduct a Pre-Construction Conference at 1:30 p.m. on February 9, 2004 at the office on Salem Gatewood Road.

The Commissioners received and reviewed the West Virginia Legislature newsletter Wrap-Up.

The Commissioners received and reviewed a copy of a letter from Sheriff Laird to Debbie Aliff, Payroll Clerk informing that effective February 1, 2004, Anna Dangerfield is hired as Secretary for the Law Enforcement Division of the Fayette County Sheriff's Department, salary would be \$18,000.00 annually.

The Commissioners received and reviewed a copy of a letter from Prosecuting Attorney Paul Blake to Debbie Aliff, Payroll Clerk informing that on Friday, January 30, 2004, Marlena K. Fox submitted a letter advising that her resignation from employment would be effective on January 30, 2004 at 4:00 p.m.

The Commissioners received and reviewed an e-mail from Christy Jarrett, Jarrett and Associates to Commissioner Wender regarding getting on the agenda to discuss Grant Funding.

The Commissioners received and reviewed a copy of a letter from the West Virginia Division of Highways to Michael Coyne, Coyne Construction informing that his proposal is unacceptable regarding his plans of a Video Screen Proposed Layout for Bridge Day 2004.

The Commissioners received and reviewed an e-mail from Steve Cruikshank, OES Director regarding his appointment to meet with the Commission on Friday, January 30, 2004 to update the Commission on the

status of the FEMA final inspection and drawdown for the animal shelter.

The Commissioners signed the Fourth Quarterly State Tax Report for the Fayette County Park.

The Commissioner signed letters to United States Cellular, Nextel, Cellular One and nTelos requesting that they review their plans for additional coverage from the Fayette County border on U. S. Route 60 and heading east following the Kanawha River.

The Commissioners approved for Ms. Holly to write a check to TRIDENT for the purchase of a 2004 Ford Expedition on a cost share basis with TRIDENT for \$15,483.50.

Allen Ballard, Manager Fayette County Memorial Building presented a check from Saints Peter and Paul School for \$158.90 for a two-day basketball game being held February 5 and February 6, 2004, janitorial fees included.

Ms. Holly told Mr. Ballard that the \$50 fee that was charged was not an applicable fee. Function #3-Religious (non-denominational only) regarding ceremonies, etc.

The Commissioners advised Mr. Ballard the Commission will accept the check due to the date of the event, however, this is not an applicable fee for future events.

The Commissioners asked Mr. Ballard to review functions and fees and make recommendations for revisions.

Commissioner Wender told the Commissioners that Jeff Atha had called to request use of the Fayette County Memorial Building to hold a wrestling tournament for two days in January 2005. The

Commissioners approved, the rental fee would be \$1,000.00 for the two events.

Ms. Holly told the Commissioners they have 84 days before an election to notify the Executive Committee by February 17, 2004 to get their Republican and Democratic list in.

Discussion was held regarding having a standard board or expanding board, five workers per precinct and raising poll workers pay. No decision was made.

Ms. Holly presented to the Commissioners for their review and comments from Paul Blake, Prosecuting Attorney Legislature issues he received from Pattie Hamilton, Executive Director West Virginia Association of Counties regarding contractors' bill being pushed through (5-22-1).

The Commissioners received and reviewed a letter informing of the Basic Service Tier rate increase effective May 2004 from Charter Communications.

The Commissioners asked Ms. Holly to check into increasing the franchise fees.

Ms. Holly told the Commissioners the check to CSSI has been prepared. The Commissioners asked Ms. Holly to hold until Monday.

Tim Richardson, Zoning Officer appeared before the Commission to inform them that Jeff and Linda Emery had requested copies of the Board of Zoning Appeals minutes of February 2, 2004.

Mr. Richardson told the Commissioners that the minutes have not been approved and they will not be approved until March 1 when the Board of Zoning Appeals meet.

Commissioner Wender suggested to Mr. Richardson to defer this matter to Carl Harris, Assistant Prosecuting Attorney.

Commissioner Wender asked Mr. Richardson to check to see who is the sponsor for the Building Code Officer Grant, the County Commission or the Regional Development Authority.

The meeting was adjourned at 3:50 p.m. The next scheduled meeting is February 9, 2004.

A handwritten signature in blue ink, appearing to read "Kenneth R. Edman", is written over a horizontal line.

FAYETTE COUNTY COMMISSION  
REGULAR SESSION AND BOARD  
OF EQUALIZATION AND REVIEW  
FEBRUARY 9, 2004  
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 13<sup>th</sup> day of February 2004.

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

Tammy Barr, Director, Retired and Senior Volunteer Program (RSVP) appeared before the Commission requesting funding for the fiscal year 2004-2005.

Ms. Barr gave the Commission a brief update on the program.

The Commissioners informed Ms. Barr they will take her request under consideration during the budget session and get back with her.

Exonerations were approved and signed.

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 \$2,764.71.

Commissioner Wender 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 \$2,764.71. Commissioner Lopez seconded. Unanimous. Resolution signed.

Commissioner Lopez offered a motion to approve invoices and payrolls, payrolls to be released Friday. Commissioner Wender seconded. Unanimous.

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

The Commissioners received and reviewed notice that the City and County Innovations Summit 2004 will be held April 28-30, 2004 at San Diego, California.

The Commissioners received and reviewed a bulletin from Acordia regarding the Administration of the Workers' Compensation Fund.

The Commissioners received and reviewed a letter from Steptoe and Johnson regarding the Gary K. Skaggs lawsuit.

The Commissioners received and reviewed Audit Report of Mount Hope Volunteer Fire Department for the Fiscal Year ended June 30, 2003.

The Commissioners reviewed letters to Senators Shirley Love and Randy White and Delegates John Pino, David Perry and Tom Louisos on behalf of the Fayette County Weatherization Program and the citizens of Fayette County asking that they write or call Essa Howard, West Virginia Office of Economic Opportunity (WVOEO) and Dave Jarrall, Nicholas Community Action Partnership, Inc., in an effort to minimize the proposed Fiscal Year 2004-05 budget reduction for the Weatherization Program in Fayette and Nicholas Counties and that steps be taken to handle these cuts other than closing the warehouse and office in Fayette County.

The Commissioners received and reviewed an e-mail from Commissioner Wender asking Ms. Holly to send a message to Allen Ballard that the Commission approved the use of the Memorial Building for a two-day high school wrestling tournament on January 7<sup>th</sup> and 8<sup>th</sup>,

2005, the rent for the building for the two-day tournament is \$800.00.

The Commissioners signed a letter to Raleigh General Hospital informing on behalf of the citizens of Fayette County, and the Commission applauds their generous policy in recognition of the need for healthcare by many unable to afford Health Services.

The Commissioners signed invoices to the Fayette County Board of Education for rent for the Memorial Building for the months of January and February, amount \$9,166.66.

The Commissioners signed a letter to A & W Sanitation asking that they investigate the complaints and concerns of the citizens in Boomer, Boomer Bottom, Boomer Hill areas regarding the unpleasant odors from garbage liquids leaking from their trucks, garbage strewn from their trucks and/or their employees missing the trucks with the bags of garbage and deteriorating quality of service.

Commissioner Eskew moved to adjourn the regular County Commission meeting at 10:00 a.m.

Commissioner Lopez offered a motion to reconvene the Board of Equalization and Review at 10:00 a.m. Commissioner Wender seconded. Unanimous.

Present were Scott McNeal, Patricia White, Chuck Barlow, David Trent and Terry Hollingsworth with the State Tax Department, Eddie Young, Assessor's Office, and Carl Harris, Assistant Prosecuting Attorney. Everyone was sworn in.

Chuck Barlow, Chief Geologist/Manager with the Property Tax Division informed the Commissioners that David Trent has reviewed his parcels with the State Tax Department and decided to withdraw his



application. No further action is needed.

The Commission recessed the Board of Equalization and Review hearings at 10:15 a.m. and reconvened the County Commission meeting at 10:15 a.m.

Discussion was held regarding creating a Fayette County Urban Renewal Authority for the Wolf Creek Park Project.

Carl Harris, Assistant Prosecuting Attorney told the Commissioners he does not feel the Urban Renewal Authority is the proper avenue to take in the Wolf Creek Project, not blighted area.

Commissioner Wender informed the Commission that Mike Basile, attorney with Spillman, Thomas and Battle, LLC feels the streets and lots make it qualified.

Commissioner Wender offered a motion that the Commission sign Resolution approving the exercise of the powers, functions and duties of the Fayette County Urban Renewal Authority. Commissioner Lopez seconded. Unanimous. Dave Pollard, County Resource Coordinator will get Resolution signed.

Carl Harris, Assistant Prosecuting Attorney suggested to the Commissioners to appoint the members to the Fayette County Urban Renewal Authority as soon as possible and the members need to set-up the By-Laws, cannot take any action until they do this, need to appoint a seven-member board. Dave Pollard, County Resource Coordinator will draft By-Laws.

Commissioner Lopez offered a motion that Commissioner Matthew Wender serves as a member on the Fayette County Urban Renewal Authority. Commissioner Eskew seconded. Unanimous Commissioner Wender

informed he will serve for one year.

Commissioner Wender offered a motion to recess the County Commission meeting at 10:50 and reconvene as the Board of Equalization and Review Board at 10:50 a.m. Commissioner Lopez seconded.

Attorney James Blankenship representing Nuttall, LLC appeared before the Commission with applications for Review of Property Assessments. Also, present were Richard D. Persinger, Bill Keeney and Thomas Eiff. Everyone was sworn in.

Attorney Blankenship informed the Commissioners that Alabama Properties has withdrawn their application.

Carl Harris, Assistant Prosecuting Attorney informed the Commissioners that since the State Tax Department and the representatives of Nuttall LLC will go back to the Commission Office to review and discuss the property values, the Commission should offer a motion to recess the hearing.

Commissioner Lopez offered a motion to recess the Board of Equalization and Review hearing at 11:00 a.m. and reconvene the County Commission meeting. Commissioner Wender seconded.

The Commissioners notice that Douglas Noel, a representative of the White Oak Group was present.

Commissioner Wender offered a motion to recess the County Commission meeting and reconvene the Board of Equalization and Review hearing to swear in Mr. Noel. Commissioner Eskew seconded. Douglas Noel, representative for the White Oak Group was sworn in.

Mr. Harris suggested entertaining a motion to recess the Board of Equalization and Review hearing so that Mr. Noel can talk with the

representative of the State Tax Department.

Commissioner Wender offered a motion to recess the Board of Equalization and Review hearing and reconvene as the County Commission meeting. Commissioner Eskew seconded.

Ms. Holly presented a requisition for election items from Kelvin Holliday, County Clerk, to the Commissioners. ("I voted" stickers, I registered to vote today stickers, and register and vote pens).

Discussion was held. Commissioner Lopez made a motion to deny the County Clerk's request to purchase these election items, and also denied line item transfer from his record book's line item. Commissioner Wender seconded.

Ms. Holly informed the Commissioners she received a telephone call from Jamie Hill with a complaint regarding the animal shelter adoption policy. Ms. Hill informed that she had adopted a puppy from animal shelter, the puppy had to be spayed, the puppy died at the vet's office never had possession of the puppy, shelter would not give her a refund. Ms. Hill wants to know why she won't be reimbursed for the puppy she never received.

Ms. Holly told the Commissioners that she thinks C-PAC Board of Directs should make a decision regarding this situation.

Commissioner Wender informed the Commissioners he would do a follow-up on this matter.

The Commissioners signed letters to Senators Shirley Love and Randy White and Delegates David Perry, John Pino, and Tom Louisos informing of the concerns from several individuals regarding Senate Bill 60 which would remove the water quality rule setting authority

from the Environmental Quality Board and establish a new Water Quality Board made up of West Virginia Agency directors.

Ms. Holly presented to the Commissioners an order notifying the Executive Committee of the number of workers needed for the Presidential Primary Election.

Commissioner Wender offered a motion to adopt and sign order notifying the Executive Committee of the number of workers needed for the Presidential Primary Election. Commissioner Lopez seconded. Unanimous.

Ms. Holly presented a list of the Polling Places for the Presidential Primary Election to the Commissioners.

Commissioner Wender offered a motion that the Commission adopts the Polling Places for the Presidential Primary Election.

Commissioner Eskew seconded. Vote passed 2-0.

The Commissioners received and reviewed a letter from the White Oak Public Service District informing that the term of John Parrish as a member of the White Oak Public Service District expired on January 1, 2004. The White Oak Public Service District is requesting that Mr. Parrish be reappointed.

Commissioner Wender offered a motion to reappoint John Parrish a member of the White Oak Public Service District board. Commissioner Eskew seconded. Vote passed 2-0. The Commission signed the Order and appointment letter to serve.

The Commissioners received and reviewed a notice from the West Virginia Parkways Economic Development and Tourism Authority informing that effective March 31, 2004 toll accounts would have to be prepaid.

Commissioner Wender offered a motion to put a deposit of \$1,200.00 in the prepaid toll accounts for the West Virginia Parkways. Commissioner Lopez seconded. Unanimous.

The Commissioners adjourned the County Commission meeting at 12:10 p.m. and reconvened as the Board of Equalization and Review.

Chuck Barlow with the State Tax Department informed the Commissioners that the Nuttall LLC taxpayer has appealed several parcels: Map/Parcel 01-62H-5, .25 acres mined out county minimum of \$3.00 per acre; Map/Parcel 01-9999-0631732, minimum .78 acres' Backus Creek from \$1,412 assessed value to \$1,248, Attorney Blankenship agreed; Map/Parcel 01-9999-06088084 102½ acres Backus Creek Cabot Oil and Gas Reserves completely mined out from 42,825 assessed value too \$1,231; 50 acres Pine Spring petition withdrawn; Map/Parcel 01-9999-6031698, \$11,193.89 assessed value to \$10,172.74, Coal and other min. New River and Keeneys Creek; State model changed (40 years this year, last year it was 80, coal could possibly be mined.)

Attorney Blankenship told the Commissioners that he's not denying that the coal exists activity recent mining factor Meadow Bridge Coal sold.

Mr. Barlow presented an Administrative Notice 2004-17-Property Tax-State Tax Commissioner's Statement for the Determination of the Capitalization Rates for Producing and Reserve Coal, Oil and Gas and Other Mined Minerals for Property Tax Purposes for Tax Year 2004.

Mr. Barlow presented as an exhibition to the Commissioners a copy of a letter to Attorney James Blankenship regarding the Nuttall LLC 10172.72 Coal and Other Minerals, New River and Keeneys Creek, 10-01-

9999-0603-1698-0000.

Attorney Blankenship withdrew application for the 144 acres, Parcel 01-9999-0603472-0000.

Attorney Blankenship asked for a continuance so that he and the State Tax could review further.

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

Commissioner Eskew reconvened the Board of Equalization and Review at 1:02 p.m. to swear in representatives from Berwind Land Company, Pardee Resources Group, Lightning, Inc., Bellwood Corporation, and W. R. Johnson Coal Company.

Mr. Barlow informed the Commissioners that Doug Noel representative for the White Oak group is requesting a continuance.

Bill Keeney, Land Agent for W. R. Johnson Coal Company withdrew application.

Ron Elliott, Land Agent and Don Cunningham, Contract Surveyor with the Berwind Land Company appeared before the Commission to discuss their Board of Equalization and Review application.

Chuck Barlow with the State Tax Department informed the Commissioners that Berwind Land has failed to comply with two written requests for information. The State also asked Berwind Land Company to provide all geological and mining information that would identify the presence/absence/quantity/quality of coal present on such properties.

Mr. Barlow told the Commissioners that the State denied the taxpayer request due to failure to provide information that the State

has requested three times.

Mr. Barlow informed the Commissioners that they recommend to the Commission that the taxpayer should be denied their right to request a correction of their assessment.

The Commission accepts the State's recommendation to deny Berwind Land Company request to correct their assessment and approve for the State to correct clerical errors.

Commissioner Wender offered a motion to recess the Board of Equalization and Review hearings and reconvene the County Commission meeting. Commissioner Lopez seconded.

Steve Cruikshank, OES Director appeared before the Commission to give an update on the storm of November 19, 2004.

Commissioner Lopez asked Mr. Cruikshank what could be done about the trees blocking the Armstrong Creek.

Mr. Cruikshank informed the Commission that the request was sent to the Soil Conservation Division a 90% blockage has been up and removed; Mr. Cruikshank told the Commissioners that the problems do not meet the Soil Conservation criteria. Commissioner Lopez told the Commissioners that he would contact Gianini regarding this matter.

Commissioner Wender offered a motion that the County pay out of the OES reserve for emergency needs funds not to exceed \$1,500.00 for the removal and disposal of trees from Armstrong Creek. Commissioner Lopez seconded.

Ms. Holly presented a Comparative Balance Sheet and a Trail Balance Sheet Report of the Coal Severance Tax Fund for last year and this year to the Commissioners.

The Commissioners received and reviewed from Tim Richardson, Zoning Officer, zoning notes of the Board of Zoning Appeals meeting held February 2, 2004. Mr. Richardson told the Commissioners that they are not official and are not the minutes of the meeting.

The Commissioners received and reviewed from the State Office of Emergency Services notification that the project Application to reimburse the applicant for 275 hours of overtime for the EOC, 911 Center, Sheriff Department and 271 hours of force account equipment for the period November 11, 2003 to November 20, 2003 (amount \$6,662.39) has been approved by the Federal Emergency Management Agency. Original given to Steve Cruikshank, OES Director.

Ms. Holly informed the Commissioners that the Annual County Commission Training Session has been scheduled for August 8 to August 10 in Morgantown.

Ms. Holly told the Commissioners that she received a change of scope from the West Virginia Development Office for the Danese Improvement Association to the Fayette County Memorial Building.

The Commissioners reconvened as the Board of Equalization and Review.

Bill Keeney representing W. R. Johnson Coal Company informed the Commission that he would like to withdraw his application for W. R. Johnson Coal Company.

Mr. Barlow informed the Commissioners that they would have to go with what they have on Berwind Land Company.

Ron Elliott representing Berwind Land Company appeared before the Commission with application for Review of Property Assessment.



Mr. Barlow informed the Commissioners that the State Tax Department had submitted a letter to the Commission dated February 6, 2004 informing that Berwind Land Company had failed to comply with two written request for information. Therefore, under provisions of the WV Code 11-3-10, the taxpayer should be denied their rights to request a correction to their assessment.

Carl Harris, Assistant Prosecuting Attorney told the Commissioners that Berwind Land Company had a right to respond.

Mr. Elliott told the Commissioners that he was not aware of the letters.

Mr. Elliott asked about the clerical errors.

Mr. Barlow informed the State Tax Department would correct the clerical errors.

Ms. Holly told the Commissioners that the Commission signed an order on January 30, 2004 giving permission to make corrections to the initial assessment roll.

Commissioner Eskew informed the Commission would review and take under advisement and a decision would be made prior to the end of the month.

Ms. Holly gave the Commissioners a copy of the order to correct clerical errors.

The Commission recessed the Board of Equalization and Review.

The Commissioners reconvened the County Commission meeting.

The Commissioners discussed appointing Joe Stone, Russell Bennett, Guy Dooley, Matthew Wender, James lively, Bud Hill and Jeff Proctor members of the Fayette County urban Renewal Authority.

The Commissioners received and reviewed from Attorney Phil Tissue Contracts No. 13 and No. 14 for the New Haven Public Service District- Paint Creek/Plum Orchard Lake.

The Commissioners received and reviewed a letter from the Kanawha County Commission enclosing a copy of the Kanawha County Ordinance for a 90-Day Moratorium on the Location of Video Lottery Establishments and a copy of the Bill amending the City of Charlestone's Zoning Ordinance that would regulate the location of video lottery establishments. A copy was forwarded to Tim Richardson, Zoning Officer and Ave Pollard, County Resource Coordinator.

The Commissioners received and reviewed a memo from Stafford Consultants, Inc. enclosing the Updated Project Cut-off schedule for the New Haven Public Service District Contract No. 12 Saturday Road.

The Commissioners signed the Letter of Understanding between the Fayette County Commission and Region 4 Planning and Development Council (R4PDC) for administration of the Courthouse 504 Compliance and Southern Appalachian Labor School (SALS) project.

The Commissioners signed the Local Economic Development Assistance Grant Program Contract between the West Virginia Development Office and the Fayette County Commission for improvements at the Southern Appalachian Labor School Community Center in Beards Fork.

The Commissioners recessed the County Commission meeting and reconvened as the Board of Equalization and Review.

Walter Stroud representing Pardee Resources Group, Inc. appeared before the Commission with application for Review of Property

Assessments.

Charles Barlow with the State Tax Department informed the Commission that he had discussed and reviewed the property with Mr. Stroud and after reviewing, the State recommended that Map/Parcel 03-9999-0900-3208-0000 revised appraised value should be \$862,794 and Map/Parcel 03-41-0001-0000-0000 that the revised appraised value should be \$461,346.

Commissioner Eskew informed the Commission would review and take under advisement and a decision would be made prior to the end of the month.

The Commission recessed the Board of Equalization and Review Board to reconvene the County Commission meeting.

The Commission asked to schedule the Department Heads for February 20 to present and review the recent activities of that office and noting any unusual issues that may have occurred.

Commissioner Wender suggested scheduling C-PAC, Fayette County Park, the Memorial Building, Office of Emergency Services, the Resource Coordinator/Fayette Transition Team, Solid Waste Authority, and Chris Dyer for 30 minutes and schedule the Fayette County Beautification Committee, Fayette County Health Department, E-911 Coordinator, Zoning Officer, and Building Code Enforcement for 15 minutes.

The Commission recessed the County Commission meeting and reconvened as the Board of Equalization and Review.

Mr. Gango, representing Lightning, Inc. appeared before the Commission with applications for Review of Property Assessments.

Charles Barlow with the State Tax Department informed the Commission that he had discussed and reviewed the property with Mr. Gango and after reviewing, the State recommended that Map/Parcel 02-9999-0619-7064-0000 revised appraised value should be \$4,135, Map/Parcel 02-35-0003-0000-0000 revised appraised value should be \$1,233, Map/Parcel 02-27-0071-0000-0000 (5/6 interest) revised appraised value should be \$1,858, Map/Parcel 02-27-00071-0000-0000 (1/6 interest) revised appraised value should be \$991, Map/Parcel 02-27-0101-0000-0000 revised appraised value should be \$2,484, Map/Parcel 02-34-0004-0000-0000 revised appraised value should be \$500, Map/Parcel 03-72-0002-0000-0000 the petition was withdrawn, Map/Parcel 02-9999-0619-0622-0000 (1/4 interest) revised appraised value should be \$385, Map/Parcel 02-9999-0620-1086-0000 (1/4 interest) revised appraised value should be \$385, and Map/Parcel 02-9999-0620-1086-0000 (1/2 interest) revised appraised value should be \$770.

Commissioner Eskew informed the Commission would review and take under advisement and a decision would be made prior to the end of the month.

Ricky Ball representing Bellwood Corporation appeared before the Commission with application for Review of Property Assessment.

Mr. Barlow informed the Commission that he had discussed and reviewed the property with Mr. Ball and after reviewing, the State recommended that Map/Parcel 01-06064386 revised appraised value should be \$1,820, Map/Parcel 01-06064368 revised appraised value should be \$2,826, Map/Parcel 01-0800-2467 revised appraised value should be \$668, Map/Parcel 01-0800-2546 revised appraised value should be \$177,

and Map/Parcel 01-0800-2421 revised appraised value should be \$555.

Commissioner Eskew informed the Commission would review and take under advisement and a decision would be made prior to the end of the month.

The Commission adjourned the Board of Equalization and Review, Commissioner Eskew informed any considerations will be made prior to February 26, 2003.

The meeting was adjourned at 5:45 p.m. The next scheduled meeting is February 13, 2004.

*Kenneth H. Eskew*

FAYETTE COUNTY COMMISSION  
SPECIAL SESSION AND BOARD OF  
EQUALIZATION AND REVIEW  
FEBRUARY 13, 2004  
COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: Kenneth L. Eskew, Matthew D. Wender

The Fayette County Commission met in a special session on this 13<sup>th</sup> day of February 2004.

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

Allen Ballard, Manager, Fayette County Memorial Building presented a request from Margaret Talbert for the use of the Memorial Building for the Summersville Job Fair for Rafting Industries being held Friday, March 26, 2004. Discussion was held. The Commissioners approved to waive the rental fee for use of the Memorial Building for the Summersville Job Fair for Rafting Industries. The Commission asked that Ms. Talbert to provide the liability insurance.

Commissioner Wender offered a motion to approve the use of the Memorial Building for the Summersville Job Fair for Rafting Industries and that Ms. Talbert to provided Mr. Ballard a copy of their liability insurance. Commissioner Eskew seconded. Unanimous.

Mr. Ballard told the Commissioners he had contacted Cincinnati Flooring regarding replacing the floor in the Memorial Building.

David Neal, E911 Coordinator appeared before the Commission to discuss putting ambulance station in the Hico area. Discussion was held, and Mr. Neal informed the Commissioners that Jan-Care Ambulance is renting space from the Ansted Fire Department.

The Commission told Mr. Neal that the Commission will not encourage moving the ambulance to the Nuttall area.

W. D. Smith, Executive Director Region 4 Planning and Development Council and Dave Pollard, County Resource Coordinator appeared before the Commission to inform them that they needed to approve the West Virginia Economic Disbursement Agreement.

Commissioner Wender offered a motion to approve C. R. Hill, Jr., James E. Lively, Sr., Jeff Proctor, Joe Stone, Tim Fish and Jim Criniti as members of the Fayette County Urban Renewal Authority. Commissioner Eskew seconded. Vote passed 2-0.

The Commission approved for Tim Fish to serve a term of one year, James E. Lively, Sr. to serve a term of two years, Jeff Proctor to serve a term of three years, C. R. Hill, Jr. to serve a term of four years, Joe Stone, Jim Criniti, and Kenneth Eskew to serve a term of five years.

The Commissioner signed a letter to David Warner, Executive Director with the West Virginia Economic Development Authority informing that the Fayette County Commission following the advice of counsel, is activating the Fayette County Urban Renewal Authority pursuant to West Virginia Code Chapter 16, Article 18.

Commissioner Wender offered a motion that the Fayette County Commission authorizes the Fayette County Urban Renewal Authority to act on our behalf of the West Virginia Economic Development Authority regarding the Wolf Creek Park Project. Commissioner Eskew seconded. Vote passed 2-0.

Dave Pollard, County Resource Coordinator informed the Commission that in order to move forward it's required that the Fayette County Commission offer a Resolution.

Commissioner Wender offered a motion that the Fayette County Commission approves Resolution as read by Mr. Pollard for the Fayette County Urban Renewal Authority. Commissioner Eskew seconded. Vote passed 2-0.

Commissioner Wender asked Mr. Smith about the time frame. Mr. Smith informed once everything is in place this would run quickly.

Mr. Smith told the Commissioners the West Virginia Development Office is wanting to schedule a meeting regarding the courthouse elevator grant.

Commissioner Wender offered a motion that a letter is sent to Vernon A. Williams, Secretary Surface Transportation Board protesting the Norfolk Southern Railing Company Abandonment-Fayette County WV-AB-290(Sub.231X), Docket #AB-290-231-x and AB-290 (Sub-232X), Docket #AB-290-232-X. Commissioner Eskew seconded. Vote passed 2-0.

Commissioner Wender offered a motion to approve vouchers as presented to the Commission. Commissioner Eskew seconded. Vote passed 2-0.

Ms. Holly presented an invoice from Literal E (Mark Ehrnschwender) for services performed in the Voter's Registration Office, amounts \$125.00 to the Commissioners.

Commissioner Wender offered a motion to approve the invoice from Literal E for services, amount \$125.00. Commissioner Eskew seconded. Vote passed 2-0.

Ms. Holly presented a requisition from the WVU Extension Office requesting purchasing self inker bulk rate stamp, 3-prong extension cord and an Emerson DVD/VCR Combo to the Commissioners.



Commissioner Wender offered a motion to approve request from the WVU Extension Service to purchase the self inker bulk rate stamp, 3-prong extension cord and the Emerson DVD/VCR Combo to be paid from the WVU Extension Service material and supplies line item. Commissioner Eskew seconded. Vote passed 2-0.

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

The Commissioners received and reviewed minutes from Page-Kincaid Public Service District.

The Commissioners received and reviewed a letter from the Courthouse Facilities Improvement Authority acknowledging that they received application for funding assistance.

Commissioner Wender offered a motion to recess the County Commission meeting and convene the Board of Equalization and Review at 10:00 a.m. Commissioner Eskew seconded.

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

Ms. Holly presented a letter from the Department of Tax and Revenue regarding the Nuttall LLC, 10172.74 Coal and Other Minerals, New River and Keeney Creek-10-01-9999-0603-1698-0000 informing that the parcel was undervalued for Tax Year 2003 because of an apparent programming error on their part (note t-factor of 41, not 40, a difference of 13.5% based on the cap rate of 13.5%). Commissioner Wender offered a motion to enter this letter from the State Tax Department regarding Nuttall LLC as part of the Nuttall LLC application.

Since there were no hearings scheduled, Carl Harris, Assistant Prosecuting Attorney suggested to the Commission to entertain a motion to adjourn the Board of Equalization and Review hearing.

Commissioner Wender offered a motion that the Commission adjourn as the Board of Equalization and Review and reconvenes the County Commission meeting. Commissioner Eskew seconded. Vote passed 2-0.

Attorney Fred Jesser appeared before the Commission as counsel for Fayette County National Bank with a petition to resign as Administrator of the Estate of Raymond B. Hawver, Sr. deceased.

After a brief discussion, Commissioner Wender offered a motion to approve that Fayette County National Bank is relieved as Administrator of the Estate of Raymond B. Hawver, Sr. and that any bonds posted by Fayette County National Bank are released and that Susan Hawver is appointed. Commissioner Eskew seconded. Unanimous.

Ms. Holly informed the Commissioners she received from C-PAC an allotment request for the month of January, amount \$13,730.37.

Commissioner Wender asked to hold until the next meeting.

The Commissioners received and reviewed from the Fayette County Animal Control Center Activity Report, Monthly Revenue Report and Weekly Fees Collected for January 30, 2004 to January 31, 2004, amount \$1,052.00, for the week of February 1, 2004 to February 5, 2004, amount \$75.00, for the week of February 6, 2004 to February 12, 2004 amount \$1,070.00.

Kelvin Holliday, County Clerk appeared before the Commission to present a copy of a contract from CSSI.

Commissioner Wender asked about the \$1,200 per year cost for

election maintenance.

Commissioner Wender suggested getting an opinion from Carl Harris, Assistant Prosecuting Attorney regarding the \$1,200 election maintenance the Secretary of State Office authorizing that this be paid.

Mr. Holliday told the Commissioners he thinks they made a mistake by signing the order for a standard receiving board instead of an expandable receiving board. Mr. Holliday told the Commissioners that since this is the Presidential Primary Election he feels the turn out of voters would be heavy.

Sheriff Laird appeared before the Commission to give an update on the Regional Jail cost.

Sheriff Laird told the Commissioners that effective July 1, 2004 the Regional Jail Fees will increase from \$45.00 to \$48.50 a \$3.50 increase.

Sheriff Laird told the Commissioners that the Regional jail has had an increase of 38% in the last ten years.

Sheriff Laird told the Commissioners he will be monitoring the Regional Jail expenses very carefully and will do everything he can to hold the expenses down.

Commissioner Wender offered a motion to prepare the C-PAC allotment check for the month of January, amount \$13,730.37.

Commissioner Eskew seconded. Vote passed 2-0.

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

The Commissioners received and reviewed a note from Allen Ballard

requesting that the Commission check on a computer for the Soldiers and Sailors Memorial Building.

Carl Harris, Assistant Prosecuting Attorney told the Commissioners that the Prosecuting Attorney's Office may have a computer Mr. Ballard could use, he would check and let them know.

Commissioner Wender suggested asking Keith Richardson to purchase a part for Mr. Ballard's computer and install.

Commissioner Wender offered a motion to purchase for the Sailors and Soldiers Memorial Building for Allen Ballard a computer not to exceed \$600.00. Commissioner Eskew seconded. Vote passed 2-0.

The Commissioners received and reviewed a letter from Energy Search, Inc. with a proposal for a pipeline route of the 9.87 acre tract is deeded to the Fayette County Commission in the Beckwith area. The Commission asked that a copy be forward to Carl Harris, Assistant Prosecuting Attorney to review.

The Commissioners received and reviewed a letter from Mary Jo Coleman regarding the Home Buyout Program. The Commission asked that this letter be forwarded to Steve Cruikshank, OES Director and Theresa White, Secretary.

The Commissioners received and reviewed a notice from Branch Banking and Trust Company informing that as of January 31, 2004, CATO-MERIDIAN NYSC was held by Branch Banking and Trust as collateral to secure the deposits of the Fayette County Commission.

The Commissioners received and reviewed a letter from the West Virginia State Security regarding concerns of uniform deputies using county cars off duty as security officers.

Ms. Holly told the Commissioners she had forwarded a copy of the letter to Sheriff Bill Laird to review.

The Commissioners received and reviewed a copy of the By-laws of the Charleston Urban Renewal Authority from Spilman, Thomas and Battle, PLLC.

The Commissioners forwarded to Dave Pollard, County Resource Coordinator, a copy of the Special Needs program Grant Agreement signed January 30, 2004.

The Commissioners received and reviewed an e-mail from Commissioner Wender asking that a letter be sent to our legislator on behalf of the Weatherization Program informing them of the proposed budget cut for the Weatherization Program.

The Commissioners received and reviewed an e-mail from Beth Gardner asking that the Commission send a letter to the Surface Transportation Board regarding Norfolk Southern Railway Company Abandonment-Fayette County.

The Commissioners received and reviewed an e-mail from W. D. Smith, Executive Director Region 4 Planning and Development Council regarding creating the Redevelopment Authority and Fayette County's desire that the Redevelopment Authority be the grant recipient.

The Commissioners received and reviewed an e-mail from W. D. Smith informing that a draft of a letter is attached to be sent to David Warner regarding the Commission's request that the Economic Development Grant for the Wolf Creek Park Project be assigned to the newly activated Urban Renewal Authority.

The Commissioners received and reviewed an e-mail from

Commissioner Wender regarding contracting with Multi-Cap.

The Commissioners received and reviewed an e-mail from Commissioner Wender asking that a HUD letter of support be sent in support of the Fayette County Housing and Economic Opportunity Council, Inc.

The meeting was adjourned at 12:25 p.m. The next scheduled meeting is February 20, 2004.

  
\_\_\_\_\_

FAYETTE COUNTY COMMISSION  
SPECIAL SESSION AND BOARD OF  
EQUALIZATION AND REVIEW  
FEBRUARY 20, 2004  
COURTHOUSE  
FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a special session on this 20<sup>th</sup> day of February 2004.

Commissioner Eskew called the meeting to order at 9:05 a.m.

Commissioner Eskew informed that this meeting today is scheduled to meet with Board members appointed to the different committees by the Fayette County Commission to get an update of what each committee or board is doing.

Tim Hannah, Chairman of the Fayette County Solid Waste Authority and the Fayette County Beautification Committee and Larry Parsons met with the Commission to give them an update on what is going on with both the Authority and Committee.

Mr. Hannah presented a summary to the Commissioners giving them an explanation of what the Fayette County Solid Waste Authority is covering and doing. (See attached)

After a brief discussion, the Commission invited the Fayette County Solid Waste Authority back in April to give another update.

The Commissioners asked to revisit the landfill with the Town of Fayetteville and discuss the sewer treatment and junk cars.

Commissioner Eskew asked the Fayette County Solid Waste Authority too follow-up and give an update in April.

David Neal, E911 Coordinator appeared before the Commission to

## Primary State Authority SWMB

### SWA Membership

5 Member

- 1 DEP
- 2 County Commission
- 1 Soil Conservation
- 1 PSC

Member appointed for a four year term additional staff.  
Secretary-Payroll Clerk-Litter Control Officer

### Tools Used by Solid Waste Authority

1. Administrative Guide-prepared by SWMB
2. Compressive Litter & Solid Waste Plan-prepared by SWA
3. County Siting Plan-prepared by County SWA
4. By-laws-prepared by SWA

### Comprehensive Litter and Solid Waste Plan (Fayette, Raleigh, Wyoming)

1. Assessment of litter-Solid Waste problems
2. Collection-Disposal Services
3. Recycling
4. Mandatory Garbage Disposal
5. Siting Plan Solid Waste Facilities
6. Open and non-permitted Dumps
7. Coordination with DOH removal of litter, tires, open dumps
8. Enlist Private Industry-Civic groups, private clean-up
9. Inmate-Community Service Litter Pickup

Mandatory Recycling Program-with the recommendation of the CC Referendum approved by the voters. Should be completed next 4 yrs.

Siting Plan-A Siting plan has been developed with the following consideration.

1. Efficient Disposal
2. Economic Development
3. Transportation
4. Property Values
5. Ground Water
6. Present of Potential Land Uses
7. Historic
8. Public Health



Classified by Zones  
Authorized-prohibited or tentatively prohibited.

Open Dump Cleanup

Coordinate with local, state, federal, and volunteers-complaints

Identify- Prioritize- Estimate- Cost

Meet with DEP on regular basis

Cost less than \$1,000 hire contractor or use inmate labor

Over \$1,000 obtain bids-\$5,000 and up

Major Dumps Identified 2003 (one Backus Mountain Park Property)

No Dump Identified by SWA has been denied funds by DEP

Mandatory Disposal

Landfill Closure

Bond: \$48,000

Sewage Line Cunard to Fayetteville Proposed by DEP, SWA-Refused by City of Fayetteville

Monthly visit Landfill-check leachate tank, cover, open dumps.

Conference Each year Governors Litter Control  
Association of SWA

Inmate Labor Program

1. Litter
2. Labor-Community Centers, Nonprofit Organizations
3. Recreation Facilities All
4. Assist All County Agencies when requested

New River Collaborative Organization

On hold members called to active duty National Guard Corr of Engineers-DNR-DEP-SWA. Meet quarterly coordinate cleanup of New River Fayette County Portion Contracted, paid by ton.

Goals for 2004

1. Mandatory Garbage
2. Regular Enforcement Program, (Educate City Enforcement)

Abandoned motor vehicle-Coordinated Effort: Co. Park, Law Enforcement, SWA  
Continue-Litter and Open Dumps Cleanup

1. Ansted-Walking Trail City-River
2. Road to Rich Creek
3. Paint Creek-Contractor Approved

Education

Coordinated effort DNR-SWA Local Schools-Community Organization

1. Major Problems

Landfill-30yrs-Ins, Lease Agreement

2. Mandatory Garbage Collection-Master Listing Changes. New Construction, Sale
3. Roadside Litter
4. Tires, Abandoned Vehicles, Appliances
5. Illegal Dumping on isolated property owner. Working with owners to gate property.

Surveillance Camera- Deployed in our spare time?

give an update of what's going on at the 911 Center.

Mr. Neal told the Commissioners that the big issue is the CAD System. Mr. Neal told the Commissioners that the mapping/addressing plays hand and hand with the CAD System, mapping/addressing is moving along well.

Mr. Neal told the Commissioners that he had met with several CAD members and they decided that there should be some further study to the CAD system to make sure it interfaces with the Sheriff's Department.

Mr. Neal recommended to the Commission to move forward with the RFP as soon as possible, cost estimated at \$150,000, for two projected phone systems and CAD to be put in at the same time replacing the system.

Commissioner Wender asked Mr. Neal who has the input for the RFP. Mr. Neal replied the 911 Advisory Board.

Commissioner Eskew asked how long would it take to get the system up and working. Mr. Neal replied 30 to 45 days.

Mr. Neal told the Commissioners he will contact the CAD members to get some packets for the Commission to review.

Commissioner Eskew asked that Mr. Neal proceed with looking into the CAD System.

Steve Cruikshank, OES Director appeared before the Commission to give them an update on the Office of Emergency Services.

Mr. Cruikshank presented to the Commissioners a list and pictures of each property that has been cleared and inspected with remarks listed at the bottom. Mr. Cruikshank told the Commissioners that Judy

## ***"FEMA 1378 Hazard Mitigation Grant Program"***

<b>Name</b>	<b>Address</b>	<b>Status Description</b>
David & Vicky Robinson	83 ½ Main Street, Mt Hope	Cleared & Inspected / Approved
Christina & Nathan Adkins	Plant Farm Road, Glen Jean	Cleared & Inspected / Approved
Joyce Strickland	Surface lot, Kanawha Falls	Legal Restrictions/Family Court Needed for Closing
Dolly & David Bostic	123 Blaketown Road, Scarbro	Cleared & Inspected / Approved
Donnie Null	Lots 33-35 Sect. 2, Powellton	Subject for demolition
Homer Williams	25 Laurel Creek, Beckwith	Lawyer researching deed
Ruth Proskin	Surf 33 & 23, Beckwith	Lawyer researching deed
Cecil & Myretta Adkins	Lots 18-20, Thayer Bottom	Subject for demolition
Thomas & Richard Wilson	House 37, Minden	Cleared & Inspected / Approved
Barbara Gilliam	Lot 13, Beckwith	Subject for grading
Betsy Perdue	Crow Hollow, Beckwith	Subject for grading
William & Judith Randolph	Lot 4 Section 1, Columbia	Subject for demolition
Pamela Pettry	Lot 244 Block 4, Minden	Cleared & Inspected / Approved
Corrine Humphrey	House 173, Minden	Purchased by another buyout applicant / Certified letter sent with deadline for response
Franklin & Barbara Ingram	209 Minden Road, Minden	Certified letter sent with deadline for response
Marvin & Rita Zimmerman	House 107, Minden	Certified letter sent with deadline for response
Mary Selinger	House 201, Minden	Family Court / restrictions based on bonding of guardian
Henry Ford	Loup Creek Near Page	Subject for grading / Awaiting Inspection
James & Cindy Whitlow	Lot 10 Whipple, Scarbro	Cleared & Inspected / Approved
Franklin & Betty Sue Sowder	12A Wingrove Bottom, Scarbro	Subject for demolition
George & Doris Worley	House 101, Minden	Cleared & Inspected / Approved
Samuel Ayers	House 74, Minden	Cleared & Inspected / Approved
Juanita Wickline	540 Kilsyth Rd, Mt. Hope	Cleared & Inspected / Approved
Helen Jarrett	Water Plant Road, Kimberly	Subject for grading
James Billings	Lot 208 Block 4, Minden	Cleared & Inspected / Approved
Roger Williams	Paint Creek Lot 18, Weirwood	Subject for demolition

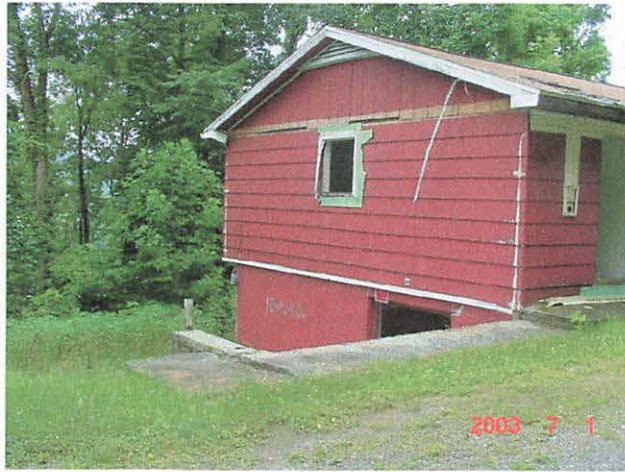
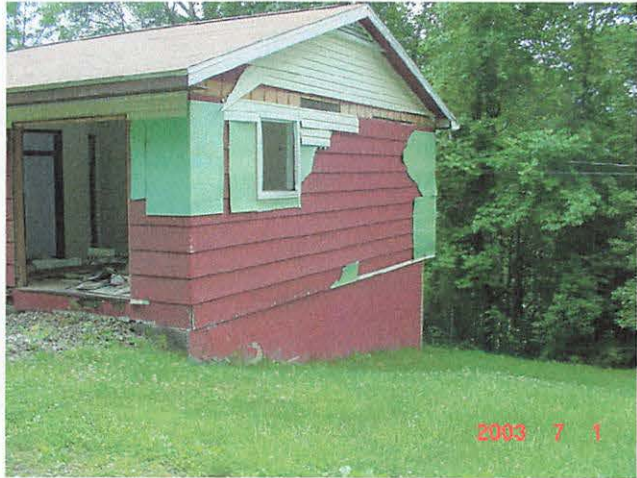
<b><i>Name</i></b>	<b><i>Address</i></b>	<b><i>Status Description</i></b>
Ronnie & Helen Lewis	Lot 3 Sec. 1 Sweetwood Hollow, Scarbro	Subject for demolition
John & Gaynell Tolley	Surface acre Wolf Creek, Fayetteville	Subject for grading
Thelma Phillips	House 254, Minden	Cleared & Inspected / Approved
Colleen Izzo	#1 Cole Street, Pax	Subject for demolition

\* The homes that have not been demolished yet are due to interference by the weather.

The following pages are pictures of each property that has been cleared and inspected with remarks listed for each.

Each property was inspected by Steve Cruikshank and found to either meet or exceed the guidelines set forth by FEMA for "open space". Judy Chappell, the representative from the State Office of Emergency Services and for this region and FEMA, did an inspection on some of the properties herself during a visit and her comments are listed as well.

# Robinson's Property

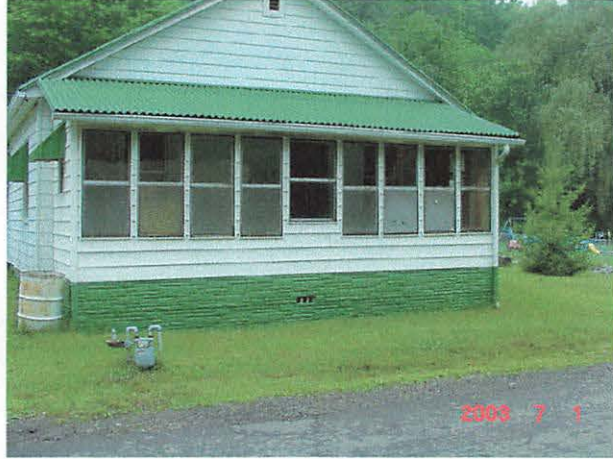




Photos above are Robinson's property inspected by Steve Cruikshank 2-11-04.

Inspection approved.

# Wickline's Property







Photos above are Wickline's property inspected by Steve Cruikshank 2-11-04.

Inspection approved.

\* Further contact needed with the Gas company to remove meter base located next to roadway.

Gas company contacted: \_\_\_\_\_

Removed: \_\_\_\_\_

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Nathan & Christina Adkins property located at Glen Jean and pictured above was inspected by Steve Cruikshank on 2-11-04.

Inspection Approved with additional seeding needed.

A question was raised about the neighbor parking on the property and will be addressed at a later date.

Comments: Structure Condemned +  
Removed By State,  
August 2001.

# Phillip's Property





Phillips property is pictured above, inspected on 2-16-04 by Steve Cruikshank.

Passed inspection, submitted for payment.

# Pettry's Property





Pettry's property shown in pictures above inspected on 2-16-04.

Inspection to be revisited due to brush left next to creek bank.

Re-inspection date: 2-20-04 Approved

Comments: Brush cleared out but belonged to home across the creek. OK

Chappell, a representative from the State Office of Emergency Services did an inspection on some of the properties during a visit.

Mr. Cruikshank told the Commissioners that in response to the letter that was forwarded to him by the Commission for Mary Coleman she did not apply on time for assistance.

Commissioner Wender asked Mr. Cruikshank where do they stand regarding money to pay Theresa White's salary.

Mr. Cruikshank told the Commissioners that the money would run out the end of this month.

Commissioner Wender informed that the Red Cross would like for the Commission to supply a trailer to store equipment and supplies for emergencies.

Commissioner Wender asked Steve Cruikshank, OES Director, David Neal, E911 Coordinator if there was any way this could be paid out of the 911 Fund or through the Firefighters Association.

Tim Richardson, Zoning Officer informed the Commissioners that no way this could be paid out of the Firefighters Association.

David Neal, E911 Coordinator told the Commissioners that it could not be paid out of the 911 Fund.

Mr. Cruikshank told the Commissioners that the Home Land Security has a lot of money out there and he's working on trying to get.

Earl Pauley, Park Superintendent appeared before the Commission to give an update of what's going on at the Fayette County Park.

Mr. Pauley presented the Fayette County Park brochure, a detailed information of the 2003 Lacy's Lights expenses and a six-year comparison chart of the visitors and donations to the Commissioners.

Mr. Pauley presented a list of the topics he would like to discuss (Sheriff Department, Fayette County vehicle maintenance, Animal Control, Park and Projects for 2004) to the Commissioners. (See attached)

Mr. Pauley told the Commissioners he has not received any response from Allegheny Power regarding the gas line at the Fayette County Park.

The Commissioners asked Ms. Holly to get hold of the gas company and schedule them for April 12.

The Commissioners told Mr. Pauley that these topics are budget matters and should be discussed on March 8 during the Budget meeting with the elected officials and department heads.

The Commissioners asked that Mr. Pauley be scheduled for an hour on March 8.

Patti Payne, Manger C-PAC appeared before the Commission to give an update on the Animal Shelter (See attached).

Phillip Perone, Fayette County Health Department appeared before the Commission to give an update of the Health Department.

Mr. Perone informed the Commissioners that he is working with the Fayette County Solid Waste Authority, the Fayette County Beautification Committee and the Zoning Office in getting Fayette County cleaned up.

Mr. Perone presented to the Commissioners the program Codes and Activity Codes that are used when they go out and inspect a site (See attached).

Mr. Perone told the Commissioners that Amanda Skaggs works



# FAYETTE COUNTY

*"Fayette County's Best Kept Secret"*



# BARB

SUMMER HOURS

Sunday - Saturday  
8am - 9pm

OFF-SEASON HOURS

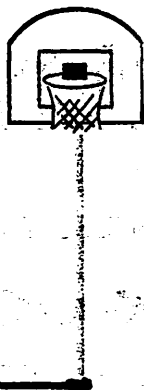
Monday - Friday  
\* 8am - 4pm

Saturday & Sunday  
CLOSED

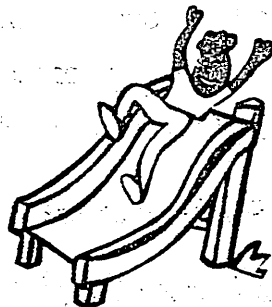
# THINGS TO DO

The Fayette County Park offers a wide variety of things to do while at a picnic, family reunion, party, wedding, or anniversary celebration!

- ◆ Tennis Court
- ◆ Basketball Court
- ◆ Volleyball Nets
- ◆ Softball Field



- ◆ Hiking Trails
- ◆ Horseshoe Pits
- ◆ Swings
- ◆ Slides



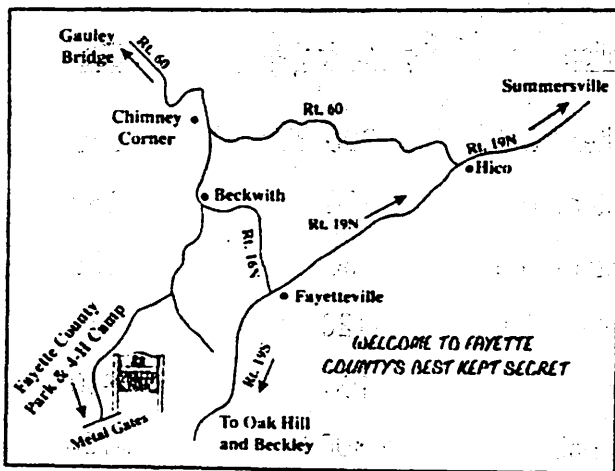
**FOR MORE INFORMATION  
CALL OR WRITE:**

Fayette County Park  
Rt. 2 Box 236  
Fayetteville, WV 25840

**PHONE:** (304) 574-1111

**E-MAIL:**  
fayettecountypark@zoomnet.net

**WEBSITE:**  
home.zoomnet.net/~fayettecountypark



**FAYETTE**

**COUNTY**



*"Fayette County's Best Kept Secret"*

**PARK**

# INDEX OF TOPICS

## Sheriff's Department

- Vehicle Insurance
- Wrecked Vehicles
- Car Auction
- Recommendations

## Fayette Co. Vehicle Maintenance

- Salary
- Changes
- Parts/Equip. Pickups
- Dodge Durango Problems
- New Equipment
- Complaints
- Recommendations

## Animal Control

- Delays in Completion
- Projects to Finish
- Upcoming Projects
  - ⇒ Plant grass.
  - ⇒ Build a night drop box.
  - ⇒ Haul stone.

## Park

- Employees
- Gasline
- Food Pantry
- Lacy's Lights
- Memorial Building
- Sawmill
- Senior League Field

## Projects for 2004

- Renovations
  - ⇒ Canteen
  - ⇒ Metal building
  - ⇒ Rec Hall
  - ⇒ Nurses Station
  - ⇒ Cabin 3
- Equipment Repairs/Replacement
- New Construction
  - ⇒ Cabins
  - ⇒ Horseshoe pits

# FAYETTE COUNTY SHERIFF DEPT.

---



## **Vehicle Insurance**

I feel that the Maintenance Garage should have the authority to suspend insurance on a wrecked vehicle until it is repaired. This would save the county money, as some vehicles are not roadworthy for several months. This means that we are paying insurance on a vehicle that is parked. Also allowing us to communicate directly with the insurance company would be a more efficient way to conduct business.

## **Wrecked Vehicles**

I feel that the Maintenance Garage should be allowed to assess any damage to a wrecked vehicle before it is turned into the insurance company. Some vehicles can be repaired for less than the deductible. Also if it is submitted to insurance, it may be considered totaled and issued a "remanufactured" title, which the deputies are not permitted to drive.

## **Car Auction**

We have several vehicles that are being sent to public auction. However, selling this many vehicles will leave us with very few vehicles for the park employees and even less spares for Sheriff's Dept. to use.

# FAYETTE COUNTY SHERIFF DEPT.

---



## Complaints

- Maintenance requests need to be faxed between 8am – 4pm. Sometimes they try to fax at 10pm or later.

## Recommendations

- New vehicles should be purchased with lightbars and radios included. Can be put in service much faster with these pre-installed.
- The Ford Expedition from City of Mt. Hope – put in service as soon as possible after we get ownership. Sheriff stills wants to purchase.



---

## *FAYETTE COUNTY VEHICLE MAINTENANCE*

---

### **Salary**

- Dan  
Current salary is \$9.38/hr and has been here since November 1992. Propose an increase in salary to \$11.00 per hour.
- Garage Assistant  
Starting salary of \$6.50/hr. Increase to \$7.00/hr after 3 month evaluation period.

### **Changes**

This is a list of things that will now be done at the park instead of by outside vendors.

- Minor auto body repair, such as bolt-on items, Dan will do in the garage.
- Changing motors from car to car can be done in the garage if there is someone working with Dan.
- Painting of vehicles.

### **Parts/Equipment Pickup**

We pickup parts from the following companies to save time and money when repairing vehicles.

- Ramey Automotive – Ford Parts - Beckley
- Bert Wolfe – Ford Parts - Charleston
- Steven's Auto – Dodge Parts - Logan County
- Dump truck parts - Virginia



---

## *FAYETTE COUNTY VEHICLE MAINTENANCE*

---

### **Dodge Durango Problems**

- **Rear End Fault**  
This part of the Dodge Durango is poorly designed and requires frequent replacement. The cost of one replacement is approximately \$900.
- **Ball Joints**  
These parts are difficult to replace due to high demand. It takes minimum of 4 weeks to get replacements directly from manufacturer. For example Doug Dancy's Durango only has 49,037 miles on it and already needs these.

### **New Equipment**

- **Heater**  
The heater that we have now is very noisy and stops working sometimes. We have lost some very expensive paint when the heater stops working on cold nights and the paint freezes.
- **4-Post Lift**  
The reason for this lift is the number of cars needing service and having one lift you find yourself waiting for parts after you tear the car down on the one lift. This means that if someone needs a set of brakes or tires they have to wait. This lift would reduce wait time for vehicle service. Have requested this for 3 years.
- **Rollback Wrecker**  
Needed to tow all county vehicles. This could save money in outside costs. The benefit of have our own wrecker is that only one person would have to take a vehicle to be repaired or returned to deputy.





---

## *FAYETTE COUNTY VEHICLE MAINTENANCE*

---

### **Complaints**

- Assessor's Office Maint.  
Would like to have them fill out maintenance request and fax in same manner as Sheriff's Dept. and Animal Control. We can supply request forms.
- Junk Cars/Parked  
Plan to move all junked cars to new parking lot behind the yellow storage building. This is where all of the Sheriff's Dept. vehicles will be kept when waiting for maintenance. Also wrecked cars being used for parts will be stored here. Moving these vehicles will allow for more parking space for park visitors.

### **Recommendations**

- The courthouse staff Jeep needs to be used, otherwise it will rust. Could be transferred to Sheriff's Dept. and be put to use. This would be one car that the Sheriff would not have to buy this year. There is a 2001 car with a "remanufactured" title that the courthouse could use.



# Fayette Co. Animal Control Center

---

## Delays in Completion

Reasons for the delays include:

- ◆ Rain 2-3 days per week for several weeks kept the area muddy and difficult to work around.
- ◆ The majority of the work had to be done after 4pm and on the weekends, when many businesses were closed.
- ◆ In order to finish as quickly as possible the workers had to put in hundreds of hours of overtime which resulted in going over budget in the park's "overtime" allowance.

## Projects to Finish

We need to pour a floor in the old building and then paint it with epoxy paint. Also need to install a new sink.

## Upcoming Projects

These are planned for the spring.

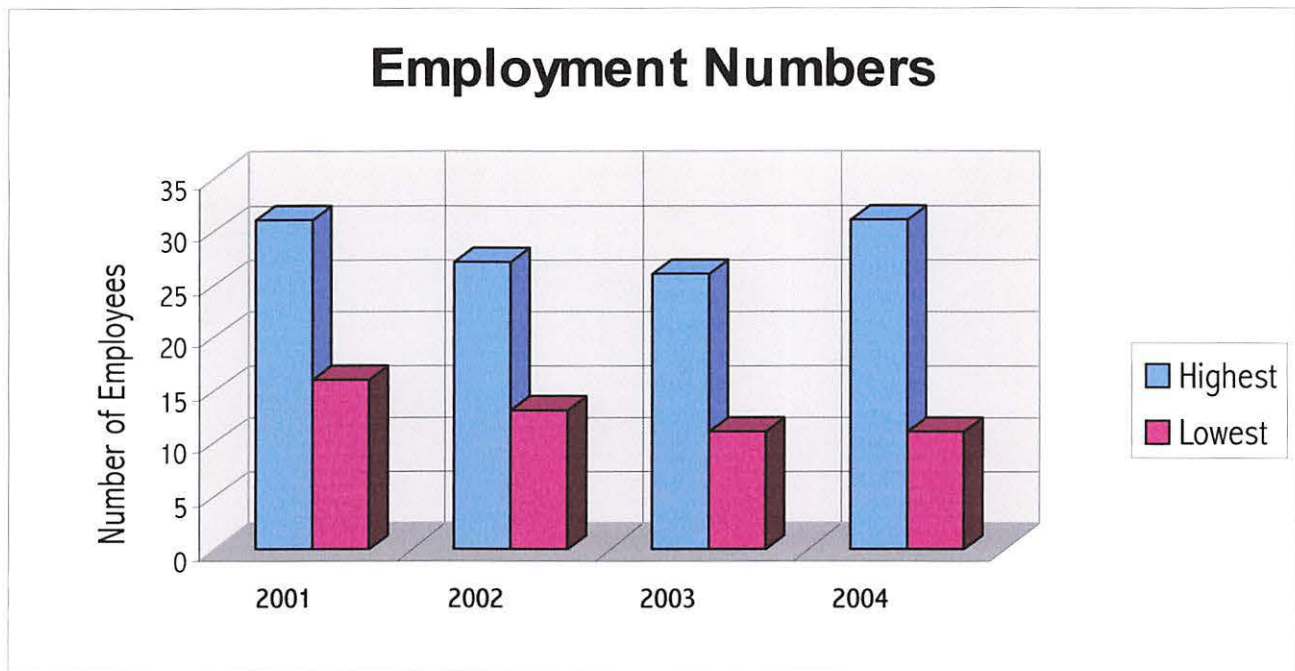
- ◆ Build a night drop box on the old trailer foundation.
- ◆ Landscaping of the entire area. Includes placing lime and fertilizer, planting grass, planting trees. C-PAC volunteers will do some of the work.
- ◆ Repair road. Hauling stone to hold the road together. Put in drainage lines so there are no mudslides. Prepare for paving of road this summer.

# Fayette County Park



## Employees

Currently the number of people working at the park is the smallest group of people we have had in the past few years. However we have several large projects for these people to do. See chart below.



## Lifeguards

In the past two years we have had trouble getting lifeguards who can work all summer. Last year we only had five lifeguards, unfortunately they all quit or have to leave for college. This left us with only one lifeguard. For this reason we had to close the pool the second week of August. This left us with 2 large groups who had expected to use to pool for their picnics, luckily we were able to find guards who could cover these groups.

# Fayette County Park



## **Gasline**

This project has been in the works since 1990. The benefits of putting in this gasline far outweigh the costs of installation. As of February 13, 2004 the Fayette Co. Commission had paid \$8,157.74 to Farrell Gas for propane. This was for the Fay. Co. Park & Animal Control combined during the 2003-2004 budget year.

## **Food Pantry**

We haul food on a regular basis, which is fine except when we deliver the food to the pantry we have to unload it by hand. This takes time and many people to do. JR's Recycling has a forklift that they are willing to donate to us.

## **Memorial Building**

- The flagpole is at Rooster's Hydraulic being repaired.
- We are working on a new stainless steel cover for the torch.
- Removed shrubs with chainsaws, brought them back to park and burnt them. Made arrangements with the Town of Fayetteville to use backhoe to load stumps and remove.
- Hauled dirt for Allen to fill holes so he could plant grass.

## **Sawmill**

I spoke with James Skaggs on Tuesday. He will begin cutting our logs Friday, February 20, 2004. He will continue to work on them until they are finished. When he has a load finished I will take up another group of logs and pick up the finished product. I hope to have all of the logs cut over the next 3-4 months. This lumber will be used for repairs and new construction.

## **Senior League Field**

Worked with Larry Parsons to construct new fence and outfield. I hauled several loads of dirt.

# Fayette County Park



## Lacys Lights & Maples Display

- ◆ The 2003 report is attached.
- ◆ Request to turn the lights on Thanksgiving night. It would increase donations and the number of visitors.
- ◆ Request that all donations and profits from sales during "Lacys Lights" be placed in a separate account.
- ◆ I think it would be a nice gesture if the commission would make a donation to the "Lacys Lights" account at budget time. Any amount from \$500 - \$2,000 would be appreciated.
- ◆ Over the past few years we have received a large number of requests for a wagon for people to ride in and view the lights. I would like to have one ready for the 2004 season.

## Renovations

- ◆ Canteen

Major work is needed to increase the space for people to sit and eat. Also would like to install bathrooms for the convenience of park patrons and employees.

- ◆ Metal Building

We are adding a 2nd floor to this building to increase storage space for Christmas lights. This will allow us to work on "Lacys Lights" year-round. This building is 20 feet tall and we can get twice the room by adding another floor.

- ◆ Recreation Hall - Porch needs replaced.

- ◆ Nurses Station - Will be repaired by youth camp run by Tom Cashen.

- ◆ Cabin #3 - Will be repaired by youth camp run by Tom Cashen.

**Equipment Repairs/Replacement**

◆ 1988 Ford Backhoe

The backhoe was drove to the park put it will need a new motor. Will also need new brakes and a bushing for the front axle. The cost for these parts is listed below.

Remanufactured motor	\$4,500	(1 year warranty included)
Brake pads	\$555.72	
Front axle repair	\$351.22	

◆ Excavator

Will need a new exhaust system and battery. We have already talked to the parts supplier.

◆ 1985 Chevrolet Truck/Snowplow

The frame has rusted on this truck. It would be more cost-effective to replace it than repair it. Would like to see David Neal have a new truck, and his old truck passed onto the park. It makes more sense for David Neal to receive a new truck instead of the park because David keeps his vehicles in excellent condition. He has only had \$3,384.48 worth of maintenance since August of 2001. At the park the new vehicle would see a lot of "wear and tear."

◆ New Trash Truck

Would like to have something to replace this truck. It is 36 years old.

# LACY'S LIGHTS



*The light  
of hope*

*will always  
shine bright*

# MAPLES DISPLAY

*Fayetteville, West Virginia*

2003



# Lacy's Lights 2003

## Expenses

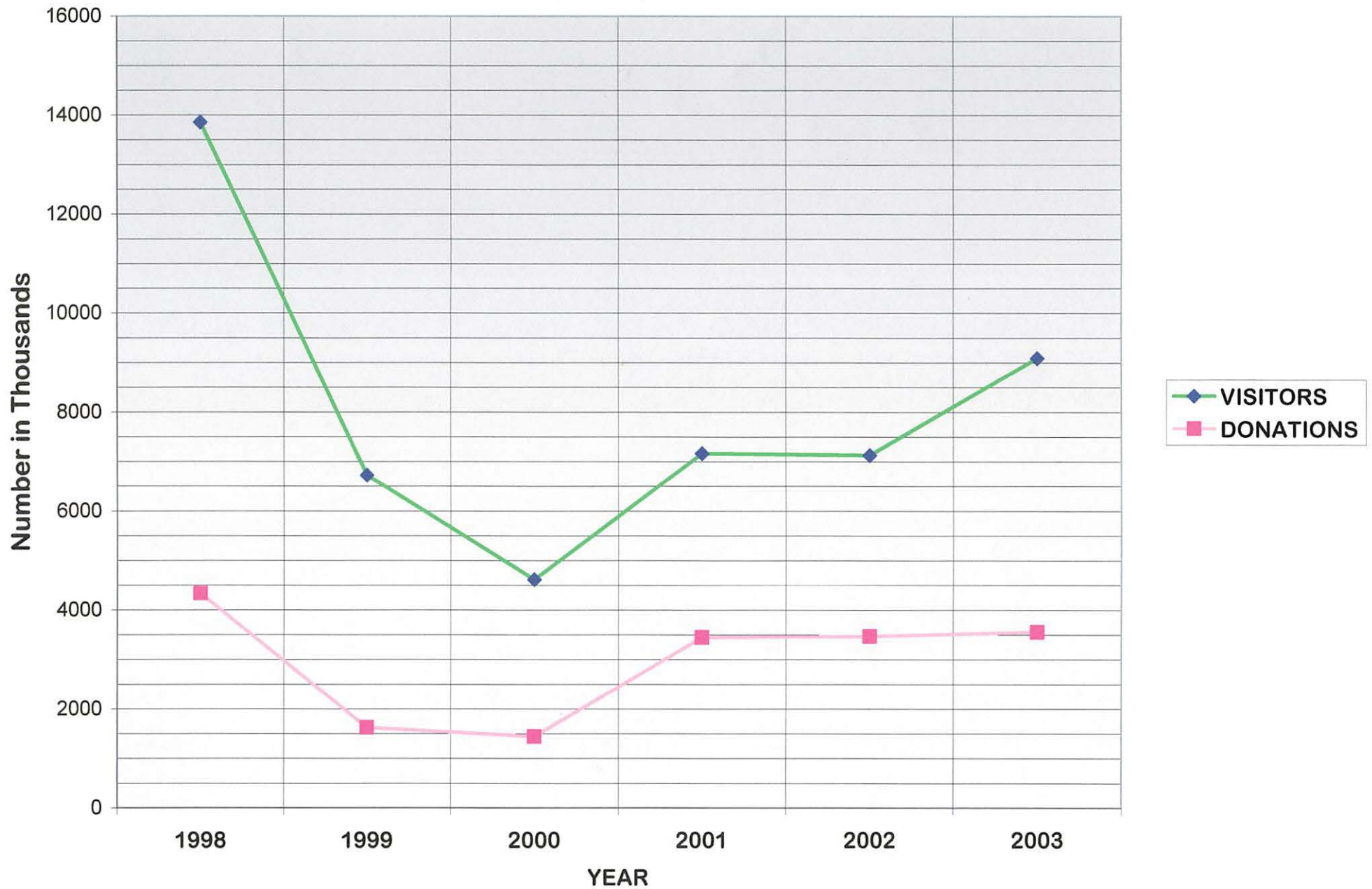
Item	Company	Cost
Brochures	Staples	\$ 21.00
Electrical Supplies	Fayco	\$ 25.00
	Fayette Awning	\$ 31.03
Construction Materials	SteelCon	\$ 50.60
Canteen Items	WalMart	\$ 150.88
Paint/Misc Supplies	WalMart	\$ 295.00
Pre-Fabricated Lights/Displays	WalMart	\$ 352.08
Decorations/Garland	WalMart	\$ 490.67
Music	The Music Shop	\$ 250.00
Collectible Ornament	Howe House, Inc	\$ 663.06
Bulk Wire/Bulbs	Coleman's Creations	\$ 1,787.81
		\$ 4,117.13

## LACY'S LIGHTS & MAPLES DISPLAY

	DEC-98	DEC-99	DEC-00	DEC-01	DEC-02	DEC-03	AVERAGE
DEC-1	191	26	100	298	115	135	144
DEC-2	267	49	181	161	48	181	148
DEC-3	401	130	115	145	104	123	170
DEC-4	564	283	61	129	2	51	182
DEC-5	869	257	48	196	33	193	266
DEC-6	832	29	76	147	133	479	283
DEC-7	204	105	93	250	539	296	248
DEC-8	197	155	182	239	208	237	203
DEC-9	305	171	532	340	182	276	301
DEC-10	410	187	235	166	139	154	215
DEC-11	885	576	95	166	129	185	339
DEC-12	780	335	87	245	151	541	357
DEC-13	558	198	37	228	214	616	309
DEC-14	326	181	60	337	280	132	219
DEC-15	431	219	272	512	383	193	335
DEC-16	266	278	461	429	225	405	344
DEC-17	165	412	35	117	182	72	164
DEC-18	687	598	214	180	215	105	333
DEC-19	1136	511	4	162	233	127	362
DEC-20	1128	346	112	251	476	279	432
DEC-21	849	131	227	367	734	489	466
DEC-22	507	299	189	467	800	553	469
DEC-23	47	600	550	472	642	900	535
DEC-24	92	0	393	495	397	645	337
DEC-25	627	314	0	341	0	525	301
DEC-26	357	0	96	109	94	251	151
DEC-27	352	72	19	75	81	340	157
DEC-28	185	0	68	79	196	247	129
DEC-29	185	44	74	7	112	230	109
DEC-30	49	137	0	53	81	130	75
DEC-31	2	80	0	0	0	0	14
	13854	6723	4616	7163	7128	9090	8096

	Dec-98	Dec-99	Dec-00	Dec-01	Dec-02	Dec-03	Total
VISITORS	13,854	6,723	4,616	7,163	7,128	9,090	48,574
DONATIONS	\$ 4,335.91	\$ 1,622.57	\$ 1,443.75	\$ 3,445.80	\$ 3,469.74	\$ 3,556.01	\$ 17,873.78

# 6 -Year Comparison



## Fayette County Park Canteen Sales

Item	Amount Sold	Quantity Sold
Santa's Magic Glasses	\$ 188.71	401
Collectible Ornament	\$ 735.71	104
Postcard	\$ 6.90	12
Coffee/Cocoa	\$ 187.85	397
Popcorn	\$ 11.00	22
Candy	\$ 25.53	112
Pop	\$ 168.85	307
	\$ 1,324.55	1355

---

## Promotional Give-Aways

Item	Quantity
Santa's Magic Glasses	99
Brochures	3,200

# **MEDIA COVERAGE**

## Television

WVNS CBS 59  
WOAY ABC 4

## Print

The Fayette Tribune (Front Page!)  
The Register-Herald (Website)

## Radio

WCIR 103.7  
WTNJ 105.9  
WWNR Newstalk 620  
WQBE 97.5

## Citizens for the Prevention of Animal Cruelty, Inc. (C-PAC) Agenda

Friday February 20, 2004

Fayette County Commission Meeting @ 10:15 am.

### I. Old Business

- A. Dog Show in May 2004 to be held at the National Guard Armory in Oak Hill (public welcome)
- B. Flood Plan in effect to evacuate shelter animals in the threat of a flood (watch to warning)
- C. FCACC Shelter Staff benefits (sick and vacation)
- D. Avid Microchip Scanner - C-PAC received a free scanner to identify lost animals at shelter
- E. Donation jars placed in various businesses throughout the county - small amounts of money collected.
- F. Over 3,200 dogs and cats have been sterilized through the low-cost spay/neuter program since 1999 at a cost of more than \$154,000. This success has been achieved by government and public donations as well as sterilization grants.

### II. New Business

- A. C-PAC has a newly formed Board of Directors and Officers:  
Marcelle Cole; Angela Davis, Pat Payne and Jennifer Snyder - Board of Directors  
Bryan Hunter - President, Sheila Walker - V. President, Heather Hunter and Gloria King - Secretary and Asst. Secretary, Susan Gee - Treasurer
- B. C-PAC is "Rescue Friendly". C-PAC has achieved a working relationship with more than 15 Rescue Organizations in and out of state that adopt shelter animals from Fayette County.
- C. C-PAC is selling small pet taxis and canine leashes at the shelter for adopted or public animals
- D. C-PAC holds general monthly meetings and our membership is on the rise. C-PAC is also working on public relations and outreach programs.
- E. In April of 2003, a practice known all around the nation began in our county. "Early-Age Sterilization" became part of the shelter adoption policy. Adoptable animals are spayed or neutered at the age of 8 weeks and older. This means there will be less animals returning to the shelter.
- F. A couple from Thurmond donated 2 large dog traps to be used by the Dog Warden to trap stray or feral animals.
- G. People from out of state are coming to the FCACC to adopt animals. New York, Maryland, Virginia, Pennsylvania, Ohio and North Carolina
- H. New euthanasia policy introduced by holding adoptable animals for 10 days instead of 5 days. Not only would this give the animal a better chance of finding a home but also allow the public to view the adoptable animals.
- I. OPEN HOUSE - C-PAC would like to hold the Open House this Spring once the road conditions are improved at the new shelter site. (Invitations and recognition plaques)

## FAYETTE COUNTY ANIMAL CONTROL CENTER

Fayette Co. Comm. Meeting 2-20-04 @ 10:15 am.

### Animals Admitted 2002

1,752

### Animals Admitted 2003

2,412

### Adoptions - 2002

Canines - 402

Felines - 119

**Total 521**

### Adoptions - 2003

Canines - 402

Felines - 129

**Total 531**

### Reclaims - 2002

79

### Reclaims - 2003

97

### Euthanized 2002

Canines - 809

Felines - 343

**Total 1,152**

### Euthanized 2003

Canines - 1,031

Felines - 753

**Total 1,784**

\* The number of animals admitted to FCACC from the year 2002 to 2003 increased by 28%.

\* The number of animals admitted to FCACC January 2004 (200 animals) increased 29% over the amount of animals admitted in January 2003 (143 animals).

\* Court cases in 2004 accrued \$1,277      Other court cases are pending.

## Contact Information for Rescue Organizations

**Fayette County Animal Control Center**      **304-574-3682**  
**Director - Patti Payne**

- \* Tara's House Homeward Bound - Arlington, VA. - [homewardboundnet@hotmail.com](mailto:homewardboundnet@hotmail.com) 703-766-2647  
Coordinator - Sue Bell - [sue\\_bell27@yahoo.com](mailto:sue_bell27@yahoo.com) 703-812-8868
- \* Mountain State Boxer Rescue - Charleston, WV.  
Kristine Harmon-McCreery - [getaboxer@hotmail.com](mailto:getaboxer@hotmail.com)
- \* Australian Shepherd Rescue - Frazier's Bottom, WV. - [www.aussierescue.org](http://www.aussierescue.org) or [Aussieposse@citnet.net](mailto:Aussieposse@citnet.net)  
Email - [arph@mindspring.com](mailto:arph@mindspring.com) 1-877-277-4779 or 304-576-3232
- \* Almost Heaven Golden Retriever Rescue & Sanctuary, Inc. - Delray, WV.  
Carol Free - [carefree@frontiernet.net](mailto:carefree@frontiernet.net)
- \* West Highland White Terrier Rescue - Bluemont, VA.  
Karen Spalding - [Karensbeau@aol.com](mailto:Karensbeau@aol.com) 540-554-2963
- \* Doberman Rescue - DARE - Mt. Airy, Maryland  
Athy Conigliaro - [athyc@yahoo.com](mailto:athyc@yahoo.com) or Denise Pons - [DobeTransport@aol.com](mailto:DobeTransport@aol.com) or [www.dobe.net](http://www.dobe.net)  
Blue Ridge Doberman Rescue - Laurie Hanahan - [www.blueridgedoberman.rescue.org](http://www.blueridgedoberman.rescue.org)
- \* Point of View Farm - Animal Sanctuary - Hillsboro, WV. (Pocahontas County, WV.) 304-653-4766  
Joel Rosenthal - (they take birds such as emus, exotic birds, and some other farm animals etc.)
- \* Basset Hound Dog Rescue - JD Carpenter - [www.brood-va.org](http://www.brood-va.org) Cell Phone 320-2561  
BARK, Inc. Barks Animal Rescue Kennel - Lexington, North Carolina 336-474-2214  
James Motlow or Ray Friday
- \* Animal Friends Foster Parenting Rescue Program - Morgantown, WV. 304-290-4738  
[www.animalfriendswv.org](http://www.animalfriendswv.org)
- \* English Bulldog Rescue - Mabscott, WV. 304-255-2195 Marlene Church  
English Bulldog Rescue - Karen Massaro 860-536-1181
- \* Jadi Sleddog Rescue - [jadisleddogrescue@hotmail.com](mailto:jadisleddogrescue@hotmail.com) 207-626-2031 or 207-240-3301
- \* Heart Bandits American Eskimo Dog Rescue, Inc. - Charlottesville, VA.  
Nancy Heister - [nancy@americanseskimo.net](mailto:nancy@americanseskimo.net) or [www.heartbandits.com](http://www.heartbandits.com)
- \* German Shorthaired Pointer Rescue - Mid-Atlantic GSP Rescue - [www.mdgsprescue.org](http://www.mdgsprescue.org)  
Faith Summers - [mdgsprescue@hotmail.com](mailto:mdgsprescue@hotmail.com)
- \* Mid-Atlantic Great Dane Rescue - Inwood, WV. [www.heavenlydanes.com](http://www.heavenlydanes.com)
- \* Beagle Dog Rescue - [midatlantic@brewbeagles.org](mailto:midatlantic@brewbeagles.org)
- \* Tails of the Tundra Siberian Husky Rescue, Inc. - Pittsburgh, Pennsylvania [www.siberescue.com](http://www.siberescue.com)  
Rita Young-Jones - [sibemad@yahoo.com](mailto:sibemad@yahoo.com)
- \* Husky Rescue - Regina Lawrence - [Lawrence@ridleygroup.com](mailto:Lawrence@ridleygroup.com)
- \* Gary Burch - Huntington, WV. - [www.hillbillypets.com](http://www.hillbillypets.com) 304-287-2848 (will put death row animals on his website)

**Most of these rescue orgs will only take purebred dogs, but some will accept mixed breeds.**



## **Citizens For The Prevention of Animal Cruelty Agency Policy**

**Subject:** Minimum stay for an animal before administering euthanasia.

The Citizens for the Prevention of Animal Cruelty have adopted a policy statement setting forth a clearly defined plan for the minimum amount of days animals will be kept at the Fayette County Animal Shelter before administering euthanasia.

CPAC requires all animals to be kept at the shelter for a minimum of ten full days. A day is defined as a twenty-four hour period. The ten day period will start at the time the animal arrives at the shelter. The Certified Animal Euthanasia Technician can administer euthanasia to an animal earlier than the required ten day period when the kennel reaches capacity before ten days is up for any of the animals, beginning with the least adoptable animal, to maintain the required three open cages. Capacity is defined as three cages being open at all times. In the event the shelter has met capacity and the Director needs to administer euthanasia on an animal(s) before the end of an animal's ten day period the Director of the Shelter will call the President/Vice President of CPAC to discuss the issue. The Director will choose the animals to be spared from euthanasia according to the following:

1. The animal that is the most adoptable and sterilized.
2. The animal that is the most adoptable.

\*Most adoptable is defined as an animal that is friendly, showing no aggression, with no obvious health problems.

\*An unhealthy animal that is being considered for euthanasia must have been deemed unhealthy by a vet. and is unhealthy to the degree that the animal cannot be cared for by the shelter.

\*When an animal is aggressive toward people/animals and cannot be cared for by the shelter staff then euthanasia may be administer on the animal at the discretion of the Director.

A Certified Animal Euthanasia Technician will administer any/all euthanasia according to the guidelines set forth by the West Virginia Board of Veterinarian Medicine.

Date Approved: \_\_\_\_\_

February 16, 2004/SW

## PROGRAM CODES

01	Administration	45	Indoor Pool
02	Health Officer	46	Organized Camp
03	Budget	47	Outdoor Pool
04	Daily-Monthly-Expense	48	Park/Playground
05	Program/Personnel Eval.	49	Spa/Hot Tubs
06	Committee/Association	50	Alternative System
07	Public Ed. /Relations	51	Home Aeration Unit
08	Supervision Provided/Received	52	Individual Sewage
09	Training Provided	53	Package Plant/Pond
10	Training Required	54	Public Sewage System
11	Asbestos	55	Sewage Tank Cleaner
12	Disease Preparedness/Response	56	Subdivision
13	Disease Control/Epidemiology	57	Bottled Water
14	Indoor Air Quality	58	Community Supply
15	Injury Prevention	59	Individual Supply
16	Lead	60	Non-Community Supply
17	Rabies Control	61	Non-Sanitarian Activities
18	Radon		
19	Tattoo		
20	Vector Control		
21	Clean Indoor Regs.	01	Inspection/Investigation
22	Community Health Promotion	02	Field Evaluation/Conferance
23	Special Projects	03	Sample
24	Food Establishments	04	Enforcement/Notice/Court Appear
25	Food Manufacturing	05	Correspondence/Filing/Data Entry
26	Milk	06	Conference/Meeting
27	Reserved	07	Plan Review
28	Reserved	08	Research/Report
29	Reserved	09	Complaint
30	Reserved	10	Telephone
31	Reserved	11	Non-Sanitarian Duties
32	B&B	12	Annual Leave
33	Child Care Facility	13	Sick/Maternal/Family/Funeral Leave
34	Home Loans	14	Jury Duty
35	Housing	15	Office Closed
36	Institutions	16	Military Absence With Pay
37	Labor Camps	17	Leave of Absence With Pay
38	Mobile Home Parks	18	Lunch
39	Motel/Hotel	19	Holiday
40	Other Care Facilities	20	Reserved
41	Public Restroom		
42	School		
43	Campground		
44	Fair/Festival		

## ACTIVITY CODES

activity  
site

Postalwaite	1-02-04	52-10	
Cardinal	1-02-04	34-10	Boles/Vanetter
Postalwaite	1-02-04	52-02	Hurley
Postalwaite	1-02-04	52-02	
Cardinal	1-02-04	34-02	
Dept. of Ag.	1-05-04	13-10	Dead cattle
Hanson, Lauri	1-05-04	54-10	no answer
Joan Hatcher	1-05-04	13-10	buzzards in mothers yard
Sara Beth	1-05-04	59-10	info on well drillers
Pennington, D1	1-05-04	52-10	info on 52 for tolliver or ayers~10
Cardinal	1-05-04	34-01	hl-10-04-01
Treadway, Tai	1-05-04	17-01	ab-10-03-105
Hanson, Lauri	1-05-04	35-01	meadow bridge
Hanson, Lauri	1-05-04	54-03	meadow bridge
Pannell	1-06-04	51-10	Kyle Moore
Jones, Raven	1-06-04	17-10	ab-10-04-01
Pannell	1-06-04	51-01	Kyle Moore
Meadow Bridge	1-06-04	54-10	Melisa Lilly, Laurie Hanson
Morrison, Glor	1-06-04	35-10	
Jones, Raven	1-06-04	17-10	ab-10-04-01
Wilson, Rodne	1-07-04	59-01	
Jones, Raven	1-07-04	17-03	ab-10-04-01
Jones, Raven	1-07-04	52-02	illegal septic for son
Rabies Lab	1-07-04	17-03	ab-10-04-01
Shockey	1-07-04	52-10	574-2436 or 673-5251
DNR	1-08-04	52-10	Edith Mardis/Mike Smith
Dist. Office	1-08-04	52-10	Edith Mardis/ Mike Smith
Dist. Office	1-08-04	54-10	Sewage plant
Oak Hill	1-08-04	20-10	2 residences; terry ave & duncan
Oak Hill	1-08-04	20-01	2 residences; terry ave & duncan
Jones, Raven	1-09-04	17-10	ab-10-04-01/neg
Hanson, Lauri	1-09-04	54-10	lab # 8060/absent
?	1-09-04	59-10	greenbrier HL H2O eval. OK. nov
?	1-12-04	52-10	dixie-no public sewage
?	1-12-04	20-10	a&w won't pick up. call psc
Ritchie, Larry	1-12-04	52-06	property @ brownsville
Smith, Kurt	1-12-04	52-02	albert wilson @ ames heights ST
Evans, Libby	1-12-04	20-09	Stevens prop. @ charlton heights
Linkous, Seldr	1-12-04	52-10	Toney Hollow # 1
DOH	1-12-04	52-10	Lookout
Webb, Wandæ	1-12-04	52-10	Chuyrch @ Lamplighter
Masonic Lodg	1-13-04	52-10	Lookout
?	1-13-04	58-10	Arbuckle water
Altice, Kevin	1-13-04	17-10	
Treadway, Clii	1-13-04	51-10	st-10-90-80
Webb, Wandæ	1-13-04	52-10	Church @ Lamplighter
Rutledge, Jarr	1-15-04	58-10	CLifftop Comm. Water
Goff, David	1-15-04	52-10	Thousand Oaks
Ritchie, Larry	1-15-04	52-10	Long Distance, From S. Carolina
Johnson, Jack	1-15-04	52-10	system may have been installed
Ritchie, Larry	1-15-04	52-10	
Whittaker, Ma	1-15-04	52-10	51 & 52 ?
Thornton, Dav	1-15-04	51-10	Q on HAU's
Pannell, Clare	1-15-04	51-10	HAU FEE
Treadway, Clii	1-15-04	51-10	HAU & st-10-90-80
Cardinal, Tris	1-15-04	34-10	Pannell may do correction

Myers, Bill	1-15-04	20-10	Neighbor said Bumgardner worki
?	1-15-04	20-10	Mt. Carbon; across from adena a
Whittaker, Ma	1-15-04	51-10	
Clark, Jack	1-16-04	52-10	Lick Fork Rd.
Pannell, Clare	1-16-04	52-10	New River Heights
Clark, Jack	1-16-04	52-02	lot too small; eljen only
Pannell, Clare	1-16-04	52-01	Beckwith; kelly lane
Webb, Wandæ	1-16-04	52-10	Lampighter; for church
5-star	1-16-04	52-10	DOL license + class I or II septic
Fayette COun	1-20-04	23-06	Collaborative workplan training
Shockey, Lew	1-21-04	52-10	David Goff, Thousand Oaks
Pell, Kelly or E	1-21-04	52-10	Pleasant view rd. 1 ac. new cons
?	1-21-04	51-10	has trailer, wants to build log hon
Boone, Roger	1-21-04	34-10	toney hollow # 2
Farrish, Chris	1-21-04	59-10	ansted motors
Cochran, Micr	1-21-04	59-10	ansted motors
Goff, David	1-21-04	52-10	2:30 @ thousand oaks w/shocke
Goff, David	1-21-04	52-02	w/shockey
Chapman, Ke	1-22-04	59-10	~\$200.00 to abandon well
Wills, Keith &	1-22-04	59-10	ansted motors
T.P.	1-22-04	12-06	Bioterrorism & Zoonoses
Heeter, Jeff	1-22-04	52-10	possible cluster system
Pollard, Dave	1-22-04	23-06	brief office in office
Stump, Eugen	1-22-04	52-10	martha fruit
wills, Barbara	1-22-04	59-10	
Pritt, Dave	1-22-04	52-10	dep. of ag. 552-6425 c
?	1-22-04	52-10	self test
Parsons, Lary	1-23-04	23-01	armstrong creek clean-up
Aldridge, Harc	1-23-04	52-10	lookout, Masonic lodge
Bragg, Keith	1-26-04	17-10	dog broke off chain, bit child, ran
O'Neal, Lisa	1-26-04	52-10	Kingston, paint creek area
Aldridge, Harc	1-26-04	52-02	lookout, Masonic lodge
Evans, Libby	1-26-04	20-10	stephens property
King Cole	1-26-04	11-10	make oil change appointment
Eades, John	1-26-04	52-10	friend Larry Rogers
Rogers, Larry	1-26-04	52-10	(2 calls) Patricia eastman; trash, n
Zink, John	1-27-04	52-08	I got a copy of deed from courthc
Goff, David	1-27-04	52-02	may need pump system
Eastman, Patr	1-27-04	20-01	open dump
Stephens, Mic	1-27-04	20-01	trash
Pollard, Dave	1-28-04	23-06	Tim & Keith Richardson, Dave P
Myers, Bill	1-28-04	20-10	Duncan Ave. No change (Bumga
Goff, David	1-28-04	52-10	no answer/pump system
Wyatt, Joe	1-28-04	52-10	no help; talk to whittaker
Whittaker, Ma	1-28-04	52-10	eljen not yet officially convention
Petry, Kimber	1-28-04	52-10	armstrong creek/no system
Myers, Bill	1-29-04	20-10	Toms convienant store
Oak Hill Garb	1-29-04	20-10	tom's has pickup every other wex
Christian, Clar	1-29-04	09-10	food stores & schools
Goff, David	1-29-04	52-10	go w/pump
Toms	1-29-04	20-01	trash
?	1-29-04	07-10	q about flood plain
Shockey, Lew	1-29-04	52-10	no answer/use pump; system ups
Fox, Elva	1-29-04	52-06	elverton rd.
Smales, Fred	1-30-04	52-06	in office
Smales, Fred	1-30-04	52-02	st-10-04-?

Christian, Clar1-30-04 24-10 re-educate me on 2-2-04  
 Richardson, T1-30-04 52-10 fred smales ok  
 Myers, Bill 1-30-04 20-10 re-schedule for 2-02-04  
 Crosiers, Ron 1-30-04 52&51-brownsville-30x120 lot area;eljen  
 Garrett, Ron 1-30-04 52&20-asked about aubrey cook @ tone  
 Jones, Eugen1-30-04 52-10 backus mt. rd.  
 Aldridge, Harc1-30-04 52-10 Masonic lodge  
 Smales, Fred 1-30-04 52-10 q about plastic vs concrete  
 Aldridge, Harc2-02-04 51-10 masonic lodge; eljen system  
 Shockey, Lew2-02-04 52-06 goff; pump w/ alarm  
 Sanford 2-02-04 52-06 old 500 gal tank; new constructi  
 Stephens, Mic2-02-04 20-10 just got on a&w service  
 Kroger 2-02-04 24-01 routine  
 Myers, Billy 2-03-04 20-10 baumgartner  
 Myers, Billy 2-03-04 20-01 baumgartner; martin  
 Ferris, Clinton2-03-04 52-10(2mimms; scarbro  
 Brown, Kather2-03-04 24-10 adena market  
 Evans, Jeff 2-03-04 20-10 michael stephens has trash servi  
 Ramsey, Clau2-03-04 52-10 certification has expired; call dist  
 map room 2-03-04 52-08&martin; baumgartner; epperly  
 Laird, Bill 2-03-04 52-10 Ferris complaint  
 Critchley, Johi2-04-04 52-10 simms; 22 eljen pads  
 Casey, Deput2-04-04 52-10 will be late  
 Abbott, Matt 2-04-04 52-10 system soggy; beckwith  
 Wingrove, Co2-04-04 24-10 bakery; 3 bowl sink + machine  
 Judy @ town l2-04-04 20-10 bury dead dog on your property?  
 Stump, Patricl2-04-04 20&52-johnson branch  
 Smales, Fred 2-04-04 52-10 ready for inspection  
 Smales, Fred 2-04-04 52-01  
 ? 2-04-04 24-10 Oak Hill Burger King; employees  
 White Oak PS2-04-04 54-10 Scarbro; Epperty, no service  
 Goff, David 2-04-04 52-10  
 Talbert, Mrs. 2-04-04 52-10 sandy goff; kitchen ln.; no septic  
 Garrison, Entc2-04-04 01-10 digital health dept. + Threat Prep  
 Bickford, Marj2-04-04 52-06 will make appointment for dye te  
 Fleshman, will2-04-04 52-10 bellwood  
 Shockey, Lew2-05-04 51-10 Felicia Pauley  
 Abbott, Matt 2-05-04 52-10 mail him copy of permit  
 McGraw, Laur2-05-04 35-10 mold, water well or public; bad h  
 Charleston 2-05-04 59-10 shumate & Georgia Pacific & liat  
 Shumate, J.C.2-05-05 59-10 bonding and ins. ok  
 Shockey, Lew2-06-04 51-10 hau-10-03-01  
 Garrison, Entc2-06-04 01-10 digital Health dept. & T.P.  
 Perkins, Jame2-06-04 52-10 st-10-86-35  
 Ritchie, Brend2-06-04 52-10 Brownsville; jack johnson; crosie  
 Burger King 2-06-04 24-01 spoke to cathy (manager) about  
 McGill, Judy 2-06-04 12-10 current flooding, power situation  
 OES 2-06-04 12-10 minden-out of bank; whipple-out  
 Fleming, Barb2-06-04 14-10 mold in house; bad landlord  
 Critchley, The2-09-04 52-10 what type of sand to use w/eljen  
 Crosier, Ron 2-09-04 52-10 Ritchie @ Borwnsville (803-484-  
 McGraw, Laur2-09-04 35&58-mold/poor repair of trailer/water s  
 Breckenridge, 2-09-04 52-10 no answer  
 Babb, Marcus2-09-04 20-10 ab-10-04-05  
 ? 2-09-04 52-10 Robson; juel Vandergrift lot  
 Laura McGrav2-09-04 35-01&Beckwith; Mahan Rd.

Nuttal Middle	2-09-04	42-01	regular inspection
Public meetin	2-09-04	07-06	meadow bridge
Crosier, Ron	2-10-04	51&52-	Ritchie in Brownsville; house in J
Hier, Lisa (che	2-10-04	52-10	coke oven hollow; robbie cobb
Brewer, Larry	2-10-04	35-10	toilet leaks @ christina apts
? (former wat	2-10-04	52-10	install system for self
?	2-10-04	20-10	1/4 mile off Sat. Rd. can't get tras
Breckenridge,	2-10-04	52-10	
Georgia Pacifi	2-10-04	59-10	no answer (kim casto)
Georgia Pacifi	2-10-04	59-02	
Public meetin	2-10-04	07-06	lookout
DMV	2-11-04	12-02	photo I.D.
Adkins, Samu	2-11-04	52-10	
?	2-11-04	20-10	neighbor takes trash to midland t
Critchley, Ter	2-11-04	52-10	st-10-03-162 ready
Garrison Ente	2-11-04	01-10	704-573-4413
Thacker, Mich	2-11-04	52-10	
Brown, Daniel	2-11-04	52-10	
Brown, Kather	2-11-04	24-10	adena market
Public meetin	2-12-04	07-06	montgomery
Pannell, Clare	2-17-04	52-10	st-10-04-07
Pannell, Clare	2-17-04	52-01	st-10-04-07
Savage, Sally	2-17-04	34-10	home vacant
Mountainair M	2-17-04	38-10	kids in dumpster
A&W Sanitatic	2-17-04	52-10	scarbro; sewage in bag; schoolcr
Thacker, Mich	2-17-04	52-10	Webb Ln. @ her fathers
Taylor, Justin	2-17-04	52-10	will tiake care of grey water
Jackie (Courti	2-17-04	35-10	fire hazard; who to call; fire dept.
Neal, Adam	2-17-04	24-10	cockroaches @ shoneys
Thacker, Mich	2-17-04	52-02	possible illegal system to be inst
Shoneys	2-17-04	24-09	no evidence of roaches
Baumgartner,	2-17-04	20-01	stilol there
Toms Carry O	2-17-04	20-01	building up again
Linkous, Shel	2-17-04	52-06	in office
Smales, Fred	2-17-04	52-06&	(will take self-test
Dempsey, Roi	2-17-04	52-02	st-10-04-06
Cyrus, Lana	2-17-10	52-10	Ramsey; certified, no DOL licens
Pack, Gary	2-18-04	34-10	not in
Kelly, Sharon	2-18-04	54-10	arbuckle- temp fix
?	2-18-04	52-10	lola keller; russellville; 10-15 dog;
zoning (tim Ri	2-18-04	52-10	kennel license now thru animal c
Heil, Lisa	2-18-04	52-10	coke oven hollow; has access to
brown, katheri	2-18-04	24-10	left message
smales, fred	2-18-04	52-06	issued permit st-10-04-05
Daves sanitati	2-18-04	20-10	herbie jackson
oak hill sanit	2-18-04	20-10	toms; every other wed.; due on 3
Adkins, jim	2-18-04	19-10	tattoo shop; regs
louisis, tom	2-18-04	20-10	will get trash picked up
pettry, kim	2-18-04	52-10	will move; 30 day extention
Parsons, larry	2-18-04	20-10	herbie jackson
	2-19-04		

closely with the Office of Emergency Services.

The Commissioners recessed for five minutes.

Upon reconvening from recess Bruce Novak, with the Fayette Transition Team presented Quarterly Report of the Fayette County Community Resource Coordinator/Fayette Transition Team (See attached).

Commissioner Wender introduced Christy Jarrett of Jarrett and Associates to the Commissioners.

Ms. Jarrett told the Commissioners that this company was formed in 1999 and she runs a clearing house on different sources of grants (i.e., labor study, management consulting) subscribe to about six data basis, work with clients in the Montgomery area and WVUIT. Ms. Jarrett told the Commissioners she can put together a proposal for them if they would be interested.

Commissioner Eskew suggested that Commissioner Wender coordinate with Ms. Jarrett regarding grant proposals.

Tim Richardson, Zoning Officer, Keith Richardson, Building Code Officer, Dean Kincaid and Guy Dooley members of the Fayette County Planning Commission appeared before the Commission and gave a brief update of what's going on with the Fayette County Planning and Zoning Commission.

Guy Dooley thanked the Commission for appointing him to the Fayette County Urban Renewal Authority.

Allen Ballard, Manager Fayette County Memorial Building appeared before the Commission to give an update on the Soldiers and Sailors Memorial Building (See attached).

Commissioner Lopez offered a motion to approve vendors and

# **Quarterly Report**

## **Community Resource Coordinator/Fayette Transition Team**

### **February 20, 2004**

#### **Regional Sewer – High Priority Project**

##### **2004 Program Goals**

- ❖ Start and complete EPA study project by end of year
- ❖ Winona – Complete funding application and permit requirements by end of year
- ❖ Kilsyth – push entities on construction startup
- ❖ NPS/Burnwood – Have plan together to seek funding in 2005

##### **2004 Project Achievements**

- ❖ EPA Study – Resource Coordinator and Transition Team Chair are attending EPA On-Site Wastewater Treatment Program in Philadelphia February 18-20. After completing several EPA requests for information, email received on February 5 indicated that grant award has been drafted. It is anticipated that study will begin after Coordinator and Chair return from Philadelphia. If kickoff meeting can be held by March 1, terms of contract call for nine-month project timeline. This would enable study to be completed within 2004 Program of Work timeline.
- ❖ Winona – Resource Coordinator are meeting with EPA officials in regard to funding from the Highlands Project. This source came to light as an outgrowth of work done by the group with Canaan Valley Institute. Preliminary engineering has been reviewed by DEP and additions/changes are underway through PAN contract with Lombardo and Associates (funded by CVI). Some soil analysis needs to be completed and that is in the works. Group also needs to find an applicant for the funds who will act as the Responsible Management Entity. Discussions have been held with West Virginia Water to be that entity through their O&M agreements with New Haven PSD, but these issues have not been totally resolved. Project is well on schedule to complete funding and permit requirements by end of the year.
- ❖ Kilsyth – Have not had any recent meetings with the Town of Mount Hope, their engineers or the funders (Corps, Small Cities, DEP). However, Resource Coordinator has met with Amy Swann of the PSC and she has expressed that if there is a rate differential Mount Hope just needs to apply for a tariff to do so – this has always been a chief concern for Mayor Martin.
- ❖ NPS/Burnwood – Study of this area will commence at the beginning of the EPA-funded plan, which will put us in a position to meet the Program of Work goal of having a plan ready to seek funding in 2005. This will require the introduction of federal legislation, but Congressman Rahall and NPS are fully aware and ready to move on the particulars when we have the necessary data in hand. There is one project on the boards for the Ames area and some speculation in regard to another



major development. This will certainly add to the feasibility of an extension to serve this area.

### **Regional Water – Low Priority Project**

#### **2004 Program Goals**

- ❖ Assist PSD with funding needs/applications

#### **2004 Project Achievements**

- ❖ Resource Coordinator is in the process of setting up discussions with Abandoned Mine Lands Program to seek funds for project in Beauty Mountain Area. District has not requested any additional assistance with funding for the other areas identified as feasible. Coordinator has also continued to communicate regularly with Danese PSD in regard to extensions from their system. Danese has now completed their last project and selected an engineer to move forward with projects for Clifftop/Hilton Village, Russelville, Bellwood and Beelick Knob. Coordinator has forwarded data from the County Water Resources Plan to assist Danese with preliminary engineering.

### **Business Park – High Priority Project**

#### **2004 Program Goals**

- ❖ Finalize purchase of property before end of option
- ❖ Lock in US EDA funding
- ❖ Complete Bat and Spirea environmental by Spring
- ❖ Finalize infrastructure design plan
- ❖ Get commitments on Retirement Community, Wood Products, Education facility
- ❖ Develop additional funding package
- ❖ Market through CD and package

#### **2004 Project Achievements**

- ❖ Property purchase – Bonds are sold and county now has disbursement agreement in hand. Final changes are being suggested to disbursement agreement and we believe we will be ready to move forward on closing as soon as the state is.
- ❖ US EDA – Application is in and we are now awaiting formal invite on funding.
- ❖ Environmental – Spirea study has been completed and none has been found. Mist netting for Indiana bats will occur in May. We also need to send some photos to show impact of development on existing structures and viewshed.
- ❖ Infrastructure design package – Engineer is on site designing entrance now. Other work will proceed upon award of US EDA and WV Infrastructure Council funding.

- ❖ Prospect commitments – Letter has gone out to church on retirement community, to assess their continued commitment to project. If not interested in going further, we have asked for permission to take over the study data to pursue the project ourselves. Wood products is now compiling additional business plan information needed to secure RBEG funds through USDA Rural Development. Education facility working team has been convened including local members, WV HEAT, WIB and Governor's Office. Survey has been designed to assess needs of tourism industry and will be conducted face-to-face with key members within the sector. This is to be complete by the end of February and that information will then be used in concert with SBDC to develop business plan.
- ❖ Additional marketing – Local committee consisting of Resource Coordinator, Judy Radford and Keith Richardson has met and is reviewing drafts for new documents. CD continues to be distributed through Outdoor Industries of America. Plan has been made to approach some targets. Person to be hired through 4C in Summers County will be working on researching targeted industries, pay-scales, etc. This should commence in April.
- ❖ Additional work – Resource Coordinator and Gene Kistler have been working to gather a wide range of development covenants for each facet of the project with the goal of enhancing value.

### **Planning and Zoning/Stormwater Management – Medium Priority Project**

#### **2004 Program Goals**

- ❖ Implement Building Codes in January
- ❖ Hold Committee workshop in January or February
- ❖ Continue to update fee schedules
- ❖ Complete stormwater management plan
- ❖ Devise schedule for implementation of stormwater management ordinance

#### **2004 Project Achievements**

- ❖ Building Codes – Planning Commission has public hearing on adoption February 17. County Commission action on recommendation expected on February 23. Commitment of \$75,000 in funding has been received from WV Housing Development and contracts are in hand of Commission. Resource Coordinator and Code Official attempting to set up meeting to explain why program should be run through Re-Development Authority. Randy Moore of Housing Development expected to be part of this meeting.
- ❖ Committee workshop – Funded through a Flex-E-Grant, the workshop was held January 20 with 40 staff and board members in attendance. Followup public meetings, a requirement of the grant were held February 9 (Meadow Bridge/Danese, February 10 (New Haven) and February 12 (Valley). Since that time, staff have met to begin process of reporting to County Commission and Commission has sent letter to all boards setting meeting for February 20 for

delivery of reports. Staff has also been planning for 2005 retreat and begun work on web site.

- ❖ Fee schedules – Fee proposal is to be heard by Planning Commission February 17 as part of Building Code Adoption.
- ❖ Stormwater Management – Steering Committee has met again with Development Office and Consultants and are on target to Wolf Creek Plan completed this fall. This plan is to be integrated into Wolf Creek Park project to serve as a model.
- ❖ Stormwater Ordinance – Will start work upon completion of plan

### **Roose Project – Medium Priority Project**

#### **2004 Program Goals**

- ❖ Determine if project has a future and if so, devise implementation plan

#### **2004 Project Achievements**

- ❖ Sharon and Bill Roose have continued to express desire to complete Fayette project and interest has been peaked due to Dragan rail project, which they see as complimentary to their plans. Had hoped to meet with Sharon and Bill along with Jim Fowler at Explorer's Club in New York through WV Division of Tourism initiative but have not heard back from Karen Gresham.

### **Leadership Fayette County – Medium Priority Project**

#### **2004 Program Goals**

- ❖ Endow scholarship program
- ❖ Graduate 2003-2004 Class
- ❖ Devise 2004-2005 program
- ❖ Start next year's class

#### **2004 Project Achievements**

- ❖ Endow scholarships – Program is partially endowed, but still need approximately \$100,000 to have perpetual endowment. Are working to set up 501 c3 foundation for this and other area educational efforts. Still have two grants pending on the endowment. Scholarship commitments for current class have been solicited. Money for scholarships for last year's graduates remains in account.
- ❖ Graduate 2003-2004 Class – Graduation is set for May 21 at the Oak Hill Holliday Inn with Goldman Environmental Award winner Julia Bonds lined up to be keynote speaker. It is expected that 11 of the 12 people admitted to the class will meet the requirements and graduate.
- ❖ Devise 2004 program – Will begin work on this June 1
- ❖ Start next year – Program will commence in September, with class having been selected through application and interview process before school is out in May

## **Corridor L Tourism – Medium Priority Project**

### **2004 Program Goals**

- ❖ Host Corridor L Conference in March
- ❖ Host Birding Festival in April
- ❖ Continue Planning for both events
- ❖ Expand impact of bird festival by working on statewide birding trail – start with New and Gauley trails

### **2004 Project Achievements**

- ❖ Corridor L Conference – Brochure is being printed for March 30-31 event at Glade Springs. Over \$13,000 in sponsorship has been obtained. One of the highlights of the event will be appearance of gubernatorial candidates who will address group by having five minutes alone at each table – with candidates rotating from table to table at expiration of five-minute time limit
- ❖ Birding Festival – Lineup of speakers is the best of an festival in the nation. John Acorn, syndicated on Animal Planet and Canadian Public Broadcasting, will keynote the event. State is scheduling a writer's tour for that week with a stop at the festival. Several magazines have called to place articles. One of the major sponsors for the event is Birdwatchers Digest, the pre-eminent birding periodical in the country. Over \$5,600 will be put into programming in local schools by this event – aided by a \$3,500 Flex-E-Grant.
- ❖ Planning – Planning for next year will begin on June 1 after wrap-up sessions have been held.
- ❖ Expand impact – NPS has already agreed to have birding trail in DCP for Gauley River National Recreation Area. We are working with syndicated columnist Scott Shalaway (one of our speakers), Brooks Bird Club and the State on the concept for a statewide birding trail.

### **Miscellaneous**

- ❖ The Resource Coordinator was asked to complete grant applications on behalf of other county entities for Courthouse Record's Preservation Grants. Applications were submitted on behalf of the County Clerk, Circuit Clerk, Sheriff (completed by Sheriff Laird), and County Commission. All but the County Commission grant were awarded from the limited pool of funds. Grants approved totaled \$31,790.

The Transition Team will next meet on March 16 to continue work on these projects. Project-specific committees continue to work on an on-going basis.

**TO:** John H. Lopez, Kenneth L. Eskew, Matthew D. Wender,  
Charlotte N. Holly  
**FROM:** Allen Ballard, Manager  
**DATE:** February 20, 2004  
**RE:** Memorial Building

Although we have only had the Soldiers and Sailors Memorial Building back in our control a short time I feel we have made great progress towards restoring it to its intended purpose, first by restoring the Soldiers and Sailors Building Commission, which has been a tremendous help to me. Members include John Witt, Charlie Jones, Carl Harris, Brad Carelli and Ray Londeree.

Some of the events that have taken place at the facility include:

July 3, 2003	Heritage Festival Gospel Sing
November 1, 2003	American Red Cross 10 <sup>th</sup> Annual Christmas Festival and Craft Show
November 8, 2003	Fayetteville Midget League Football Cheerleading Competition
November 13, 2003	Restoration Fellowship Youth Jamboree
November 19, 2003	The United States Army Field Band

### Upcoming Events

February 26, 2004	Girls Single A Sectional Tournaments
March 2, 2004	Girls Triple A Sectional Tournament
March 4, 2004	Boys Triple A Sectional Tournament

### Accomplishments

1. Had bushes around building taken out.
2. Had auditorium roof patched and re-coated.
3. Had new gutters and downspouts installed around building.
4. Installed 25 new emergency lights throughout building.

5. Had new concession counter built, which was donated by Ben Argento Basketball League.
6. Sealed around doors to lower utility bill as of January 6 billing date the amount of \$1,563.54 had been saved from the previous year on gas bill and \$1,063.33 has been saved on electric bill.

### **Immediate Goals**

1. Work to get paint donated to paint interior of building.
2. Have lights installed outside of building and flagpole illuminate the front of the building.
3. Convert 1<sup>st</sup> dressing room into uni-sex handicapped restroom.

In conclusion I would personally like to thank you for your help and assistance and hope we can continue to work together to restore this wonderful and valuable building.

closely with the Office of Emergency Services.

The Commissioners recessed for five minutes.

Upon reconvening from recess Bruce Novak, with the Fayette Transition Team presented Quarterly Report of the Fayette County Community Resource Coordinator/Fayette Transition Team (See attached).

Commissioner Wender introduced Christy Jarrett of Jarrett and Associates to the Commissioners.

Ms. Jarrett told the Commissioners that this company was formed in 1999 and she runs a clearing house on different sources of grants (i.e., labor study, management consulting) subscribe to about six data basis, work with clients in the Montgomery area and WVUIT. Ms. Jarrett told the Commissioners she can put together a proposal for them if they would be interested.

Commissioner Eskew suggested that Commissioner Wender coordinate with Ms. Jarrett regarding grant proposals.

Tim Richardson, Zoning Officer, Keith Richardson, Building Code Officer, Dean Kincaid and Guy Dooley members of the Fayette County Planning Commission appeared before the Commission and gave a brief update of what's going on with the Fayette County Planning and Zoning Commission.

Guy Dooley thanked the Commission for appointing him to the Fayette County Urban Renewal Authority.

Allen Ballard, Manager Fayette County Memorial Building appeared before the Commission to give an update on the Soldiers and Sailors Memorial Building (See attached).

Commissioner Lopez offered a motion to approve vendors and

invoices. Commissioner Wender seconded. Unanimous.

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

Elijah Laramee and Serepta Hawver appeared before the Commission with application for review of property.

Eddie Young from the Assessor's Office was present.

Mr. Young informed the Commissioners that Steve Fox had revisited the property again and recommended that the value should stay as is.

Mr. Young presented comparison of other surrounding property owners values in the area to the Commissioners. Carl Harris, Assistant Prosecuting Attorney asked that this be marked as "Exhibit A."

Mr. Laramee told the Commissioners he had the property appraised by an independent appraiser and presented copies to the Commissioners.

Mr. Harris asked that these be marked as Exhibit 1, 2, and 3.

Commissioner Wender told Mr. Laramee that the methodology the Assessor used is correct.

Mr. Harris asked if there is any other evidence he wanted to submit. Mr. Laramee replied no.

Mr. Laramee told the Commissioners that he was told the properties are being over appraised.

Mr. Harris informed the Commissioners that he object to third party here say.

Commissioner Lopez informed the Commission would review data and get back with him.

Commissioner Eskew informed the Commission would review and take



under advisement and a decision would be made prior to the end of the month.

The Commissioners recessed the Board of Equalization and Review at 1:40 p.m. and reconvened the County Commission meeting.

Tim Stearns, Vice President Cellular One appeared before the Commission to discuss reception of cellular service in the Valley area.

Mr. Stearns informed the commissioners that GSM service coverage for the Fayetteville, Montgomery area is targeted for coverage in 2005.

Commissioner Wender asked Mr. Stearns if he can come back and give an update with maps and re-evaluate where Cellular One stands.

Kelvin Holliday, County Clerk presented to the Commissioners for approval bids received from Dayton Legal Blank and Casto and Harris for election supplies.

Commissioner Wender offered a motion to approve Dayton Legal Blank bid for \$2,200.00 for election and approve bid from Casto and Harris for \$1,166.65 for election supplies. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed from Mr. Holliday a request to transfer \$1,000 from his record book line item to his travel line item to attend the NACo meeting being held in Phoenix, Arizona.

Commissioner Wender offered a motion to approve only since Mr. Holiday has already purchased the ticket, but if asked a month ago would not have been approved due to County's financial situation.

Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to approve James Perdue, Maintenance supervisor overtime. Commissioner Eskew seconded. Vote passed 2-0.

The Commissioners signed a get well card to Neal Clark.

Commissioner Wender offered a motion to pay three invoices from the Hazard Mitigation Account--Engineering and Testing 2000, Inc. (\$1,626.40), Empire Salvage and Recycling, Inc. (\$13,320.00), and Affordable Builders, LLC (\$27,300.00) total amount \$42,246.00. Commissioner Eskew seconded. Vote passed 2-0.

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

The Commissioners received and reviewed the Financial Statement for the Fiscal Year Ended June 30, 2003.

The Commissioners received and reviewed from the Fayette County Health Department permit to Operate Recreational Water Facility at the Fayette County Park.

The Commissioners received and reviewed a copy of a letter to Debbie Aliff, Payroll Clerk from Thomas Aiello, Assessor informing that effective February 15, 2004 the annual salaries of Buren E. Renick (\$20,100.00), and Steven D. Fox (\$22,900.00) be increased, both employees are paid through the Assessor's PVC Fund.

The Commissioners received and reviewed a copy of a letter to Debbie Aliff, Payroll Clerk from Thomas Aiello, Assessor informing that effective March 1, 2004 the status of Curtis Dotson will change from a full-time employee to a part-time employee. Mr. Dotson will be

paid from the Assessor's PVC Fund at a rate of \$8.00 per hour.

The Commissioners received and reviewed a copy of a letter to Debbie Aliff, Payroll Clerk from Chief Deputy S. W. Kessler informing that effective February 15, 2004 Glenn A. Chapman will be employed as a Fayette County Deputy Sheriff, rate of pay for the probationary employee is to be \$1,953.42 per month, or \$23,441.04 per year. This salary is to be paid out of the General County Fund.

The Commissioners received and reviewed from the Workers' Compensation Division a Certificate of Coverage effective dates January 1, 2004 to May 31, 2004.

The Commissioners received and reviewed several correspondences from the Workers' Compensation Commission.

The Commissioners received and reviewed several checks for Jail Fees from the City of Mount Hope (\$90.00); 911 Fees from Verizon (\$37,550.39), VarTec (\$9.70), and Fibernet (\$1,602.44); from the Fayette County Board of Education rent (\$9,166.66); and from the West Virginia Development Office-HUD/SCBG Fund-Paint Creek/Plum Orchard Water Extension (\$17,046.25).

The Commissioners received and reviewed Remittance by County Assessors for Fiscal Year 2004 to the State Treasurer's Office, amount \$87.00.

The Commissioners approved payment of \$11,900.00 to the City of Mount Hope for a 2001 Ford Expedition for the Fayette County Law Enforcement.

The Commissioners received and reviewed a letter from the U. S. Department of Housing and Urban Development informing they support the

Fayette County Housing and Economic Opportunity Council, Inc. (FCH-EOC).

The Commissioners received and reviewed a letter from the Social Security Administration informing they have approved Debbie K. Aliff, Payroll Clerk request for a Personal Identification Number.

The Commissioners received and reviewed a Notice of Motion to Approve Sale of Main street Real Estate regarding Multi-County Community Action Against Poverty, Inc from the Bankruptcy Court.

The Commissioners approved payment of allotment to C-PAC in the amount of \$13,730.37 for the month of January 2004.

The Commissioners asked Allen Ballard to hold off on the exterior lights until the budget session. The Commissioner asked Mr. Ballard to get together with the Memorial Building Committee and get a list of things that needed to be done to the building. The Commissioners asked that Mr. Ballard give the Tri-State Roofing and Sheet Metal Company bid to repair EPOM roof area to the Committee; the Commissioners asked Mr. Ballard to list the priority things first.

Commissioner Eskew suggested to the Commission to submit an application for a grant for the jail slate roof to the Legislative Digest.

The Commissioners received and reviewed a fax from Senator Shirley Love regarding Senate and Abstract Bill 444 amendment to WV Code 7-1-3ff.

The Commissioners received and reviewed a letter from C & E Corporation and Elliott's Properties regarding the proposed zoning change to allow Wal-Mart and a shopping center to locate in

Fayetteville.

The Commissioners received and reviewed Official Oath of Office from John R. Parrish member of the White Oak Public Service District.

The Commissioners received and reviewed a fax from Commissioner Wender asking that a copy of the Job Classification Study be sent to the Jefferson County Commission.

The Commissioners received and reviewed a fax from Commissioner Wender to the Fayette County Animal Control Center regarding complaint they received from Jamie Hill regarding the adoption of a puppy.

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 March 2004.

The Commissioners signed letters to Timothy Fish, James E. Lively, Sr., Joseph D. Stone, III, James R. Criniti, C. R. "Bud" Hill, Jeff Proctor and Kenneth L. Eskew thanking them for accepting their appointment to serve as members of the Fayette County Urban Renewal Authority.

The Commissioners received and reviewed a letter from Carol J. Learmonth, Coach of the Fayetteville High School Girl's Softball team requesting use of the Memorial Building to practice when they cannot use the field.

Discuss was held, Ms. Holly informed the Commissioners that they have approved for the last two years. The Commission informed they would approve but if the floor gets refinished this would be the last year. The Commissioners asked that the letter be forwarded to Allen Ballard, Manager Fayette County Memorial Building for recommendation.

Ms. Holly informed the Commissioners that the Auditor presented to her letters that needed to be signed while she is conducting the audit for the Fiscal Year ended June 30, 2003.

The Commissioner signed a letter to Stuart Stichel, Deputy State Auditor confirming that as of February 20, 2004 and to the best of their knowledge and belief representation was made during the audit.

The Commissioners signed letter to Paul Blake, Prosecuting Attorney, Attorney John MacCorkle, Steptoe and Johnson, and Pullin, Fowler and Flanagan, PLLC informing that the State Auditor's Office is conducting an audit of our financial statements of June 30, 2003 and for the year then ended and asked that they furnish a description of all materials pending or threatened litigation, claims and assessments.

The meeting was adjourned at 4:10 p.m. The next scheduled meeting is February 23, 2004.

  
Kenneth J. Edue

FAYETTE COUNTY COMMISSION  
REGULAR SESSION AND BOARD OF  
EQUALIZATION AND REVIEW  
FEBRUARY 23, 2004  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS Present: Kenneth L. Eskew, Matthew D. Wender

The Fayette County Commission met in a regular session on this 23<sup>rd</sup> day of February 2004.

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

Commissioner Wender offered a motion to approve and signed exonerations as presented by Eddie Young, Chief Tax Assessor. Commissioner Eskew seconded. Vote passed 2-0.

Commissioner Wender offered a motion to approve invoices as submitted. Commissioner Eskew seconded. Unanimous.

Commissioner Wender offered a motion to approve payrolls, payrolls to be released on February 27, 2004. Commissioner Eskew seconded. Unanimous.

Commissioner Wender offered a motion to approve minutes of October 14, October 27, November 7, November 26, December 1 and December 8, 2003. Commissioner Eskew seconded. Unanimous.

Commissioner Wender suggested that a letter be written to Steve Meadows stating that the zoning change for the Wal-Mart project is a matter being dealt with by the Town of Fayetteville. Commissioner Wender suggested including in the letter that if there are changes that apply to county zoning matters the Commission will take the matter under consideration.

Commissioner Wender suggested that a news release be released informing that a preservation grant has been awarded to the Fayette County Commission.

The Commissioners received and reviewed several correspondences from the Workers' Compensation Commission.

The Commissioners received and reviewed checks for 911 Fees from Metro-Teleconnect Companies, amount \$45.08, Mountain Communication LLC, amount \$41.95 and AT&T Communication of WV, amount \$238.00; check from the Supreme

Court Family Law Master reimbursement for rent amount \$2,025.00; Weekly Fees Collected from the Fayette County Animal Control/C-PAC for the week of February 13, 2004 to February 19, 2004, amount \$130.00.

The Commissioners signed application for title for vehicle for TRIDENT.

The Commissioners signed Order appointing Timothy Fish, James E. Lively, Sr., Joseph Stone, III, James Criniti, C. R. "Bud" Hill, Jeff Proctor and Kenneth Eskew as members of the Fayette County Urban Renewal Authority.

The Commissioners signed a letter to the West Virginia Development Office requesting first drawdown for the Upper Kanawha Valley Ball Field Lights, amount \$4,728.00.

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

Attorney James Blankenship representing Nuttall, LLC appeared before the Commission to continue their discussion of application for Review and Property Assessment.

Chuck Barlow, Chief Geologist/manager with the Property Tax Division informed the Commissioners after reviewing the property with Mr. Blankenship the state recommended that Map/Parcel 01-62H-5 revised appraised value is \$3 per acre, Map/Parcel 01-9999-0631732 revised appraised is \$1,248, Map/Parcel 01-9999-06088084 revised appraised value is \$1,231, Map/Parcel 01-9999-6031698 revised appraised value is \$328,082.

Commissioner Eskew informed the Commissioners would review and take under advisement and a decision would be made prior to the end of the month.

Attorney Blankenship informed the Commissioners that at this time USAW Land Company would like to withdraw their application.

The Commissioners recessed the Board of Equalization and Review and reconvened the County Commission meeting at 11:00 a.m.

Tim Richardson, Zoning Officer appeared before the Commission with recommendations from the Fayette County Planning Commission of three amendments to the United Development Code and recommendation of the Building



Code Adoption. (See attached copy of minutes).

The Commission recessed the County Commission meeting and reconvened as Board of Equalization and Review at 11:18 a.m.

Doug Noel with the White Oak Group and Chuck Barlow, Property Tax Division informed the Commission after reviewing the property with Mr. Noel the state recommends that the attached changes be made.

The Commissioners asked Eddie Young, Chief Tax Assessor if he was ready to make recommendation on the Board of Equalization and Review applications.

Mr. Young replied the valuations of the following properties in question will be changed in accordance with the recommendations of the State of West Virginia Department of Tax and Revenue, Property Tax Division:

Nuttall LLC-Map/Parcel 01-62H-5 revised appraised value would be \$3 per acre; Map/Parcel 01-9999-0631732 revised appraised value would be \$1,248; Map/Parcel 01-9999-06088084 revised appraised value would be \$1,231; Map/Parcel 01-9999-6031698 revised appraised value would be \$328,082.

Commissioner Wender offered a motion to accept the recommendation of the State Tax Department on the Nuttall LLC tracts. Commissioner Lopez seconded. Unanimous.

White Oak Group see the attached list.

Commissioner Wender offered a motion to accept recommendation of the State Tax Department on the White Oak Group tracts. Commissioner Lopez seconded. Unanimous.

Mr. Young informed the Commissioners that W. R. Johnson withdrew their application.

Berwind Land Company valuation of the property in question will not be changed as advised by the West Virginia State Commission due to failure to comply with two written request for information.

Pardee Resources Group-Map/Parcel 03-9999-0900-3208-0000 revised appraised value would be \$862,794 and Map/Parcel 03-41-001-0000-0000 revised appraised value would be \$461,364.

**Fayette County Commission  
Minutes  
February 23, 2004**

The Fayette County Commission met in regular session, February 23, 2004, at 11:00 am. The zoning portion of the meeting was as follows:

Members present:  
Ken Eskew, President  
John Lopez, Commissioner  
Mathew Wender, Commissioner

Also present, Tim Richardson, Zoning Officer.

By recommendation of the Fayette County Planning Commission the following amendments to the Unified Development Code were presented to the Fayette County Commission for adoption.

The Unified Development Code, Section One, Article 1002, definitions.  
Subsection II, terms defined:

**Add, Bar:** Any establishment located in a business zoned area that allows the consumption of alcohol and or alcohol products on premise.

**Tavern:** Any establishment located in a residential area that allows the consumption of alcohol and or alcohol products on premise.

**Disposition:** Motion to approve as recommended by Commissioner Wender, seconded by Commissioner Lopez, vote 3-0.

Next order of business:

I. The Fayette County Building Safety Department is hereby created. The person appointed to the head of such office shall be known as the Director and Chief Code Official and shall have responsibility for the enforcement of the provisions of the current West Virginia state building code and the administration of such department. This person shall also assume responsibilities as assigned by the Fayette County Commission, West Virginia.

**Disposition:** Motion to approve as recommended by Commissioner Lopez. Seconded by Commissioner Wender .

Discussion concerning the establishment of this office would it be operated under the jurisdiction of the county commission or the newly established redevelopment authority? David Pollard offered that this offices funding would be provided by the redevelopment authority, but would work at the direction of the county commission. After discussion of this matter. Vote on this topic was 3-0.

Next order of business:

Recommendation of:

Section One, subsection 1006 "Permitting Procedures" IV, "E" & "F".

Change E to read as follows;

E. The application for any Improvement Location Permit, or for modification or expansion thereof, shall be filed with an application fee according to the schedule listed below:

1. Residential Uses: 1% of the cost of construction, up to a total construction cost of four hundred thousand dollars.
2. Residential uses NOT requiring inspections: Three dollars per one hundred square foot (\$3.00 / 100sq. ft.) or fifty dollars (\$50.00) whichever is greater.
3. Non-residential Uses: 1% of the cost of construction and cost of plans review.
4. All commercial and multi-family units will require plans review. These costs shall be passed on to the applicant.
5. All construction costs will be determined by the formula outlined in the BOCA code.

Also noted on this recommendation is that this fee structure should not be implemented until the building code division is activated.

**Disposition:** Motion by Commissioner Wender to table this amendment, second by Commissioner Lopez.

Discussion, Commissioner Wender asked if the funding for the zoning office, which has been in the past partially been supplemented by funds derived from the intake of funds from building permits and applications would continue to be applied to the county general budget, since the funding for the building code activation would come from the redevelopment committee. Dave Pollard said that the funding that had traditionally been applied to the zoning office would still be the same. Commissioner Wender asked that the figures that would be derived from this be provided to the commission. Dave Pollard stated that he would get with the county administrator and supply these figures to the commission for their March 29<sup>th</sup>, 2004 meeting.

No vote necessary since this motion was tabled.

No other zoning business. This portion of the county commission meeting was adjourned.

  
\_\_\_\_\_  
Kenneth Eskew, President

  
\_\_\_\_\_  
John H. Lopez, Commissioner

  
\_\_\_\_\_  
Mathew Wender, Commissioner



## FAYETTE COUNTY COMMISSION

FAYETTEVILLE, WV 25840-0307

TELEPHONE (304) 574-4290

FAX (304) 574-4255

JOHN H. LOPEZ  
SMITHERS, WV  
COMMISSIONER

KENNETH L. ESKEW  
FAYETTEVILLE, WV  
PRESIDENT

MATTHEW D. WENDER  
OAK HILL, WV  
COMMISSIONER

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

February 23, 2004

The White Oak Group  
Attn: Doug Noel, Land Manager  
263 White Oak Drive  
Beckley, West Virginia 25801

Dear Mr. Noel:

The Fayette County Commission convening as the Board of Equalization and Review for 2004 has considered your applications for review of property assessment, copies of which are attached hereto, and has found that the valuations of the following properties in question will be changed in accordance with the recommendation of the State of West Virginia Department of Tax and Revenue, Property Tax Division, as attached hereto:

MAP/PARCEL

REVISED APPRAISED VALUE

02-9999-0816-4755-0000	\$52,114
02-9999-0816-4764-0000	\$ 1,500
02-9999-0816-4773-0000	\$ 421
02-9999-0816-4808-0000	\$ 1,275
02-9999-0816-4835-0000	\$ 750
02-9999-0816-4844-0000	\$ 641
02-9999-0816-4906-0000	\$ 1,519
02-9999-0816-4915-0000	\$ 387
02-9999-0816-4933-0000	\$ 542
02-9999-0816-4951-0000	\$ 475
02-9999-0816-4988-0000	\$ 453
02-9999-0816-5022-0000	\$ 525
02-9999-0816-5068-0000	\$ 563
02-9999-0816-5077-0000	\$ 4,805
02-9999-0816-5086-0000	\$ 380
02-9999-0816-5095-0000	\$ 4,587
02-9999-0816-5102-0000	\$ 2,680
02-9999-0816-5139-0000	\$ 411
02-9999-0816-5148-0000	\$ 4,536

**The White Oak Group**

**Attn: Doug Noel**

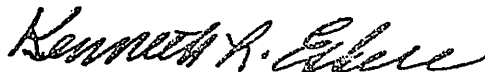
**February 23, 2004**

**Page 2**

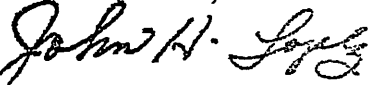
02-9999-0816-5219-0000	\$ 414
02-9999-0816-5228-0000	\$1,187
02-9999-0816-5264-0000	\$ 385
02-9999-0816-5291-0000	\$1,220
02-9999-0816-5335-0000	\$6,043
02-9999-0816-5371-0000	\$ 697
02-9999-0816-5415-0000	\$ 689
02-9999-0816-5424-0000	\$ 394
02-9999-0816-5433-0000	\$ 377
02-9999-0816-5460-0000	\$9,654
02-9999-0816-5479-0000	\$8,038
02-9999-0816-5353-0000	\$ 746

**If you have any questions, please contact this office.**

Sincerely yours,  
Fayette County Commission as  
Board of Equalization and Review



**Kenneth L. Eskew, President**



**John H. Lopez, Commissioner**



**Matthew D. Wender, Commissioner**

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

**Enclosure**

2-23-04

WHITE OAK → continued From 2-9-04

Removing Pocahontas 9 From appraisable

		Now	Was	Appraised
<u>Coal only</u>	2-08164755	→ 52114	391,173	Value
	816 4764	→ 1500	26,120	
	816 4773	→ 421	<del>7315</del>	
	816 4808	→ 1275	22,702	
	816 4835	→ 750	13,060	
	816 4844	→ 641	11,154	
	816 4906	→ 1519	26,446	
	816 4915	→ 387	6,739	
	816 4933	→ 542	9,442	
	816 4915	→ 475	8,280	
	816 4988	→ 453	7,888	
	816 5022	→ 525	9,142	
	816 5068	→ 563	9,795	
	816 5077	→ 4,805	83,662	
	816 5086	→ 380	6,621	
	816 5095	→ 4,587	79,862	
	816 5102	→ 2,680	46,663	
	816 5139	→ 411	7,169	
	816 5148	→ 4,536	78,987	
	816 5219	→ 414	7,209	
	816 5228	→ 1,187	20,661	
	816 5264	→ 385	6,712	
	816 5291	→ 1,220	21,248	

All  
in  
plateau

	Now	Was
8165335	6043	6112
8165371	697	12133
8165415	689	11989
8165424	394	6869
8165433	377	6569
8165460	9654 <del>874</del>	168070
8165479	8038	139,951
8165353	746	8803

1,08,408

1,168,046  
D.F.F  
1,059,638  
x .60

635,783  
x .025596  
16,273.50

Commissioner Lopez offered a motion to accept the State Tax Department recommendation on the Pardee Resources Group tracts. Commissioner Wender seconded. Unanimous.

Lightning, Inc. see the attached list.

Commissioner Lopez offered a motion to accept the State Tax Department recommendation on Lightning, Inc. tracts. Commissioner Lopez seconded. Unanimous.

Bellwood Corporation-Map/Parcel 01-06064386 revised appraised value would be \$1,820; Map/Parcel 01-06064368 revised appraised value would be \$2,826; Map/Parcel 01-0800-2467 revised appraised value would be \$668; Map/Parcel 01-0800-2546 revised appraised value would be \$177; Map/Parcel 01-0800-2421 revised appraised value would be \$555.

Commissioner Lopez offered a motion to accept the State Tax Department recommendation on Bellwood Corporation tracts. Commissioner Wender seconded. Unanimous.

Commissioner Wender offered a motion to sign Order to certify that they have examined each and every item and valuation fixed by the Assessor and have made such corrections and fixed such valuations as required by law. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to adjourn the Board of Equalization and Review sinedie. Commissioner Lopez seconded.

The Commissioners reconvened the County Commission meeting.

The Commissioners approved travel voucher for Dave Pollard, County Resource Coordinator.

Commissioner Lopez made a motion to approve travel for Mark Ernschwender. Commissioner Wender seconded.

The Commissioners approved the uniforms allowance vouchers.

The Commissioners asked that Larry Parsons, Litter Control Director and Dave Pollard, County Resource Coordinator be scheduled to attend the March 15, 2004 County Commission meeting.





## FAYETTE COUNTY COMMISSION

FAYETTEVILLE, WV 25840-0307

TELEPHONE (304) 574-4290

FAX (304) 574-4255

JOHN H. LOPEZ  
SMITHERS, WV  
COMMISSIONER

KENNETH L. ESKEW  
FAYETTEVILLE, WV  
PRESIDENT

MATTHEW D. WENDER  
OAK HILL, WV  
COMMISSIONER

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

February 23, 2004

Lightning, Inc.  
Nancy J. Lively Estate  
A. R. Cook Trust  
Robert A. & Phyllis P. West etal  
George F. Cook  
Gretel Marie Lively  
J. Stuart Lewis etal  
Ark Land Co.  
Attn: Mr. Gango  
Post Office Box 1109  
Beckley, West Virginia 25802

Dear Mr. Gango:

The Fayette County Commission convening as the Board of Equalization and Review for 2004 has considered your applications for review of property assessment, copies of which are attached hereto, and has found that the valuations of the following properties in question will be changed in accordance with the recommendation of the State of West Virginia Department of Tax and Revenue, Property Tax Division, as attached hereto:

<u>MAP/PARCEL</u>	<u>REVISED APPRAISED VALUE</u>
02-9999-0619-7064-0000	\$4,135
02-35-0003-0000-0000	\$1,233
02-27-0071-0000-0000 (5/6 interest)	\$1,858
02-27-0071-0000-0000 (1/6 interest)	\$ 991
02-27-0101-0000-0000	\$2,484
02-34-0004-0000-0000	\$ 500
03-72-0002-0000-0000	Petition withdrawn
02-9999-0619-0622-0000 (1/4 interest)	\$ 385
02-9999-0620-1086-0000 (1/4 interest)	\$ 385
02-9999-0620-1086-0000 (1/2 interest)	\$ 770

**Lightning, Inc.**  
**Nancy J. Lively Estate**  
**A. R. Cook Trust**  
**Robert A. & Phyllis P. West et al**  
**George F. Cook**  
**Gretel Marie Lively**  
**J. Stuart Lewis et al**  
**Ark Land Co.**  
**February 23, 2004**  
**Page 2**

**If you have any questions, please contact this office.**

**Sincerely yours,**  
**Fayette County Commission as**  
**Board of Equalization and Review**

  
**Kenneth L. Eskew, President**

  
**John H. Lopez, Commissioner**

  
**Matthew D. Wender, Commissioner**

**FCC:jch**

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

**Enclosure**

MAP/PARCELREVISED APPRAISED VALUE

02-9999-0619-7064-0000	\$4,135
02-35-0003-0000-0000	\$1,233
02-27-0071-0000-0000 (5/6 interest)	\$1,858
02-27-0071-0000-0000 (1/6 interest)	\$ 991
02-27-0101-0000-0000	\$2,484
02-34-0004-0000-0000	\$ 500
03-72-0002-0000-0000	Petition withdrawn
02-9999-0619-0622-0000 (1/4 interest)	\$ 385
02-9999-0620-1086-0000 (1/4 interest)	\$ 385
02-9999-0620-1086-0000 (1/2 interest)	\$ 770
02-9999-0816-5219-0000	\$ 414
02-9999-0816-5228-0000	\$1,187
02-9999-0816-5264-0000	\$ 385
02-9999-0816-5291-0000	\$1,220
02-9999-0816-5335-0000	\$6,043
02-9999-0816-5371-0000	\$ 697
02-9999-0816-5415-0000	\$ 689
02-9999-0816-5424-0000	\$ 394
02-9999-0816-5433-0000	\$ 377
02-9999-0816-5460-0000	\$9,654
02-9999-0816-5479-0000	\$8,038
02-9999-0816-5353-0000	\$ 746

The Commissioners asked that a second notice be sent to David Snively, Assistant Director, WVU Extension Service requesting that the position of a 4-H program coordinator be filled as soon as possible with preference given to Fayette County applicants and informing that the County Commission intend to reduce funding for Fiscal Year 2005 on a pro-rata base for Fiscal Year 2004-2005 4-H program coordinator position allocation for the entire period of the vacancy.

The Commissioners asked that a second notice be sent to the Division of Highways regarding additional traffic at the Glen Jean intersection once the Armory opens.

The Commissioners received and reviewed from the County Commissioners Association of WV news flash regarding an ATV Conference Committee meeting.

The meeting was adjourned at 1:25 a.m. The next scheduled meeting is March 5, 2004.

*Bennett H. Eiler*

FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
JANUARY 5, 2004  
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 5<sup>th</sup> day of January 2004.

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

Commissioner John H. Lopez made a motion to name Commissioner Kenneth L. Eskew as President for the year 2004; Commissioner Matthew D. Wender seconded. Vote passed 3-0.

Commissioner Wender offered a motion to meet Monday immediately preceding the 15<sup>th</sup> of each month at 9:00 a.m. (unless the 15<sup>th</sup> is a Monday, then said Commission meeting will be held on the 15<sup>th</sup>) and the last Monday of each month at 9:00 a.m. during the calendar year of 2004. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion that beginning in February 2004 and every second month thereafter. The Commission will hold a meeting on the third Friday of said month to meet with those offices under the responsibility of the Commission. Commissioner Lopez seconded. Unanimous.

The Commissioner designated Commissioner John Lopez as Purchasing Agent and Deborah Berry designated Assistant Purchasing Agent, suggested and authorized for Charlotte Holly, County Administrator, Earl Pauley, Park Superintendent, Stephen Cruikshank, OES Director and David Neal, Director 9-1-1, to make purchases up too \$600.00 without prior County Commission approval for the year 2004.

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

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

Commissioner Lopez offered a motion to approve vouchers and invoices. Commissioner Wender seconded.

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

January 30, 2004	Friday	9:00 A.M.
February 4, 2004	Wednesday	10:00 A.M.
February 9, 2004	Monday	10:00 A.M. (Mineral Hearings)
February 13, 2004	Friday	10.00 A.M. (Industrial Hearings)
February 20, 2004	Friday	1:00 P.M.
February 23, 2004	Monday	1:00 P.M.
February 26, 2004	Thursday	9:00 A.M.

The Commissioners discussed a tentative schedule of meetings for 2004. For the month of March they will be meeting on March 5<sup>th</sup>, March 8<sup>th</sup>, March 15<sup>th</sup>, March 19<sup>th</sup>, March 24<sup>th</sup>, and March 29<sup>th</sup>.

Ms. Holly told the Commissioners they would have to meet on April 20<sup>th</sup> to Lay Levy, May 4<sup>th</sup> to test the tabulator, May 14<sup>th</sup> for canvass and May 18<sup>th</sup> to certify election.

Bart Jackson, Kenneth Fox, John David from Page-Kincaid Public Service District appeared before the Commission to discuss their Wastewater Project.

Mr. David presented a summary of the situation regarding Page-Kincaid Public Service District and the Small Cities Block Grant

renewal application to the Commissioners. (See attached)

Dave Pollard, County Resource Coordinator told the Commissioners that as far as he could see Page-Kincaid Public Service District Small Cities Block Grant has nothing on the table that he is aware of and recommended to the Commission that in the future they should write a letter to all the Public Service District and request that they submit funding details and detailed information of their projects.

The Commissioners asked Mr. Pollard to draft the letter.

Commissioner Wender offered a motion to support the HUD/SCBG for the Page-Kincaid Public Service District application for the coming year. Commissioner Lopez seconded. Unanimous.

Delegate John Pino told the Commissioners he talked with Keith Burdette he's hoping the HUD/SCBG will be submitted, thinks this is a highly regarded project.

Bart Jackson appeared before the Commission to ask for assistance in funding the wastewater treatment project.

Mr. Jackson told the Commissioners he received \$45,000.00 from the Governor's Office for the project.

Mr. Jackson is asking the Commission for assistance with the balance of the project, amount \$28,378.00.

Commissioner Lopez asked Mr. Jackson if Page-Kincaid Public Service District have any reserves. Mr. Jackson replied no.

Commissioner Lopez told Mr. Jackson that the County doesn't have the funds.

Commissioner Eskew asked Delegate Pino to talk with someone to see if they could assist with the balance.

**John David**

---

**From:** John David <jdavid@citynet.net>  
**To:** Matthew D. Wender <mwender@cwv.net>; Kenneth or Lita Eskew <kennethsq@charter.net>  
**Cc:** John David <jdavid@citynet.net>; Charlotte Holly <cholly@zoomnet.net>  
**Sent:** Sunday, January 04, 2004 12:16 PM  
**Subject:** 10 Reasons

Matt, Ken, and John:

In regard to Page-Kincaid PSD and the Small Cities Block grant renewal application, I believe you asked me to send an email summarizing the situation.

The facts are:

1. The application would address a bad situation along Loup Creek between the Oak Hill system and the existing Page-Kincaid PSD wastewater service in Kincaid/Page, thereby cleaning up Loup Creek significantly;
2. The proposed system would serve 222 households, which means 500-600 people;
3. The proposed system is totally within the CAEZ, which means that USDA set-aside funds are available;
4. At this time, USDA Rural Development has issued us a letter of commitment for a \$3 million grant and \$550,000 low interest loan for the project from EC/EZ set-aside funds. The Small Cities Block Grant is needed to match this \$3,550,000 commitment to Fayette County;
5. The CAEZ only has one more year left in its 10 year life;
6. Fayette County has been successful in the past with re-submissions (e.g. the Community Facilities grant for the Courthouse elevator and the SALS dorm);
7. W.D. Smith has written a letter dated 12/13/03 recommending that we re-submit the Page-Kincaid PSD proposal. I will fax you his letter separately but quote here several key sentences. In reference to last year's non-award, he states "this is especially troublesome to us, not only from the standpoint that approximately 222 households in the Ingram Branch/Wriston areas continue to live in a potentially health threatened environment, but that \$3,550,000 of federal (USDA RD) funds committed for the project could be at risk.....in this regard, we encourage you to continue the process of seeking funding for this worthy project".
8. Once wastewater services are available, SALS is positioned to re-habilitate and build homes in that area, which is less than 10 minutes from the 4-lane and Oak Hill. Presently, lots are too small for individual wastewater systems.
9. As you may know from historic correspondence, we began the long process to get to this point in time in 1995. Only in the past year or two have funding commitments fallen into place.
10. We fully understand that there is a process for formal submission. What we presently seek is a resolution and letter of intent, similar to what you did previously. This would permit us to move forward with planning and gathering support.

Happy New Year! Kindly share the above with John Lopez, since I do not have his email address.

John David

1/4/04



Mr. David asked the Commission if they would consider a bond issue.

Commissioner Lopez told Mr. David the Commission would have to talk with the Prosecuting Attorney before considering a bond issue.

David Pollard informed the Commissioners he would call John Stump and fill him in on this matter.

Ms. Holly presented a copy of the letter dated July 15, 1999 where the Commission approved \$10,000.00 contingent upon their successful funding for 100% of the project completion to the Commissioners.

Commissioner Lopez suggested further discussion at the County Commission meeting on January 12, 2004.

Commissioner Eskew informed the Commission will consider and discuss the matter further on January 12, 2004.

The Commissioners recessed at 10:55 a.m.

The Commissioners reconvened at 11:06 a.m.

Carl Harris, Assistant Prosecuting Attorney, Keith Richardson, Building Code Officer, Dave Pollard, County Resource Coordinator appeared before the Commission to discuss the International Building Code.

Mr. Harris told the Commissioners he has prepared a contract for Mr. Richardson to use.

Mr. Richardson told the Commissioners he would begin inspection of buildings on March 1, 2004.

Commissioner Wender suggested to Mr. Richardson to check with Jim Lively Insurance regarding who would be liable, if the Building

Inspection should have separate coverage or county's blanket coverage.

Commissioner Eskew asked Mr. Richardson to get back with the Commission on January 12, 2004 and write a letter to Jim Lively Insurance regarding this matter.

Ms. Holly presented James Perdue, Maintenance Supervisor overtime to the Commissioners.

Commissioner Wender offered a motion to approve overtime for James Perdue. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez asked the Commissioners if they would consider hiring John Barnhart after the Budget Session.

Commissioner Lopez offered a motion to reappoint Steve Cruikshank, Shannon Estep, and Arnold Whitlow to the Fayette County Enhanced Emergency Telephone System Advisory Board. Commissioner Wender seconded. All approved. The Commissioners signed orders and letters of appointment to serve.

Steve Cruikshank, OES Director and the Fayette County FireFighter Association presented a presentation of the Thermal Imaging Camera to the Commissioners.

Mr. Cruikshank informed the Commissioners that the original cost of each of the cameras was \$23,000 but the cost to the Firefighters Association is \$13,050.00 including an extra truck mounted charging station for each camera.

Mr. Cruikshank told the Commissioners that funding for the cameras will come out of the Fayette County Fire Levy Fund.

Mr. Cruikshank demonstrated to the Commissioners how the camera works.

Mr. Cruikshank presented to the Commissioners copies of the press release that would be released today. (See attached)

Discussion was held regarding the Danese Volunteer Fire Department Lease; The lease will be effective January 1, 2004, Fayette County Commission will pay monthly rent, Lease can be terminated by the Fayette County Commission via 60-day prior written notice to the Danese Volunteer Fire Department.

The Commissioners asked Carl Harris, Assistant Prosecuting Attorney to call Chris Campbell when Lease is prepared.

The Commissioners recessed for lunch at 12:17 p.m.

Commissioner Eskew reconvened the Commission meeting at 1:20 p.m.

Sheriff William Laird appeared before the Commission to discuss the Regional Jail costs and what the Commission can do to enlist the support of the judges, magistrates, and others for alternative sentencing.

Sheriff Laird informed the Commissioners that the court cost fee for the West Virginia Community Corrections Center is \$3.00 per defendant.

Sheriff Laird told the Commissioners that the Grant funds are available through the West Virginia Division of Criminal Justice, deadline to submit application is April 1<sup>st</sup>.

Sheriff Laird told the Commissioners that the two entities that are eligible to the Community Center are the Fayette County Commission or the probation program.

Sheriff Laird told the Commissioners that the statute requires that a Community Corrections Board be formed.

## Press Release

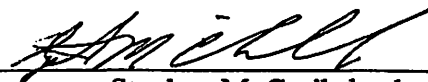
The Fayette County Commission made a formal presentation to Fayette County Fire Departments this morning of Thermal Imaging Cameras. There are sixteen fire departments serving Fayette County and two of these departments had previously purchased cameras. The two departments which already had cameras were given the option of new cameras or equal funding to be used for other equipment. Funding for the cameras came from the Fayette County Fire Levy Fund. Each camera cost \$13,050 including an extra truck mounted charging station for each camera. One spare camera was purchased for the county as a backup and for training purposes. This extra camera is equipped with a transmitter which broadcasts to a receiver which was also purchased. This will enable training sessions in live fire situations to be broadcast outside the fire building and also recorded for future training.

Shannon Estep, Chief of the Armstrong Creek Volunteer Fire Department and President of the Fayette County Firefighters Association stated, "This is an extremely versatile piece of equipment. While the obvious use is to assist firefighters in locating victims quickly in hostile fire situations, during the evaluation stage of selecting the best camera we discovered so many other uses. The thermal imaging technology gives the user a heat signature off whatever the camera is viewing, and with the proper training a firefighter can use the camera for many purposes including finding hot spots behind walls, between ceilings or other building voids without opening the areas unnecessarily. Besides finding fire in voids and people in smoky conditions, the cameras can read heat signatures from overheated electrical equipment such as wiring, ballasts and motors. We can also use the cameras on hazardous material incidents. By focusing the camera on a liquid tanker we can determine the liquid level in the tank by the heat difference, or determine if a chemical reaction between spilled chemicals is taking place. The cameras have already proved themselves useful in search and rescue. The initial training session was held on December 18th and that evening, one of the cameras was used to locate individuals lost in a wooded area. This was an excellent Christmas present. But overall, the cameras outstanding benefit to each department can simply be stated as being an excellent tool to increase firefighter and civilian safety. "

By purchasing as a group, the county actually received several cameras free when compared to purchasing cameras individually. "This is one of the benefits of the Fire Levy and a major strength of the Fayette County Firefighters Association, that they can work together as one, in operations and in purchasing," stated Fayette County Director of Emergency Services Stephen Cruikshank. "Much has been accomplished because of their desire to work together to serve the public, and they have become a model for other counties."

January 05, 2004 at 11:30 AM.

Date and Time of Release



Stephen M. Cruikshank  
Director, Fayette County Office  
Of Emergency Services

Commissioner Wender recommended that a one on one meeting with the Judges should be set up to discuss this matter.

Commissioner Eskew told the Commissioners he will call the Judges to schedule a meeting on Monday, January 12, 2004.

The Commissioners asked Sheriff Laird to review the cost and give the Commission an update in eighteen months.

The Commissioners are to meet with General Tackett on Tuesday, January 13, 2004 at 11:00 a.m. to tour the Armory Building.

The Commissioners received and reviewed a letter from the West Virginia Division of Culture and History inviting each County who submitted a grant application to fund county records' management and preservation projects to the County Records Management and Preservation Grants Program to attend its two-day meeting to be held Tuesday and Wednesday, January 13 & 14, 2004 and make a presentation on its grant request.

The Commissioners asked Thelma Kincaid, Circuit Clerk and Kelvin Holliday, County Clerk if they would be able to attend.

Ms. Kincaid told the Commissioners that she would not be able to attend due to grand jury that week, but she would be available by phone.

Mr. Holliday told the Commissioners he would not be able to attend, but would be available by phone.

Commissioner Eskew, Dave Pollard, and Sheriff Larid will attend.

Discussion was held regarding the concerns over the additional traffic at the Glen Jean exit once the new Armory is opened.

The Commissioners received and reviewed from Helen Parker the two

alternative plans proposed for rebuilding the Glen Jean U S Route 19 intersection.

Commissioner Wender asked Ms. Holly to write a letter to the Department of Highway requesting that a member of the staff attend a meeting with the Fayette County Commission to show and explain the two alternative being considered.

Commissioners Wender suggested that two of each plaques for Earl Pauley, Lacy's Light, and Maples Lights be printed, one will be given to each individual and a set of all three will be put on the wall of the canteen at the Fayette County Park.

Commissioner Wender read and asked the Commissioners if the wording was okay to put on the plaques. The Commissioners agreed.

The Commissioners received and reviewed faxes from the West Virginia Association of Counties regarding Zoning Legislation and requesting an update for the Directory.

The Commissioners received and reviewed a letter from the West Virginia Association of Counties enclosing a summary of Senate Bill 496 which passed during this legislative session.

The Commissioners received and reviewed several letters from Charter Communications informing the Commissioners of the upcoming price rate adjustment effective February 2004.

The Commissioners received and reviewed from the Department of Tax and Revenue a copy of the Assessor's Valuation Fund budget for Fiscal Year 2004-2005.

The Commissioners received and reviewed a thank-you card from the Fayette County Emergency Food Assistance Center.

Ms. Holly informed the Commissioners she received a check from the State Emergency Services for FEMA Federal Grants final payment for Hazard Mitigation 322 Plan, amount \$2,272.00.

Ms. Holly asked Commissioner Eskew if he would sign receipt acknowledging the County Commission did receive the payment. Commissioner Eskew signed.

Commissioner Wender asked who would be the contact person Allegheny Power would call in case of a bad storm? Ms. Holly informed the Commissioners that the contact persons' would be Steve Cruikshank, OES Director or David Neal, E911 Coordinator.

The Commissioner signed the notice to be published in the paper informing when the Board of Review and Equalization of assessments for 2004 would be held.

Ms. Holly presented four invoices received from Steve Cruikshank, OES Director requesting payment out of the Fire Levy Fund to the Commissioners.

The Commissioners received and reviewed a letter from the Secretary of State informing of the new changes regarding the Help America Vote Act (HAVA).

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

The Commissioners received and reviewed Weekly Fees Collected from the Fayette County Animal Control Center/C-PAC for the week of December 5-11, 2003, amount \$125.00, for the week of December 12-18, 2003, amount \$385.00 for the week of December 19-25, 2003, amount \$75.00.

The Commissioners received and reviewed checks for 911 Fees from Metro-Teleconnect Companies, amount \$27.44, Citizens Communications Company, amount \$58.40, Nos Communications, Inc., amount \$4.00, Business Telecom, Inc., amount \$3.92, AT&T Communications of WV, amount \$44.00 and Z-Tel Communications, amount \$14.00; reimbursement from TRIDENT overtime, amount \$1,202.15; WV Supreme Court of Appeals rent, amount \$2,205.00; Jail Fees from the Town of Fayetteville, amount \$45.00 and the City of Oak Hill, amount \$360.00; WV Supreme Court of Appeals end of the year Magistrate Court reimbursement, amount \$4,077.72; WV Development Office for Christians Helping Others Food Pantry, Grant #04-036, amount \$540.00 and Flex E-Grant balance grant 03ARCP0085 Tourism Destination Feasibility Study, amount \$1,540.00.

The Commissioners received and reviewed a fax from Selena Vickers informing of The Big Picture workshop on Understanding West Virginia Children and Families Preliminary being held on Friday, January 16, 2004 at 10:00 a.m. to 3:00 p.m. at the Tamarack in Beckley.

The Commissioners received and reviewed a fax from Commissioner Wender asking Steve Cruikshank, OES Director about the disposal of the wood from the houses that are to be taken down as a result of the home buyout.

The Commissioners received and reviewed a fax from James Anderson with the USDA Rural Development informing of his retirement from the agency and that the contact person will be Rick Sutterfield.

Ms. Holly informed the Commissioners that the mileage rate has increased from 37.5¢ effective January 1, 2004.



Commissioner Wender asked Ms. Holly to write a thank-you letter to the Group Workcamp thanking them for the work they did in the County and to let them know that the Floyd McKnight matter has been resolved.

Commissioner Wender asked Ms. Holly if the 4-H Agency had been hired by the WVU Extension Office. Ms. Holly replied no.

Commissioner Wender asked if Townside Construction had signed the contract. Ms. Holly replied no. The Commission asked not to proceed until the Commission have signed contract regarding the Memorial Building.

Ms. Holly told the Commissioners she will talk with Carl Harris, Assistant Prosecuting Attorney and asks him to see if Townside Construction is still interested.

Ms. Holly gave to Commissioner Wender a copy of an order dated June 28, 1989 regarding the increase in the County excise tax imposed in Fayette County from \$.55 for each \$500 value or fraction thereof to \$1.10 for each \$500 value or fraction thereof.

The Commissioners received and reviewed a letter from the West Virginia Aeronautics Commission informing that at the meeting in October, representatives from SH&E and HNTB, aviation consultants, made a draft presentation to the Commission. A few revisions and updates are being made to the document. The Commission hopes to have a final document by the end of January.

The Commissioners informed that once they have the final document they would meet with the Fayette County Commission to provide copies and to discuss the data and recommendations.

FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
JANUARY 12, 2004  
COURTHOUSE

FAYETTEVILLE, WV 25840  
MEMBERS Present: Kenneth L. Eskew, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in a regular session on this 12<sup>th</sup> day of January 2004.

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

Commissioner Lopez made a motion to approve payroll and outstanding bills, payrolls to be released January 15, 2004.

Commissioner Wender seconded. Unanimous.

Ms. Holly presented a letter from the Board of Zoning Appeals informing that the terms of Tom Stafford and Rupert Chuyka expired on January 1, 2004 and requesting that they be reappointed.

Commissioner Wender made a motion that Robert Chuyka be reappointed as a member of the Board of Zoning Appeals. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion that Tom Stafford be reappointed as a member of the Board of Zoning Appeals. Motion died for lack of second.

Commissioner Wender offered a motion that Dean Kincaid be appointed to serve on the Board of Zoning Appeals Board. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from Page-Kincaid Public Service District requesting funding of \$28,328 for emergency lagoon repairs and requesting that the balance of \$5,000.00 from the \$10,000 grant for the Phase 1 Project be allocated.

Commissioner Wender asked that Dave Pollard, County Resource Coordinator write a letter to Page-Kincaid Public Service District and inform them that the Commission are unable at this time to fulfill their request for funds to assist with the repairs to the Public Service District wastewater system.

Commissioner Lopez made a motion to release the remaining \$5,000.00 commitment to Page-Kincaid Public Service District. Commissioner Wender seconded. Unanimous.

Ms. Holly informed the Commissioners that the mileage increased from 36¢ to 37.5¢ per mile effective January 1, 2004.

Commissioner Wender offered a motion to increase mileage from 36¢ to 37.5¢ effective January 1, 2004. Commissioner Lopez seconded. Unanimous. Order signed.

The Commissioners received and reviewed a letter from the Fayette County National Bank informing they received notice that \$500M FHLB CUSIP 3133MXC80 security which is pledged to the Fayette County Commission is no longer available for a pledge as of January 8, 2004 and they will substitute \$500M FHLMC CUSIP 3128X1Q75 security.

Commissioner Wender offered a motion to accept a substitute security pledge. Commissioner Lopez seconded. Unanimous. Order signed.

The Commissioner discussed following-up on the change of scope for the Danese Improvement Association.

The Commissioners signed a request for taxpayer identification number and certification to the Coca Cola Bottling Company for the Soldiers and Sailors Memorial Building.

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 January 2004.

The Commissioners signed a letter to the Division of Highways informing the concerns from area residents regarding additional traffic at the Glen Jean intersection once the Armory open and requesting that they attend a meeting of the Fayette County Commission in the near future to share and explain the two alternatives plan that's been proposed.

The Commissioners signed a letter to the Group Workcamp Foundation expressing their sincere appreciation to Abby Dunbar, Project Director and her group workers for the work that they have done in Fayette County on behalf of the citizens. The Commissioners also informed them that the matter of Floyd McKnight has been resolved.

Chris Dyer, Housing Consultant for the Fayette County Housing and Economic Opportunity Council, Inc. appeared before the Commission to report that Branch Banking and Trust is sponsoring the National Development Council's Housing Development Finance Professional (HDFP) certification/training series in Charleston.

Mr. Dyer informed the Commissioners that the cost for the four sessions for HDFP Certification is \$2,002.83.

Mr. Dyer informed the Commissioners that th West Virginia Presbytery is sending the FCH-EOC \$3,500.00 and upon receipt, they will transfer the funds to the Fayette County Commission to help cover the FCH-EOC commitment.

Mr. Dyer is requesting that the Commission share in the funding.

Commissioner Wender offered a motion that the Fayette County Commission on behalf of the FCH-EOC share 50/50 enrollment for the housing cost and funds from West Virginia Presbytery pay on behalf of FCH-EOC capped at \$1,000.00. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed from Chris Dyer, Housing Consultant, compiled a list of the 15 Fayette County major Food Pantries and Feeding Programs.

The Commissioners signed a letter to the City Wrecker informing they received and reviewed his invoice in the amount of \$450.00 dated October 30, 2003 and after consulting with Bob Morris of the West Virginia Public Service Commission Motor Carrier Division, it is the decision of the Fayette County Commission that this invoice is not an expense of the County and is hereby denied payment.

The Commissioners signed letters to Senator Robert Byrd, Congressman Nick Rahall, Michael Learitt, U. S. EPA Administrator asking that they take steps to protect human health by withdrawing the proposed sewage blending policy and take steps to ensure that wastewater treatment plants are adequately treating all sewage.  
(Docket No. OW-2003-0025)

The Commissioners discussed the County Commission meeting schedule for February and March 2004; the month of February they would meet for Board of Equalization and review on February 4<sup>th</sup>, 9<sup>th</sup>, 13<sup>th</sup>, 20<sup>th</sup>, 23<sup>rd</sup>, and the 26<sup>th</sup>; the month of March they would meet on March 5<sup>th</sup>, 8<sup>th</sup> (elected officials), 15<sup>th</sup>, and the 29<sup>th</sup>, 2004.

The Commissioners signed letters to Thomas E. Aiello, Assessor

and Paul M. Blake, Prosecuting Attorney informing them of the tentatively planned dates and times for the purpose of reviewing and equalizing the assessments of the County.

Commissioner Wender offered a motion to approve Jackie Hickman's overtime. Commissioner Lopez seconded. Unanimous.

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

The Commissioners received and reviewed a letter from Branch Banking and Trust Company informing that as of December 31, 2003, CATO-MERIDIAN NYSC securities were held as collateral to secure the deposits of Fayette County Commission.

The Commissioners received and reviewed from SunTrust Bank a list of securities pledged as of December 31, 2003.

The Commissioners received and reviewed a letter from the State Office of Emergency Services informing they are sponsoring a training course entitled "Managing Floodplan Development through the National Flood Insurance Program (NFIP)." A copy was forwarded to Dave Pollard, County Resource Coordinator, Steve Cruikshank, OES Director and Tim Richardson, Zoning Officer.

Ms. Holly informed the Commissioners that Mr. Richardson has that FEMA Certification no need for him to attend.

The Commissioners received and reviewed checks for 911 Fees from the Public Service Commission, amount \$54,546.34 representing a disbursement of Wireless E-911 subscribers' fees and Fibernet, amount \$1,550.06; Jail Fees check from the City of Mount Hope (\$90.00); reimbursement check from TRIDENT overtime, amount \$1,676.60; a check

from the West Virginia Development Office, Federal Grant ARC Saturday Road/Horseshoe Creek Water Extension, amount \$26,438.50.

The Commissioners received and reviewed a remittance to the West Virginia Treasurer's Office by the County Clerk, amount \$320.00.

The Commissioners received and reviewed an order from the Division of Highways ordering the addition of Bowers Road in the Meadow Bridge area to the State Local Service System.

The Commissioners received and reviewed newspaper article informing that the State Economic Development Authority hopes to sell bonds to finance the 48 grant projects.

The Commissioners received and reviewed Weekly Fees Collected for the Faeytte County Animal Control Center/C-PAC for the week of December 26 to 31, 2003, amount \$150.00, the week of January 1 to January 8, 2004, amount \$110.00; the Monthly Revenue Report and Activity for the month of December; the C-PAC allotment for January 2004, amount \$12,106.48 and Quarterly Report from Stacy Workman, Dog Warden.

The Commissioners received and reviewed a letter from Thomas Aiello, Assessor informing that effective January 2, 2004, John M. Bone will begin working as a part-time employee, will be paid out of the PVC at a rate of \$8.25 an hour.

The Commissioners received and reviewed a letter from the West Virginia Development Office congratulating Page-Kincaid Public Service District on Governor's Wise recent Community Partnership Grant award in the amount of \$45,000.00 to complete emergency lagoon repairs at the wastewater treatment plant.

The Commissioners received and reviewed an e-mail from Commissioner Wender regarding Lifeguard Classes being held at the West Virginia State College, Commissioner Wender asked Ms. Holly to pass on to Earl Pauley, Park Superintendent to review and discuss with him at the February Commission meeting.

The Commissioners received and reviewed a thank-you letter from Congressman Nick Rahall regarding the recent correspondence from the Commission advising him of their efforts to locate funding to assist with the debts that has incurred from emergency lagoon repairs at the Page-Kicnaid Public Service District.

The Commissioners received and reviewed a letter from the Southern Labor School inviting the Commission to the housewarming and special dedication of two new houses in honor of martin Luther King, in the New Page Housing Project.

The Commissioners received and reviewed an e-mail from Carl Harris, Assistant Prosecuting Attorney informing he has not received no information from Townside Construction regarding the status of soffit contract at the Memorial Building.

The Commissioners received and reviewed a letter from Stafford Consultant, Inc. regarding the New Haven Public Service District Contract Nos. 13/14 Rebid Notice of Award.

The Commissioners received and reviewed a notice from Alpha Records Management informing of their business to file storage and document shredding.

The Commissioners reviewed application to the Division of Criminal Justices Services for Fiscal Year 2005 West Virginia



Community Corrections Fund Grant.

The Commissioners received and reviewed several faxes from the West Virginia Association of Counties (Survey on Regional Jail Costs, Correction to the CCAWV Directory and information regarding the Annual County Commission Association Legislative Association meeting).

Commissioner Wender informed the Commissioners of C-PAC's new officers-Brian Hunter, President, and Sheila Walker, Vice President. Commissioner Wender told the Commissioners that Danni Nicholas and Norma Cole had resigned as members of the Board of Director.

Commissioner Wender requested that Ms. Holly review the year to date budget for C-PAC.

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 \$17,046.25.

Commissioner Wender 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 \$17,046.25. Commissioner Lopez seconded. Unanimous. Resolution signed.

Carl Harris, Assistant Prosecuting Attorney appeared before the Commission to discuss charging for 9-1-1 to dispatch. Mr. Harris told the Commissioners he could not find anything saying you can't and anything saying you can.

Mr. Harris told the Commissioners he does not know how the Judge would rule since legislatures allowed a fee to be charged to the

citizens. The citizens would be paying twice for service. Mr. Harris told the Commissioners that if they started charging a fee they would have to charge a fee for 9-1-1 to dispatch for wrecker service.

Mr. Harris discussed with the Commission the ambulance service for the Meadow Bridge/Danese area.

Commissioner Wender asked Mr. Harris if County could franchise an ambulance.

Commissioner Wender asked if an ambulance can be designated as 911 provider in order to provide service to the meadow Bridge/Danese area.

Mr. Harris asked the Commissioners to write a letter informing that Fayette County has had a problem with Emergency Ambulance coverage for the Meadow Bridge/Danese and inform them that the Fayette County Commission will be holding a meeting on February 4, 2004 at 9:00 a.m. in the Fayette County Commission hearing room to explore possible resolution to this problem and that one alternative to be discussed is granting exclusive ambulance service rights to the entire county for providing complete coverage to the County, including Meadow Bridge-Danese.

The Commissioners asked that letters be sent to the Kanawha County Emergency Ambulance Authority, Quinwood Emergency Ambulance Service, Inc., Danese Volunteer Fire Department, General Ambulance and Jan Care Emergency Ambulance Services, Inc.

The Commissioners asked David Neal, E911 Coordinator to present statistics on locations February 4, 2004.

The Commissioners asked Ms. Holly to check to see how many

ambulances are owned by the county.

The Commission asked Mr. Neal to come in January 30, 2004 at 11:15 a.m. to give an update on the mapping and addressing project.

Mr. Neal told the Commissioners that he had ordered a mobile radio for Montgomery Fire Department and found out that the problem was not with the radio, but with the power supply. Mr. Neal told the Commissioners he had to replace the power supply. Mr. Neal asked the Commission if he could keep the radio for the 911 Center, cost \$600 to be paid out of the 911 Fund. The Commission approved

Commissioner Lopez offered a motion to reappoint Robert Begley to the Fayette County Enhanced Emergency Telephone System Advisory Board. Commissioner Wender seconded. Unanimous. An Order and an appointment letter to serve were signed.

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

The Commissioners reconvened the Commission meeting at 1:25 p.m.

The Commissioners signed an order and appointment letter to serve reappointing Rupert Chuyka to the Board of Zoning Appeals.

The Commissioners received and reviewed a letter from the New River Convention and Visitors Bureau requesting permission to use the courthouse property for the 9<sup>th</sup> Annual Captain Thurmond's Challenge being held Saturday, June 12, 2004.

Commissioner Wender made a motion to approve the New River Convention and Visitors Bureau the use of the courthouse property for the 9<sup>th</sup> Annual Captain Thurmond's Challenge. Commissioner Lopez seconded. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion that the overtime for James

Perdue, Maintenance Supervisor and Debbie Aliff, Payroll Clerk is approved. Commissioner Wender seconded. Unanimous.

Dan Snead with Dan Snead and Associates, Ann Skaggs and Pat Wendell members of the Fayette County Historic Landmark Commission appeared to discuss the Courthouse Facilities Improvement Grant for the Courthouse windows.

Mr. Snead presented a copy of his proposal and a copy of the lead containing material Hazardous Waste Disposal cost estimates from Orion consulting, Inc. to the Commissioners

Mr. Snead recommended to the Commission to focus on Option 3-to replace existing windows.

Commissioner Wender offered a motion to pursue grant application and focus on Option 3 to replace existing windows at the Courthouse and cap. Commissioner Lopez seconded. Unanimous.

Discussion was held regarding the Voter's Registration Office. The Commission approved part-time help through January in Voter's Registration Office to be paid from the Election Part-time help.

Kelvin Holliday, County Clerk presented bids for Record Books bids from Casto and Harris and Dayton Legal Blank. Mr. Holliday recommended Casto and Harris Bid. The Commission approved.

The Commission asked Ms. Holly to write a thank-you letter to Brian Sparks, Agriculture Agent thanking him for the work that he has done in Fayette County. Commissioner Wender asked that a copy be forwarded to Glade Creek Farms.

The Commissioners signed an order and appointment letter to serve to Dean Kincaid for his appointment to the Fayette County Board of

Zoning Appeals.

The Commissioners received and reviewed an expense report from Earl Pauley, Park Superintendent for the Lacy's Light at the Fayette County Park.

The Commissioners received and reviewed a letter from Eddie Young, Chief Deputy Assessor informing of Charles and Phyllis M. Rodgers overpayment of taxes on Account 6338956, 10-07-2C-48, 44, amount \$1,655.08 and recommending that Charles and Phyllis Rodgers be given a credit on future taxes.

Commissioner Wender offered a motion to approve the recommendation of the Assessor's Office to give a credit on future taxes for Charles and Phyllis Rodgers. Commissioner Lopez seconded. Unanimous.

The Commissioners signed an order that subject to the approval of the Assessor that Charles and Phyllis Rodgers be afforded tax relief for tax years 1999, 2000, 2001, 2002, and 2003 in the total amount of \$1,655.98 in the form of a credit against taxes owing for the following year or years with said tax relief being spread over the year or years until the debt is paid.

The Commissioners received/reviewed and approved an invoice from 4-C Economic Development Authority for third quarter 2003/2004 contribution, amount \$12,489.49. The Commissioners asked Ms. Holly to hold until Coal Severance allotment is received.

The Commissioners received and reviewed a brief survey form from FEMA to be completed. Original forwarded to Steve Cruikshank, OES Director to complete.

Commissioner Wender asked that Steve Cruikshank, OES Director attend the January 30<sup>th</sup> Commission meeting at 11:30 a.m. to discuss the final 10% reimbursement for the Animal Shelter.

The Commissioners signed a letter to the West Virginia Association of Counties opposing the amendment to WV §8-24-50c that would promote the development and maintenance of family-based providers for children and vulnerable adults needing care at the community level by exempting them from the restrictions of zoning requirements.

The meeting was adjourned at 3:30 p.m. The next scheduled meeting is January 30, 2004.

  
\_\_\_\_\_

FAYETTE COUNTY COMMISSION  
AND BOARD OF EQUALIZATION AND REVIEW  
REGULAR SESSION  
JANUARY 30, 2004  
COURTHOUSE

FAYETTEVILLE, WV 25840  
MEMBERS Present: Kenneth L. Eskew, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in a regular session on this 30<sup>th</sup> day of January 2004 as Board of Equalization and Review.

Commissioner Eskew called the Board of Equalization and Review meeting to order at 9:40 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 26<sup>th</sup> day of February 2004.

Commissioner Lopez made a motion to approve Mr. Aiello's 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 26, 2004. Commissioner Wender seconded. Unanimous.

Commissioner Lopez offered a motion to close the Board of Equalization and Review since no hearings are scheduled and reconvene to the County Commission meeting. Commissioner Wender seconded. Unanimous.

Commissioner Eskew called the County Commission meeting to order at 9:43 a.m.

Commissioner Lopez offered a motion to approve and sign several exonerations from the Assessor's Office. Commissioner Wender seconded. Unanimous.

Sheriff Laird appeared before the Commission to request purchase of a Ford Expedition from the City of Mount Hope. Sheriff Laird told the Commissioners this will be paid out of the Home Confinement Fund, amount \$11,900.00.

Commissioner Wender offered a motion to approve purchase of a vehicle from the City of Mount Hope to be paid out of the excess Home Confinement Fund, amount \$11,900.00. Commissioner Lopez seconded. All approved.

Sheriff Laird also requested to the Commission to purchase at ½ cost with TRIDENT an SUV Ford Expedition, cost \$31,000.00. Commissioner would match 15,500.00. Sheriff Laird told the Commissioners that this would be part of his budget request for Fiscal Year 2004-2005.

Commissioner Lopez offered a motion to approve request from Sheriff Laird to purchase a vehicle at ½ cost from TRIDENT match would be \$15,500.00. Commissioner Wender seconded.

Sheriff Laird asked the Commission if they had any office space that they could use for 30 to 60 days on temporary bases.

The Commissioners approved for the Sheriff to use the office space downstairs on temporary bases, not to exceed 30 to 60 days.

Commissioner Lopez offered a motion to approve invoices and



payrolls, payrolls to be released today. Commissioner Wender seconded. Unanimous.

Ms. Holly presented the Courthouse Facilities Improvement Grant application. Ms. Holly told the Commissioners they are requesting 80% of the estimated total project cost for Phase 1 (\$100,000) to the Commissioners.

Commissioner Wender offered a motion to submit application to the West Virginia Courthouse Facilities Improvement Authority as presented for Phase 1 of the project. Commissioner Lopez seconded. Unanimous. Resolution signed.

Ms. Holly presented the Renewal Agreement for Vision Service Plan to the Commissioners.

Commissioner Wender offered a motion to enter into a 2-year contract with Vision Service Plan. Commission will pay for employees' coverage, employees to pay the difference for family coverage. Commissioner Lopez seconded. Unanimous.

Ms. Holly informed the Commissioners that Steve Cruikshank, OES Director told her he received the reimbursement check for Bridge Day expenses from FEMA. Mr. Cruikshank sent down a list of vendors that needed to be paid.

Commissioner Wender offered a motion to pay vendors for the Bridge Day expenses. Commissioner Lopez seconded. All approved.

Commissioner Wender asked that a letter of thanks be sent to each vendor.

The Commissioners signed letters to Larry Parsons and the Solid Waste Authority and the Fayette County Beautification Committee, Phil

Perone, Fayette County Health Department, Dave Pollard, Fayette Transition Team, David Neal and the 911 Advisory Board, Steve Cruikshank and the Local Emergency Planning Committee and the Firefighters Association, Earl Pauley, Fayette County Park, Allen Ballard, and the Soldiers and Sailors Building Commission, Tim Richardson and the Planing and Zoning Board, Keith Richardson, Building Code Enforcement, Patti Payne and C-PAC, Chris Dyer, Fayette County Housing-Economic Development Council informing that an additional commission meeting starting February 20, 2004 and every other month thereafter have been scheduled for each board member to present a review of the recent activities of that office and noting any unusual issues that may have occurred.

David Neal, E911 Coordinator appeared before the Commission to give an update on the mapping and addressing project.

Mr. Neal told the Commissioners that contracts have been signed, information will be available in each county as soon as the State gets all the information and data.

Mr. Neal told the Commissioners that in the Ordinance the plans are to place numbers on actual Structures.

Commissioner Wender asked Mr. Neal if the Commission could sign the ordinance prior to the meeting in April.

Commissioner Wender asked Mr. Neal to prepare a list by the end of February on how many unnamed streets, list of ordinance, and number of road signs needed.

Commissioner Wender suggested to Mr. Neal to write a letter to the newspaper to inform the citizens of the changes.

Theresa White appeared before the Commission on behalf of Steve Cruikshank, OES Director to give an update on the final inspection of the animal shelter and the final drawdown from FEMA.

Ms. White told the Commissioners that FEMA informed her that as soon as they finish with the November flooding they would do final inspection sometime next month.

Ms. White told the Commissioners that four homes have been demolished, asbestos has been removed from eleven houses and sixteen are in the process of being demolished, the deadline is by the end of February.

The Commission recessed for lunch at 12:20 p.m.

The Commission reconvened at 1:48 P.M.

Kelvin Holliday, County Clerk appeared before the Commission to discuss the computer problem in the Voter's Registration Office. Mr. Holliday presented a quote from Software Systems, inc. Mr. Holliday told the Commissioners he had talked with James Perdue, Maintenance Supervisor about installing the cable, this would save the County \$350.00. Mr. Holliday told the Commissioners the cost to reconfigure network to allow voters port 80 traffic to travel outside the proxy server is \$2,000.00 and PCMCIA Laptop network with an adapter is \$85.00.

Commissioner Wender offered a motion to contract with Software System to reconfigure network at \$2,000.00, and to purchase a laptop network with an adapter at \$85.00, to allow Mr. Perdue to install cable (if he's capable of installing) and pursue the Secretary of State office for reimbursement for cost. Commissioner Lopez seconded.

Mr. Holliday requested for the Commission to approve part-time help for the election. Mr. Holliday told the Commissioners from February 2-13, Judy Webb would work 9 days, February 17-27, Tina DeQuasie (9 days), March 1-15, Judy Webb (11 days), March 16-31, Tina DeQuasie (12 days), April 1-9, Judy Webb (7 days) and May 12-June 11 twenty-two days each for Judy Webb and Tina DeQuasie.

Commissioner Wender offered a motion to authorize Mr. Holliday to hire 1 or 2 individuals for 48 days between now and election day in addition to the 60 days already approved. The other 22 days the Commission will discuss after the election. Commissioner Lopez seconded. All approved.

David Pollard, County Resource Coordinator appeared before the Commission to introduce this years 2003-2004 Leadership Fayette County Participants to the Commission (Laurel Ackison, Fayetteville High School, Chris Bowling, Oak Hill High School, Danielle Bray, Midland Trail High School, Charles Childers, Mount Hope High School, Jason Coleman, Fayetteville High School, Shane Dragan, Oak Hill High School, Seth Ferrell Valley High School, Alex Keblesh, Fayetteville High school, Rebecca Kincaid, Meadow Bridge High School, Cecily Miller, Meadow Bridge High School, and Daphne O'Hara, Oak Hill High School).

The Commissioners signed letters to Captain Charles D. Moses, Lieutenant Joseph D. Carelli, Sergeant Garland E. Burke and Corporal James W. Fitzwater extending their congratulations for their recent promotion in the Fayette County Sheriff's Department.

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 February 2004.

Commissioner Wender offered a motion that for the month of January and February effective February 1, 2004 Chris Dyer, Housing Consultant for the Fayette County Housing and Economic Development Council check is to be made to Mr. Dyer the Commission would subsidize the FCH-EDC. Commissioner Lopez seconded. All approved.

Commissioner Lopez left at 3:10 p.m.

Commissioner Wender offered a motion to combine or divide and segregate land for John W. and Connie Jones, Michael and Patricia Paruscio, Robert W. Maynor etux, Raymond L. and Geneve S. Maynor, Johnson Construction, Inc. and Lonnie D. Christian as submitted by the Assessor's Office. Commissioner Eskew seconded. All approved.

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

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

The Commissioners received and reviewed a telephone message from Shane Wheeler inviting the Commission to the open house of the Jan-Care Emergency Ambulance Service at Danese Volunteer Fire Department, Sunday, January 18, 2004 at 2:00 P.M.

The Commissioners received and reviewed an e-mail from Steve Cruikshank, OES Director informing he has just finished working with FEMA public assistance officer on funding for Fayette County on November flood. Mr. Cruikshank told the Commissioners that all Public Service District and town requests have been processed.

Mr. Cruikshank told the Commissioners he has requested \$6,468.00

to reimburse county agencies for flood response expenses, and monies if approved will go to the 911 Center, Emergency Services and the Sheriff's Department.

Mr. Cruikshank told the Commissioners he would get back on Animal Shelter Closeout and see if FEMA people are free. Mr. Cruikshank told the Commissioners he probably can't find anything out until Tuesday.

The Commissioners received and reviewed an e-mail from the Fayette County Chamber and New River Convention and Visitor's Bureau informing of the dates the Lifeguard Classes would be held at West Virginia State College.

The Commissioners received and reviewed an e-mail from Ms. Holly informing Steve Cruikshank, OES Director that the Commission has scheduled him for 11:30 a.m. on Friday for the County Commission meeting being held January 30, 2004 to give an update on the final inspection of the animal shelter and the final drawdown from FEMA.

The Commissioners received and reviewed e-mail from Steve Cruikshank, OES Director informing of the Arbuckle Public Service District meeting being held January 16, 2004.

The Commissioners received and reviewed an e-mail to David Neal, E911 coordinator informing him that Paul Washington is scheduled to meet with the commission on January 30, 2004 at 11:00 regarding complaints of wrecker dispatching by the 9-1-1 Center and other issues and to let Mr. Neal know that he is scheduled on the agenda at 11:15 a.m., January 30, 2004 to present an update of the county's mapping and addressing project.

The Commissioners received and reviewed e-mails regarding

exploring the use of the Community Corrections Act.

The Commissioners received and reviewed an e-mail from Mark Ehrnschwender informing of the correct mailing address for PAN.

The Commissioners received and reviewed an e-mail from Commissioner Wender regarding Records Management.

Ms. Holly informed the Commissioners she received a phone call from Angela Davis, C-PAC asking questions regarding inspection of the fire extinguishers and fire inspections at the Animal Shelter.

Ms. Holly told the Commissioners she really didn't know what information Ms. Davis wanted.

The Commissioners received and reviewed a letter from the State Office of Emergency Service informing based upon the participating community's compliance, the Federal Emergency Management Agency, which administers the National Flood Insurance program (NFIP) will offer flood insurance coverage community -wide.

The Commissioners received and reviewed a notice 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).

The Commissioners received and reviewed a copy of the thank-you notice that Earl Pauley, Park Superintendent put in the Public Announcement regarding the 2003 lacy's Lights and Maples Display.

The Commissioners received and reviewed a letter from SunTrust Bank informing that effective January 8, 2004 CUSIP 3128X1075 securities have been pledged to the Fayette County Commission, Substitution for 3133MXC80.

The Commissioners received and reviewed a letter from Senator Shirley Love informing that the West Virginia 76<sup>th</sup> Legislative Session is underway and to keep the Commission informed he has made available the 2004 Journal which will be mailed during the session.

The Commissioners received and reviewed an e-mail from the Fayette County Chambers regarding the Bridge Day Commission banning exotic animals.

The Commissioners received and reviewed a copy of a letter from Stafford Consultants, Inc. to Diversified Enterprise, Inc. regarding Notices of Award for the New Haven Public Service District Contract Number's 13/14.

The Commissioners received and reviewed a copy of a letter from Stafford Consultants, Inc. to Phil Tissue, Attorney enclosing the original and five (5) copies of Contract 13 for the Paint Creek/Plum Orchard Lake Project for his review and approval.

The Commissioners received and reviewed Weekly Fees Collected by the Fayette County Animal Control Center/C-PAC for the week of January 9-15, 2004, amount \$190.00, January 16-22, 2004, amount \$445.00, and January 23-29, 2004, amount \$292.00.

The Commissioners received and reviewed a letter from the Pax Regional Community Center attaching a list of some of the projects they are trying to get funded and requesting that the Commission include them in their Fiscal Year 2004-2005. The Commission asked Ms. Holly to put in Budget Packet to discuss.

The Commissioners received and reviewed a letter from Tom Aiello, Assessor informing that effective at the close of business on



Thursday, January 22, 2004, Donna Jo Hambrick is no longer employed in his office.

The Commissioners received and reviewed a letter from Thelma Kincaid, Circuit Clerk informing that effective February 2, 2004 Joan parsons will be working part-time in her office for the 2004 Primary Election.

The Commissioners received and reviewed a letter from the Fayette County Weatherization program asking for any assistance the Commission can give due to the recent tentative budget for Fiscal Year beginning April 1, 2004, amount to receive is \$236,431 reduced from \$268,021 last year.

The Commissioners received and reviewed a letter from Senator Shirley Love enclosing 2004 Budge Digest Request Forms,

The Commissioners received and reviewed 911 Calls for the year 2003.

The Commissioners received and reviewed letters from Sheriff Laird informing that effective February 1, 2004 Deputy Sheriff Paul M. McGraw has completed his one year period of probationary employment and asking that his salary be adjusted to \$100.00 per month.

The Commissioners received and reviewed a letter from Sheriff William Laird informing that effective February 1, 2004 he will employ Leonard Bickford as a Transportation Officer on a temporary basis, (salary to be the same as Charles Bryant) and that this position will be reassume by Charles Bryant following his release from active military duty.

The Commissioners received and reviewed a letter from Sheriff

William Laird informing that Deputy Sheriff Mark Webb has been released from his active duty with the U. S. Army, effective January 16, 2004, Deputy Sheriff Webb will return to his full-time employment with the Sheriff Department.

The Commissioners received and reviewed a list of each county cost for the Regional Jail System from July 2, 2002 to June 30, 2003.

The Commissioners received and reviewed overtime from the Fayette County Park.

The Commissioners received and reviewed an audit report of the Fayette County Magistrate Court for the period ended December 31, 2002.

The Commissioners received and reviewed notice from the United States Bankruptcy Court regarding Multi-County Community Action Against Poverty, Inc.

Commissioner Wender offered a motion to approve James Perdue, Maintenance Supervisor overtime. Commissioner Eskew seconded.

The Commissioners received and reviewed a letter from the American Legion requesting that the Commission include monies for repairs of the Memorial Building (especially new doors) in their Budget for Fiscal Year 2004-2005. The Commission asked that this be included in their budget packet to be considered.

The Commissioners received and reviewed a copy of a letter from Melanie Dragan to Governor bob Wise asking the he meet with the Commission, Fayette County Housing and Economic Opportunity Council Board members and the Fayette County Housing Consultant Chris Dyer to resolve the access to CSBG funding and fulfilling the housing and

economic opportunity mission here in Fayette County.

The Commissioners asked Ms. Holly to have C-PAC to submit a copy of their year to date budget. Commissioner Wender asked Ms. Holly to e-mail him a copy.

Commissioner Wender told the Commissioners he had talked with Diane Meadows, WVU Extension Agency was told they just advertised for the 4-H Agency position.

Commissioner Wender asked that a copy of the letter that was mailed on November 7, 2003 be mailed again to David Snively, WVU Assistant Director to remind him that the Commission anticipate a credit on the Fiscal Year 2004 budget.

The Commissioners received and reviewed a letter from General Ambulance, Inc. suggesting a way to solve the ambulance problem in the Danese and Meadow Bridge area.

Commissioner Wender suggested wiring at the bottom of the letter that any discussions should be worked out between General Ambulance, Inc. and Jan-Care Emergency Ambulance Service.

The Commissioners received and reviewed a letter from the West Virginia Development Office thanking the Commission for submitting their 2003 SCBG application for the Fayette County Commission-Page Kincaid Public Service District/Ingram Branch Sewer Extension and informing the Commission they are unable to accommodate their request from the 2003 allocation.

The Commissioners received and reviewed a letter from the West Virginia Housing Development Fund attaching two copies of a grant agreement in the amount of \$75,000.00 for the Fayette County Code

Enforcement Division. The Commission approved and signed.

The meeting was adjourned at 4:30 p.m. The next scheduled meeting is February 4, 2004.

Kenneth R. Ewert

FAYETTE COUNTY COMMISSION

REGULAR SESSION

JULY 9, 2004

COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 9<sup>th</sup> day of July 2004.

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

Commissioner Wender offered a motion to approve exonerations as submitted by the Assessor's Office. Commissioner Lopez seconded. Unanimous.

Commissioner Wender asked Eddie young if he had a comparison of the amount of coal that Raleigh County and Kanawha County get.

Mr. Young told the Commissioners that he has talked with Scott Brown, and he is doing the comparison.

Commissioner Lopez offered a motion to approve payrolls and vouchers, payrolls to be released on July 15, 2004. Commissioner Wender seconded. All approved.

Ms. Holly informed the Commissioners that she may take vacation the week of July 19, 2004.

Ms. Holly presented three petitions to combine or divide and segregate land from the Assessor's Office.

Commissioner Wender offered a motion to approve the petitions as submitted by the Assessor's Office for Fred Tolley, Mark E. and Cynthia Thompson and Thelma Wyant. Commissioner Lopez seconded. All approved.

Commissioner Lopez offered a motion to approve 19 hours of

overtime for Debbie Berry. Commissioner Wender seconded. All approved.

The Commissioners received and reviewed several faxes from the County Commissioners Association of Counties.

The Commissioners received and reviewed checks for 911 Fees-Public Service Commission, amount \$56,928.41, Citizens Telecommunication Co., amount \$112.91, Verizon, amount \$36,669.34, Operating Account, amount \$2,068.04, AT&T Communications, amount \$1,452.00, Granite Telecommunication, amount \$222.00, Metro Teleconnect Co., amount \$31.36; Jail Fees-Town of Fayetteville, amount \$90.00 and the City of Oak Hill, amount \$1,755.00; HUD-SCBG Fund for paint Creek/Plum Orchard Extension, amount \$115,682.11; refund from Napa Hand and Services Tools, amount \$10.00; and a check for reimbursement for TRIDENT overtime, amount \$1,950.83.

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

The Commissioners received and reviewed notice from Sheriff Bill Laird that Deputy Sheriff Donnie Williams resignation from the Law Enforcement Department will be effective July 12, 2004.

Ms. Holly presented Fayette County Fire Levy Protection Agreements from Armstrong Creek Volunteer Fire Department (\$32,486), Boomer Volunteer Fire Department (\$32,293), Danese Volunteer Fire Department (\$33,340), Fayetteville Volunteer Fire Department (\$46,377), Gauley Bridge Volunteer Fire Department (\$33,017), Gauley River Volunteer Fire Department (\$30,735), Meadow Bridge Volunteer Fire Department (\$31,764), Montgomery Volunteer Fire Department

(\$42,284), Mount Hope Volunteer Fire Department (\$35,311), Oak Hill Volunteer Fire Department (approximately \$132,000), Smithers Volunteer Fire Department (\$32,786), and Fayette County Fire Levy Pumper Replacement Agreements for Boomer Volunteer Fire Department (\$35,531), Montgomery Volunteer Fire Department (\$35,531), Mount Hope Volunteer Fire Department (\$35,531), Oak Hill Volunteer Fire Department (\$35,531) and Smithers Volunteer Fire Department (\$35,531) for the period July 1, 2004 to June 30, 2005 to the Commissioners.

The Commissioners approved and signed Fayette County Fire Levy Protection Agreements and Fayette County Fire Levy Pumper Replacement Agreements.

Commissioner Wender suggested getting a better understanding about the Fayette County Fire Levy Funds.

Commissioner Lopez informed the Firefighters Association is in charge of the disbursements. Commissioner Lopez told Commissioner Wender that Shannon Estep is the President of the Firefighter Association.

Commissioner Lopez made a motion to approve drawdown for the Gauley Bridge Volunteer Fire Department, amount \$7,188.47 for the 2005 Budget. Commissioner Wender seconded. All approved.

Ms. Holly presented a request for payment from Townside Construction in the amount of \$7,400.00 to the Commissioners.

Commissioner Wender offered a motion to approve drawdown in the amount of \$7,400.00 for Townside Construction pending Allen Ballard's review and approval of work done. Commissioner Lopez seconded. Unanimous.

The Commissioners approved request from Chief Deputy Steve Kessler permission to designate two areas for parking around the Sheriff's Office.

Commissioner Lopez offered a motion to approve drawdown request from C-PAC, amount \$10,628.60. Commissioner Wender seconded. Unanimous.

Commissioner Wender asked about the Human Society Building in Glen Jean. Commissioner Wender informed the Commission gave the property to the Humane Society.

Commissioner Wender asked Ms. Holly to ask Carl Harris, Assistant Prosecuting Attorney for his opinion regarding the sale of the Humane Society Building and would money go the Commission since the dissolution of the Humane Society.

Commissioner Wender offered a motion to appoint Mark Ehrnschwender to a term on the Fayette county Human Society board of Directors. Commissioner Lopez seconded. Unanimous. Joy Marr is the Humane Society Board of Directors contact person.

The Commissioners received and reviewed a thank-you letter from the City of Montgomery thanking Commissioner Eskew for speaking at the City of Montgomery Inauguration.

The Commissioners received and reviewed a letter from the Division of Highways regarding the resurfacing and ditching of Fayette County Route 8/1 Dempsey Road.

Commissioner Wender asked that a copy of the letter be sent to Clark Tesky.

The Commissioners received and reviewed a letter from Diane



Meadows, CPC, WVU Extension Services regarding desk unit and shelf for their office. The hutch and shelf unit was purchased from Staples, later found out the hutch and the rest of the desk could not be located.

Ms. Meadows told the Commissioners she found a similar desk at a cost of \$189.62 more. The Staples order has been cancelled. Ms. Meadows told the Commissioners that there is enough money in the travel line item to compensate for the difference in price.

Ms. Holly informed the Commissioners she received a letter from the WV Office of Emergency Services acknowledging receipt and acceptance of the Fiscal Year 2004 Department of Homeland Security Grants for Citizen Corps Grant Program (\$10,000), Law Enforcement Terrorism Prevention Program (\$172,970), and Emergency Operations Center Program (\$30,000).

Ms. Holly asked President Kenneth Eskew to sign grant agreements acknowledging their acceptance of the award. The Agreements were signed.

Commissioner Lopez informed the Commissioners that the upper Kanawha Valley Community Center is struggling and asked the Commission if they would approve to release the \$500.00 allocation for Fiscal year 2005. The Commissioners approved.

Rebecca Kimmons with FOOTMAD appeared before the Commission. Ms. Kimmons presented a fact sheet informing what events will take place at the festival.

Ms. Kimmons asked the Commissioners for assistance, asked for support of \$1,000 from the Commission, and asked that the fees for the

festival be waived. Ms. Kimmons told the Commissioners that this would be a tremendous help.

Commissioner Lopez offered a motion to take under advisement, feels the Commission cannot make a decision today. Commissioner Lopez informed he feels discount given is a benefit to what other groups have to pay. Commissioner Lopez suggested giving a decision in a week. Commissioner Lopez informed need to discuss with Earl Pauley, Park Superintendent. Commissioner Wender seconded.

Commissioner Eskew suggested deferring until July 19, 2004.

Commissioner Wender asked Ms. Kimmons if she could come back with a revised budget on July 19, 2004 at 2:00 p.m.

Commissioner Wender suggested to Ms. Kimmons perhaps to give \$1,000, no further discounts, require FOOTMAD to charge non-performers, this would enable them to make money, FOOTMAD is obligated to pay \$700.00.

Ms. Kimmons told the Commissioners that she has advertisements coming out, and she may have to charge.

Commissioner Lopez offered a motion that Ms. Kimmons comes back with revised budget. Commissioner Wender seconded.

Tim Holbrook appeared before the Commissioners to complaint about an abandoned home at 2146 Summerlee Road, owner Tim Harrah, old vehicles, rats, an old trailer. Brian Parson, Assistant Prosecuting Attorney was present.

Mr. Holbrook told the Commissioners that Larry Parsons has visited property and has taken pictures but he has not heard back from him.

Brian Parsons, Assistant Prosecuting Attorney suggested to Ms. Holbrook to getting a lawyer to pursue a nuisance order.

Mr. Parsons suggested to the Commissioners to have the Health Department, Law Enforcement Deputy make reports.

Mr. Parsons informed until you get the reports from the agencies review, and send to the Prosecuting Attorney to review.

Mr. Parsons suggested having Law Enforcement, the Health Department, and Larry Parsons come back to the next Commission meeting July 19, 2004 at 2:30 to report.

Mr. Parsons will contact Bill Laird, Phil Perone and Larry Parsons.

The Commissioners approved travel voucher for Brian Parsons, Assistant Prosecuting Attorney.

The Commissioners received and reviewed a letter from the Department of Tax and Revenue requesting not to release the final payment due on the contract for William Wendell.

Attorney Fred Jesser appeared before the Commission to present a Petition of Ricky D. Miles to close and vacate a certain right-of-way of Cove Drive, a road off of County Road 3 in the community of Ames Heights, New Haven District, Fayette County.

Mr. Jesser told the Commissioners this has been advertised.

Commissioner Wender offered a motion to approve request for abandonment of Cove Drive located at Ames Heights. Commissioner Lopez seconded. All approved.

Ms. Holly presented from Sheriff Laird a proposed Policy for the Prompt, Fair, Equitable, and Effective Rotation of Emergency Towing

Service within Fayette County for adoption by the Commissioners.

The Commissioners asked that this be schedule for review for the next County Commission meeting at 11:45 July 19, 2004.

The Commission asked Ms. Holly to forward a copy of the policy to Carl Harris, Assistant Prosecuting Attorney to review and advise.

Tim Richardson, Zoning Officer presented to the Commissioners for disposition Case #Z-495-04-1.

Mr. Richardson told the Commissioners that on the recommendation of the Planning Commission Chairman Leon Cooper and the Prosecuting Attorney this case should be remanded to the Planning Commission because of a voting procedural error.

Commissioner Wender offered a motion that based upon the advice of counsel Case Z-0495-04-1 be remanded back to the Planning and Zoning Commission. Commissioner Lopez seconded. Vote passed 3-0 (See attached minutes).

The Commissioners asked Mr. Richardson when this will be scheduled. Mr. Richardson informed the Planning and Zoning Commission is scheduled to meet on August 23, 2004 it will go to the Commission at their August 30, 2004 meeting.

Mr. Richardson told the Commission that the Prosecuting Attorney recommended that this be readverstised.

Commissioner Eskew informed he would be on vacation from July 20 to 25, 2004.

Ms. Holly told the Commissioners she received a request from Pat Day for a place to put a privately paid plaque in the Assessor's Office in memory of Thomas Aiello, Assessor. The Commission approved.

# Fayette County Commission

## Minutes

### July 9, 2004

The Fayette County Commission met in regular session, July 9, 2004 at 11:30 am. The zoning portion of the meeting as follows:


Members present: Ken Eskew, President  
John Lopez, Commissioner  
Mathew Wender, Commissioner

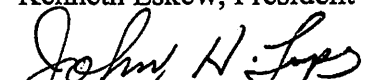
Also present Tim Richardson, Zoning Officer.


This meeting is in regard to rezoning request **Z-495-04-1**. On recommendation of the Planning Commission Chairman Leon Cooper and Prosecuting Attorney this case should be remanded to the Planning Commission because of a voting procedural error. This action was tabled at the County Commission meeting June 28, 2004.

**Disposition:** Motion to remand this case back to the planning commission for a proper vote as recommended by the Prosecuting Attorney's office. By Mathew Wender . Second by John Lopez. Vote 3-0.

No other business. This part of the county commission meeting adjourned.

  
Kenneth Eskew, President

  
John Lopez, Commissioner

  
Mathew Wender, Commissioner

The Commissioners received a letter from Tim Richardson, Zoning Officer informing that the terms of Guy Dooley, Lee Massey, Sherman Bobbitt and Debbie Sizemore members of the Fayette County Planning and Zoning Commission will expire on August 3, 2004.

Mr. Richardson also informed the Commissioners that a vacancy exists due to the resignation of Bill Caudill.

Commissioner Wender offered a motion to reappoint Lee Massey, Guy Dooley, Sherman Bobbitt and Debbie Sizemore to serve on the Fayette County Planning and Zoning Commission. Commissioner Lopez seconded. All approved. The orders and appointment letters to serve were signed.

Commissioner Lopez suggested contacting Mr. Frazier to see if he would like to be a member of the Fayette County Planning and Zoning Commission. Commissioner Wender told the Commissioners he would call.

Commissioner Lopez offered a motion to approve the Zoning minutes of June 28, 2004. Commissioner Wender seconded. Unanimous.

Commissioner Lopez informed the Commissioners that Shad Dummitt wants to know if he could receive if not approved his \$100.00 back if he withdraws his application, but this would be after the next meeting.

Commissioner Wender told the Commission they need to pay attention and prepare for future applications.

Commissioner Wender informed if prior to Planning meeting yes, but the Commission needs to set a precedence for future applications.

Ms. Holly presented a letter to the West Virginia Development Office with a request for a first and final drawdown for the Southern

Appalachian Labor School (\$5,000) and a second and final drawdown for the Upper Kanawha Valley Community Center (\$1,593.16).

The Commissioners received and reviewed from the Boomer Volunteer Fire Department their Quarterly Report for the period April 1, 2004 through June 30, 2004.

Ms. Holly reminded the Commissioners that the Annual In Service Training for the County Commissioners is August 8 to August 10, 2004.

Commissioner Wender and Commissioner Eskew will be attending. Ms. Holly will make the reservations.

The Commissioners asked that Judy Radford with 4-C Economic Development Authority be scheduled for the July 26, 2004 County Commission meeting to discuss Lisa Crigger.

The Commissioners called Larry Parsons to the Commission meeting to discuss Tim Holbrook complaint.

Mr. Parsons told the Commissioners that the trailer is liveable.

Commissioner Wender asked Mr. Parsons what process the Fayette County Beautification Committee use.

Mr. Parsons told the Commissioners the Fayette County Beautification Committee investigate the property, notify the property owner, write tickets, etc.

Mr. Parsons told the Commissioners they need 2 Litter Control Officers.

The Commission asked Mr. Parsons to attend the July 19, 2004 County Commission meeting to discuss the complaint of Tim Holbrook.

The Commissioners signed a letter to Louis R. Tabit advising that Guy Dooley will represent the Fayette County Commission on the

Committee to Upgrade U. S. Route 60 and will be attending the meetings.

Ms. Holly presented a preliminary funds balance for the General County Fund amount \$282,545 as of July 1, 2004 to the Commissioners.

Ms. Holly presented Budget Revisions for the General County Fund and the Coal Severance Fund to be approved to the Commissioners.

Commissioner Lopez offered a motion that the Budget Revisions #1 for the General County Fund and the Coal Severance Fund for Fiscal Year 2004-2005 be approved. Commissioner Wender seconded. All approved. Order signed.

Ms. Holly presented the Elected official's Budget Statement to the Commissioners.

Ms. Holly informed the Commissioners that the Prosecuting Attorney's document for his budget is not consistent with the Budget Statement that was given him.

Commissioner Wender suggested sending a letter to the Prosecutor to inform him that this is not acceptable, not consistent with Budget Statement.

Commissioner Wender offered a motion to decline in accepting the Prosecuting Attorney Budget Statement.

After a brief discussion, Commissioner Wender withdrew his motion.

Commissioner Wender suggested preparing old rates for the Prosecuting Attorney for July 15, 2004. The Commission informed that if adjustments are needed to make on July 30, 2004.



Commissioner Wender offered a motion to approve the 9% fee based on the letter received from Dan Snead regarding the courthouse window project. Commissioner Wender asked that Ms. Holly review. Commissioner Lopez seconded. All approved.

The Commissioners approved to extend Chris Dyer, Housing Consultant with the Fayette County Housing Economic Development Council contract for July, August and September.

The Commissioners received and reviewed a Notice of Delinquent Insurance from the WV Public Employees Insurance Agency informing they did not receive May's payment. Original forwarded to Debbie Aliff, Payroll Clerk to review.

Ms. Holly informed the Commissioners that Ms. Aliff called the WV Public Employees Insurance Agency but they have not returned her call.

The Commissioners received and reviewed a letter from the Kanawha County Commission informing that they received correspondence from the County Commissioners' Association of WV stating that their Board of Directors recommends that County Commissioners withhold their portion of dues to the West Virginia Association of Counties.

The Kanawha County Commission informed they are of the opinion that both organizations provide a great service to all counties, and they plan to remit their payment to the WV Associations Counties.

The Commissioners received and reviewed a letter from the Supreme Court of Appeals requesting assistance in the on going development of their statewide data network.

The Commissioners received and reviewed a requisition from Paul Blake, Prosecuting Attorney with a request to purchase a Motorola

Cellular Telephone (a flip phone). The Commissioners approved.

The Commissioners approved to pay Sheriff's Commission for this fiscal year, amount \$15,000.00.

The Commissioners received and reviewed a memorandum from David Neal, E911 Coordinator informing he has hired David Wriston as Probationary Part-time Communications Specialist effective immediately at an hourly rate of \$6.50 an hour.

The Commissioners received and reviewed a letter from the WVU Extension Service requesting continued payment of internet service.

Commissioner Wender offered a motion to approve for dial-up service for Fiscal Year 2005, not internet cable. Commissioner Eskew seconded. Unanimous.

The Commissioners received and reviewed a letter from Kelvin Holliday, County Clerk informing of his election needs for the General Election.

Mr. Holliday requested that Linda Johnson and Sherry Davis be paid a maximum of 15 hours each overtime to unload, inspect, and repair votomatics used in the primary election.

Commissioner Wender offered a motion to approve 15 hours of overtime for Linda Johnson and Sherry Davis for the purpose of updating the votomatics. Commissioner Lopez seconded. All approved.

Mr. Holliday recommended to the Commissioners that two extra clerks per precinct be hired to work at the polls in at least 4 precincts. Mr. Holliday recommends that 13 extra workers be hired.

Commissioner Wender offered a motion to approve seven additional poll clerks for 4 precincts only, will possibly consider others in the

future. Commissioner Lopez seconded. All approved.

Mr. Holliday informed the Commissioners he is getting a lot of help from the Post Office for physical addresses. Mr. Holliday informed the Commissioners that he wants to make them aware that he has written letters to the State regarding this matter and will go to Congress Office if he has to.

The Commissioners asked Ms. Holly to check into moving Beckwith polling place back to the Beckwith Elementary School.

The Commissioners informed that Paul Blake, Prosecuting Attorney called and informed them that he does not plan to have a budget issue with the Prosecuting Attorney Budget Statement, plans to adjust budget January 2005.

The Commissioners received and reviewed from the Fayette County Animal Control Center/C-PAC the Activity Report, Monthly Revenue Report for the month of June and received Weekly Fees Collected for the week of June 25 to June 30, 2004, amount \$500.00, and the week of July 1 to July 1, 2004, amount \$40.00.

The Commissioners received and reviewed a letter from Stafford Consultants, Inc. regarding New Haven Public Service District-Contract 13-Periodic Pay Estimate No. 4.

The Commissioners received and reviewed a thank-you card from Mary and all of Tom's Aiello Family.

The Commissioners received and reviewed from the 911 Center their Year to Date Status Report of calls made to the 911 Center (Jan-Jun).

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

The Commissioners received and reviewed a letter from the Secretary of State Office informing that West Virginia received the next installment of the Help America Vote Act money. The second installment is for \$15,000,000 will be used to continue the HAVA mandates to provide funds to assist in the administration of elections and replace certain voting systems now in use.

The Commissioners received and reviewed a copy of a letter from Sheriff Bill Laird to Debbie Aliff, Payroll Clerk informing that he has reinstated Dallas H. Duncan, Jr. As a Fayette County Deputy Sheriff effective July 1, 2004, salary level \$24,761.04.

The Commissioners received and reviewed a letter from the State Office of Emergency Services informing that because our community is included in the federal disaster declaration that was granted by President George Bush a Survival Kit as a result of the damages caused by the flooding beginning May 27, 2004 was sent. Copy of the letter forwarded to Steve Cruikshank, OES Director and Tim Richardson, Zoning Officer.

The Commissioners received and reviewed remittance by the County Clerk to the State Treasurer's Office for the Courthouse Facilities Improvement Fund, amount \$500.00 for the month of June.

The Commissioners received and reviewed a letter from Kelvin Holliday, County Clerk regarding his travel for Fiscal year 2004-2005.

The Commissioners received and reviewed a fax from Beth Gardner informing that they have received the grant for th Oak Hill-Rail Trail for \$56,000.

The Commissioners signed an invoice to the City of Oak Hill for

\$765.00 for the costs paid by the Commission for the confinement of prisoners at the Southern Regional Jail for the month of June.

Commissioner Wender offered a motion to adjourn the County Commission meeting. Commissioner Lopez seconded.

The meeting was adjourned at 1:40 p.m. The next scheduled meeting is July 19, 2004.

  
\_\_\_\_\_

FAYETTE COUNTY COMMISSION  
SPECIAL SESSION  
JULY 19, 2004  
COURTHOUSE

FAYETTEVILLE, WV 2840  
MEMBERS Present: Kenneth L. Eskew, Matthew D. Wender

The Fayette County Commission met in a special session on this 19<sup>th</sup> day of July 2004.

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

Allen Ballard, Manager Fayette County Memorial Building appeared before the Commission to inform them that Phillip Samples, Coach West Virginia Hornets AAU Basketball team would like to use the Memorial Building two days a week for two months for the boys and girl's AAU basketball practice.

Mr. Ballard informed the Commissioners that the AAU will do the clean-up. Mr. Ballard presented a copy of their Certificate of Insurance to the Commissioners.

Commissioner Wender offered a motion to approve use of the Memorial Building for AAU basketball practice for approximately two months provided they have proof of liability insurance. Commissioner Eskew seconded. All approved.

Eddie Young, Assessor presented exonerations to be approved and signed to the Commissioners.

Commissioner Wender offered a motion to approve exonerations as submitted by the Assessor. Commissioner Eskew seconded. All approved.

Commissioner Wender offered a motion to approve vendors and invoices as submitted. Commissioner Eskew seconded. All approved.

Commissioner Wender offered a motion that the Fayette County Commission will be the applicant for the grant from Wal-Mart on behalf of the Fayette County Historic Landmark Commission, amount \$1,000.00. Commissioner Eskew seconded. All approved.

The Commissioners signed Planning and Zoning minutes from July 9, 2004.

Debbie Berry presented minutes of the County Commission meeting for the Commissioners to review.

The Commissioners signed the Agreement between the Division of Culture and Historic for and on behalf of Archives and History for and on behalf of Records Management and Preservation Board and the Fayette County Commission.

Ms. Berry presented Ansted Certified Fire Department Pumper Replacement Agreement for the period July 1, 2004 to June 30, 2005, amount \$35,531.00 and Ansted Certified Fire Department Fire Levy Protection Agreement for the period July 1, 2004 to June 30, 2005, amount \$42,598.00 to the Commissioners.

Commissioner Wender offered a motion to approve expenditures for the Ansted Certified Fire Department Pumper Replacement Agreement (\$35,531.00) and the Ansted Certified Fire Department Fire Levy Protection Agreement (\$42,598.00). Commissioner Eskew seconded.

Commissioner Wender offered a motion to reappoint Susan Wood, a member of the Fayette County Library Board of Directors, term to expire June 30, 2009. Commissioner Eskew seconded. Order and appointment to serve letter signed.

Rebecca Kimmons appeared before the Commissioner to request

funding for the FOOTMAD, the Friends of Old Time Music and Danese 24<sup>th</sup> annual Fall fling being held September 24, 25, and 26.

Commissioner Wender asked Ms. Kimmons if they were close in getting their budget together. Ms. Kimmons replied they're working on it.

Commissioner Wender told Ms. Kimmons the Commission would have to check with Earl Pauley, Park Superintendent regarding the fees and they would let her know something by this afternoon. Commissioner Wender to call Ms. Kimmons after he talks with Mr. Pauley.

Ms. Berry called Peggy Bennett at the Fayette County Park, per Ms. Bennett FOOTMAD paid \$500 for camp, \$200.00 for shelter and \$15.00 for hotel/motel tax.

Tim Holbrook appeared before the Commission voice his complaint regarding the house on 2146 Summerlee Road. Present were Larry Parsons, Litter Control Officer, Deputy Sheriff Walter Casey and Carl Harris, Assistant Prosecuting Attorney.

Mr. Harris told Mr. Holbrook that there are procedures Mr. Parsons has to go through.

Mr. Parsons told Mr. Holbrook that a couple of vehicles had been removed, Phil Perone, Sanitation Officer ran a test on the septic tank he did not find any rats.

Mr. Holbrook told the Commissioners the trailer is not liveable.

Commissioner Eskew asked Mr. Parsons about the trailer. Mr. Parsons told the Commissioners that the trailer needed work but someone can live in it.

Mr. Holbrook told the Commissioners he just wants the land



cleaned up and the trailer removed.

Mr. Parsons suggested to Mr. Holbrook to bring his complaint before the Fayette County Beautification Committee and let all the members investigate and report back to the Commission.

Steve Pilato and Jack Thompson, members of the Fayette County Board of Education appeared before the Commission to ask that the Commission present a presentation to the Board regarding their concerns of the renewal of the lease at the Fayette County Memorial Building.

Mr. Thompson told the Commissioners the next Board meeting is scheduled for August 2, 2004 at 6:00 p.m.

The Commissioners received and reviewed an invoice from CSSI, Inc. for warranty and maintenance coverage for the Voter's Registration Office, amount \$2,189.00.

Commissioner Wender offered a motion to approve payment of \$2,189.00 to CSSI for maintenance agreement for the Voter's Registration Office and asked Ms. Berry to write a letter to the Secretary of State to ask them if the County would be reimbursed. Commissioner Eskew seconded. Unanimous.

Discussion was held regarding recouping money for the sale of the property in Glen Jean (former Dog Pound).

Carl Harris, Assistant Prosecuting Attorney informed the Commissioners that because the Commission that because the Commission contributed the funds he's not sure they could recoup anything. Mr. Harris informed he would check into.

The Commissioners signed order appointing Mark Ehrnschwender to

the Humane Society Board of Directors.

The Commissioners signed State Quarterly Report for the Fayette County Park.

Commissioner Wender offered a motion to reappoint Kenneth Eskew, a member of the New River Gorge Bridge Day Commission, term to expire August 8, 2010. Commissioner Eskew seconded. All approved. The order and appointment letter to serve signed.

Commissioner Wender offered a motion to reappoint William Laird, IV a member of the New River Gorge Bridge Day Commission, term to expire August 8, 2010. Commissioner Eskew seconded. All approved. The order and appointment letter to serve signed.

Commissioner Wender offered a motion to reappoint Judson Wallace as a Commissioner of the Armstrong Public Service District, term to expire April 1, 2010. The order and appointment letter to serve signed.

Commissioner Wender offered a motion to reappoint David Goff, William Laird, Todd Cornett members of the Fayette County Enhanced Emergency Telephone System Advisory Board, terms to expire July 1, 2004. Commissioner Eskew seconded. Orders and appointment letters signed.

The Commissioners received and reviewed a letter from Fayette Starting Points requesting funding for a Child Development Center in the Montgomery area.

Commissioner Wender told the Commissioners that he will call to see how much donation they are requesting.

David Neal, E911 Coordinator appeared before the Commission to

discuss budget main issues, the employees turn around, pay scales and comparisons of salaries from other counties.

Commissioner Wender asked Mr. Neal if he was asking to only increase years of services and reward longevity increase but not across the Board.

Commissioner Wender told Mr. Neal the Commission would have to be careful because during the budget session they decided o cross the board raises.

Commissioner Lopez suggested to Mr. Neal to come bak on July 26, 2004, the Commission will sit down with Ms. Holly and discuss.

Mr. Neal suggested increment increases of \$.50 for the supervisors and would like to see steps for pay increases for full time employees.

Mr. Neal gave a summary of the cost for the upgrade to the 911 System console.

Mr. Neal told the Commissioners that the system is twelve years old. Total cost \$143,606.00, State contract, CAD estimated cost \$200,000.00 and this don't replace repeater equipment.

Mr. Neal told the Commissioners they need to advertise for the CAD System very soon. Motorola has paper work ready, will look for funding.

Commissioner Eskew asked Mr. Neal if Homeland Security Fund could be used.

Commissioner Wender suggested to Mr. Neal that he and Ms. Holly review the revenues to see how all of this would be paid and get a number and get back with the Commission.

Commissioner Wender asked Mr. Neal to submit something in writing on what the CAD System can do.

Commissioner Lopez offered a motion to appoint Sandra Cole to fill the unexpired term of Eddie Long as a member of the Fayette County Enhanced Emergency Telephone System Advisory Board.

Commissioner Wender seconded. Unanimous. The order and appointment letter to serve signed.

Sheriff William Laird presented a proposal for the Fayette County 911 Center Policies and Procedures Dispatching Wrecker Service to the Commissioners.

Sheriff Laird gave a summary of the policy to the Commissioners.

Commissioner Wender offered a motion to approve the proposed Wrecker Rotation Service Policy. Commissioner Lopez seconded.

Unanimous.

Theresa White presented a Resolution authorizing the filing of an application to the West Virginia Office of Emergency Services for the Hazard Mitigation Grant Funds for FEMA-DR-1455-W to the Commissioners.

Commissioner Lopez offered a motion to approve the Resolution for the Hazard Mitigation Grant Funds for FEMA-DR-1455-W. Commissioner Eskew seconded. Unanimous.

Susan Chernenko, Director, West Virginia Aeronautics Commission presented to the Commissioners the final reports of the West Virginia State System Study. Also present were Larry Clark, FAA Region, Eldon Haught, Chairman and Patricia O'Dell, Secretary.

Ms. Chernenko informed the Commissioners that West Virginia has adequate numbers of airports for the citizens in this area.

Discussion was held regarding landing strips, charter services, commercial services.

Eldon Haught told the Commissioners that federal dollars have been committed for the next year. Commercial services are big bucks.

Mr. Haught told the Commissioners that there's a lot of study they would have to do for charter services. Mr. Haught told the Commissioners he will be happy to work with them.

Mr. Haught told the Commissioners that if the Federal don't commit anything the West Virginia Aeronautics Commission cannot help.

Larry Clark asked the Commissioners to get letters from airplane owners.

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 \$92,708.06.

Commissioner Wender 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 \$92,708.06. Commissioner Eskew seconded. Unanimous.

The Commissioner signed a letter to the Fayette County Firefighters Association regarding their request on behalf of Steve Cruikshank and Lynn Holstine for consideration of pay raises.

The Commissioners signed an Agreement with J. Dan Snead and Associates, Inc. for the window replacement at the Fayette County Courthouse.

The Commissioners received and reviewed a copy of a letter to

Debbie Aliff, Payroll Clerk from Harvey Young, Assessor informing that effective July 15, 2004, the salary of Nancy Carr will increase to \$18,708.00, to be paid out of the PVC Fund.

The Commissioners received and reviewed a copy of a letter to Debbie Aliff, Payroll Clerk from Sheriff William Laird requesting that Sergeant C. D. Dancy be transferred from the Law Enforcement Excess Levy Fund to the County General Fund payroll.

The Commissioners received and reviewed from the West Virginia State Tax Department a copy of the Business Registration Certificate for the Fayette County Park for the year beginning July 1, 2004 to June 30, 2006. Original forwarded to Earl Pauley, Park Superintendent.

The Commissioners received and reviewed a letter from the Division of Highways congratulating the Commission on the award of a Transportation Enhancement grant for the Oak Hill Rail Trail Project (\$56,800) and informing them of the steps they must complete.

Commissioner Wender suggested contacting Beth Gardner to write the scope-of-work for this project.

The Commissioners received and reviewed a letter from the West Virginia Infrastructure and Jobs Development Council regarding loan commitment letter for Project 2004E-089, action required by August 30, 2004.

Ms. Holly informed the Commissioners that she has not received the grant agreement for the Memorial Building as of July 16, 2004.

The Commissioners received and reviewed a letter from the West Virginia Public Retirement Board regarding the Proposed Legislative

Rule set forth in Title 162 regarding Deputy Sheriff Retirement System. A copy forwarded to Sheriff Bill Laird for his review and input for the Commission.

The Commissioners received and reviewed a letter from the West Virginia Public Employees Insurance Agency regarding account reconciliation. Original forwarded to Debbie Aliff, Payroll Clerk.

The Commissioners approved replacing the handicapped water fountain on Judge Vicker's floor.

The Commissioners received and reviewed several correspondences from the Workers' Compensation Commission.

The Commissioners received and reviewed a letter from Congressman Nick Rahall conveying his fullest and strongest support for the County Commission proposal for funding through the US Environmental Protection Agency seeking \$25,000 for preliminary engineering of the wastewater treatment system for the Keeney's Creek waterbed project.

The Commissioners received/reviewed and approved Hotel Occupancy Tax for April through June for the New River Convention and Visitor's Bureau.

The Commissioners received and reviewed a fax from Elkem Metals confirming their cancellation of their hearing that was scheduled June 28, 2004.

The Commissioners received and reviewed a notice from Daimler Chrysler for a safety recall on the windshield wiper motor in some late 2002 through 2004 model year Dodge Dakota trucks and late 2002 and 2003 model year Dodge Durango vehicles.

The Commissioners received and reviewed a letter from the State

Tax Department and Revenue authorizing the release of the final payment to William Wendell.

The Commissioners received and reviewed a letter from the State Auditor's Office informing that the IRS has joined with the Social Security Administration to offer free training in federal employment tax issues.

The Commissioners received and reviewed a fax from the Office of Emergency Services informing that Michael Brown, Under Secretary of Homeland Security for Emergency Preparedness and Response will announce the release of more than 2.7 million in Pre-Disaster Mitigation Competitive Grant funds for the acquisition and demolition of structure on 73 flood prone properties in Fayette, Greenbrier, McDowell, Logan and Wyoming counties.

The Commissioners received and reviewed a letter from Tom Muncy informing he will no longer be the contact in the Oak Hill area for West Virginia American Water.

The Commissioners received and reviewed a letter from the West Virginia Development Office regarding time extensions to June 30, 2005 for the Governor's Community Partnership Program, Local Economic Development Assistance Program and the Industrial Park Authority Program.

The Commissioners received and reviewed remittance by the Assessor to the State Treasurer's office for the Courthouse Facilities Improvement Fund, amount \$235.50.

The Commissioners received and reviewed a letter from the Federal Home Loan Bank of Pittsburgh giving detailed information of the



accounts and balances maintained by them. Original forwarded to the County Clerk's Office.

The Commissioners received and reviewed letters from Wachovia Bank, Branch Banking and Trust Company, SunTrust, giving listings of the securities pledged as collateral to secure the deposits of the Fayette County Commission.

The Commissioners received and reviewed Official Oath of Offices from Gary Holcomb Commission a member of the Danese Public Service District and Shannon Estep member of the Fayette County Enhanced Emergency Telephone System Advisory Board.

The Commissioners received and reviewed a Governmental Entity Insurance proposal from Acordia of WVI St. Paul Insurance Company.

The Commissioners received and reviewed checks from the Criminal Justices LLEB grant, amount \$10,000; Fayette County Board of Education for WV Extension Service contribution, amount \$19,237.00; 911 Fees from VarTec, amount \$7.76; and Franchise Fees from Bradley Communication, Inc., amount \$544.70.

The Commissioners received and reviewed a fax from the Treasurer's Office informing that a payment of \$20,760.00 was deposited in the account for the Fayette County Wastewater Equivalency Plan (EPA Grant).

The Commissioners received and reviewed Quarterly Report Stacy Workman, Dog Warden.

The Commissioners received and reviewed a fax from Steve Cruikshank, OES Director informing the Commission of his scheduled.

The Commissioners received and reviewed a fax from Commissioner

Wender regarding the Article in the Fayette Tribune regarding the Fayette County animal Control Center not picking up dogs in the Oak Hill City Limits.

The Commissioners received and reviewed a fax from the State Treasures' Office informing that Distribution of Wine, Liquor and Private Club Taxes will be deposited on July 14, 2004, amount \$331.84.

The Commissioners received and reviewed a fax from the Fayette County Housing-Economic Opportunity Council giving status of the Fayette County VFP.

The Commissioners received and reviewed from the Fayette County Animal Control Center/C-PAC Weekly Fees Collected for the week of July 2 to July 8, 2004, amount \$140,00 and the week of July 9, to July 15, 2004, amount \$450.00.

The meeting was adjourned. The next scheduled meeting is July 26, 2004.

A handwritten signature in blue ink, reading "Kenneth R. Elue", is written over a horizontal line.

FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
JULY 26, 2004  
COURTHOUSE

FAYETTEVILLE, WV 25840  
MEMBERS Present: Kenneth L. Eskew, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in a regular session on this 26<sup>th</sup> day of July 2004.

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

Commissioner Lopez offered a motion to reduce the fee for the Wrestling Tournament. Commissioner Eskew seconded. Vote passed 3-0.

Commissioner Lopez offered a motion to approve and sign exonerations as submitted by the Assessor's office. Commissioner Eskew seconded. Unanimous.

Commissioner Lopez offered a motion to approve personal property exonerations as submitted by the Assessor's Office. Commissioner Eskew seconded. Unanimous.

Commissioner Lopez offered a motion to approve tax credit for Don Gill as submitted by the Assessor's Office. Commissioner Eskew seconded. Unanimous.

Commissioner Lopez offered a motion to approve vouchers, invoices and payrolls, payrolls to be released on July 30. Commissioner Wender seconded. All approved.

Attorney Tom Fast appeared before the Commission on behalf of Kelly Wriston and Barbara Wriston to discuss the handicap issues at the Fayette County Park (see attached).

Mr. Fast presented to the Commissioners a couple of issues he would like to bring to their attention: 1) eating tables on the bank

in grassy area, 2) no formal handicap bathroom or changing room in pool area, 3) no water steps in pool, and 4) parking area is gravel.

Mr. Fast is asking the Commission that reasonable accommodation to use floaties for handicap, 2) that the Commission appropriate funds for ADA study at pool and order such study, 3) asking the Commission to appropriate funds based on the study.

Commissioner Wender suggested notifying Earl Pauley, Park Superintendent, that prohibition of floating devices for physically challenged individuals will be waived and to notify the lifeguards immediately (See attached).

The Commissioners told Mr. Fast that an ADA study of the Fayette county Park had been done. The Commissioners asked Ms. Holly to give Mr. Fast a copy of the study and Mr. Fast to give a copy to the Wriston's.

Steve Cruikshank, OES Director appeared before the Commission to ask the Commission to declare that a Local State of Emergency does exist in Fayette County since the flood on Thursday, July 22, 2004.

Commissioner Wender offered a motion that the Fayette County Commission declares a State of Emergency for July 22, 2004 and that the Commission issue this as a written declaration prepared by the Office of Emergency Medical Services. Commissioner Lopez seconded. Vote passed 3-0.

Commissioner Lopez offered a motion to approve eight hours comp. time and 17½ hours of overtime for Debbie Aliff, Payroll Clerk. Commissioner Wender seconded. Unanimous.

Attorney Phil Tissue appeared before the Commissioners



## FAYETTE COUNTY COMMISSION

FAYETTEVILLE, WV 25840-0307

TELEPHONE (304) 574-4290

FAX (304) 574-4255

JOHN H. LOPEZ  
SMITHERS, WV  
COMMISSIONER

KENNETH L. ESKEW  
FAYETTEVILLE, WV  
PRESIDENT

MATTHEW D. WENDER  
OAK HILL, WV  
COMMISSIONER

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

July 26, 2004

Mr. Earl Pauley, Superintendent  
Fayette County Park  
Route 2, Box 236-A  
Fayetteville, West Virginia 25840

Dear Earl:

Effective immediately, the members of the Fayette County Commission hereby order as a reasonable accommodation the waiver of the Fayette County Park prohibition of the use of floating devices by persons who are physically handicapped.

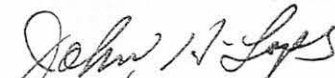
Please advise all lifeguards of this waiver immediately.

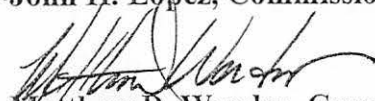
Also, for you review and reference please find a copy of a motion filed with the Fayette County Commission on this date regarding handicap access at the Fayette County Park Pool.

Please review and update the status of the assessment for accessibility at the Fayette County Park.

Sincerely yours,

  
Kenneth L. Eskew, President

  
John H. Lopez, Commissioner

  
Matthew D. Wender, Commissioner

FCC:jch

Attachments

representing Geneva Compton, the Administrator of the Estate of Faye Adkins.

Mr. Tissue told the Commissioners that he is here today to present a motion to discharge Ms. Compton as the Administratrix in the Estate of Faye Adkins.

Mr. Tissue told the Commissioners that a report of claims has been filed.

Carl Harris, Assistant Prosecuting Attorney told Mr. Tissue he should have filed a final settlement to the Commissioners before he appeared.

Mr. Harris asked Mr. Tissue to give notice to the Fayette County National Bank and City Finance that the Administratrix will be discharged from the Estate. Mr. Harris told Mr. Tissue to file a final settlement. Commissioner Wender offered a motion that Geneva Compton be discharged in her duties as Administratrix in the Estate of Faye Adkins. Commissioner Lopez seconded. Vote passed 3-0.

Judy Radford, 4-C Economic Development Authority appeared before the Commission to discuss the employment of Lisa Crigger.

Commissioner Wender offered a motion to go into an executive session at 10:30 a.m. to discuss personnel matter. Commissioner Lopez seconded.

Commissioner Lopez offered a motion to reconvene the County Commission meeting at 11:30 a.m. Commissioner Wender seconded.

Tim Richardson, Zoning Officer appeared before the Commission and presented to the Commissioners the first order of business for disposition, Case #Z-497-04-1: Request of Lost paddle, Inc., contract

owners, for a change in land classification from R-R (Rural Residence District) to B-3 (Business, Tourism District) on 141.714 acres, New River and Mill Creek Trail, located on State Route 60/5, Ames Heights Road, New Haven District.

Mr. Richardson told the Commissioners that the recommendation of the Planning Commission is a 9-0 vote to approve the request. (See attached minutes).

Commissioner Eskew asked Mr. Richardson if he would read the definition of zoning request of classification B-3.

Commissioner Wender offered a motion to approve request of Lost Paddle, Inc. on 141.714 acres based on the 9-0 recommendation of the Planning Commission. Commissioner Lopez seconded. Unanimous.

Discussion was held regarding a vacancy that exists on the Fayette County Planning Commission due to the resignation of Bill Caudill.

Commissioner Lopez offered a motion to appoint Doug Maddy to fill the unexpired term of Bill Caudill, term to end August 3, 2006. Commissioner Wender seconded. Vote passed 3-0.

Kenneth Hayes, Chairman, New Haven Public Service District and Angie Sleeth, Region 4 Planning and Development Council appeared before the Commission to solicit support of Fayette County Commission for Phase III-A water extension project and to gather funding agencies to brainstorm funding a plan (AML, Corp of Engineer, HUD/ACC, Clean Water Fund, WV Infrastructure and WV American Water).

Commissioner Wender asked Dave Pollard, County Resource Coordinator if there were any other projects in areas.

# Fayette County Commission

## Minutes

July 26, 2004

The Fayette County Commission met in regular session, July 26, 2004, at 11:30 am. The zoning portion of this meeting as follows:

Members present: Ken Eskew, President  
John H. Lopez, Commissioner  
Mathew D. Wender, Commissioner

Also present, Dave Pollard, Resource Coordinator, and Tim Richardson, Zoning Officer.

First order of business request:

**Z-497-04-1:** Request of Lost Paddle Inc., contract owners, for a change in land classification from R-R (Rural Residence District) to B-3 ( Business, Tourism District) on 141.714 acres, New River & Mill Creek trl, located on State Route 60/5, Ames Heights Road, New Haven District.

Recommendation of the Planning Commission is 9-0 vote to approve as requested.

Ken Eskew requested that Tim Richardson read the definition of zoning request of classification B-3.

Matt Wender asked the applicants the definition of lodging ? Jeff Proctor stated that there would be 3 styles of lodging. Ken Eskew asked would there be tent camping or RV's allowed ? Proctor, this will be high end camping, if developed. They already have camping established on other property ½ mile down the road. Matt



Wender will this development be on the rim of the gorge ? Proctor, we have already developed 9.15 acres on the gorge rim which is part of our existing operation.

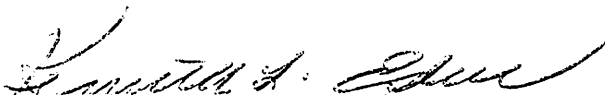
Applicants gave a presentation on the site proposed for the B-3 zoning change. Noted at one location there would be an adventure center. Matt Wender is this development contingent on the septic development ? Jeff Proctor, no we will develop around this concept until the septic is in place.

**Disposition:**

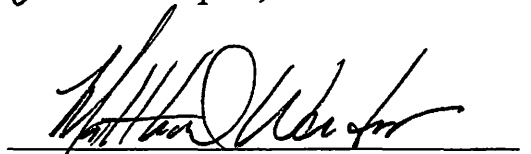
Motion to approve this request as presented by Matt Wender, second by John Lopez. Vote 3-0.

Discussion of appointment of vacancy to the planning commission. Motion by John Lopez to appoint Doug Maddy to the unexpired term of Bill Caudill, second by Matt Wender. Vote 3-0. This term will be until August 3, 2006.

No other business. Zoning portion of this meeting. Adjourned.



Kenneth Eskew, President

  
John H. Lopez, Commissioner  
Mathew D. Wender, Commissioner

Mr. Pollard replied Danese Public Service District (Beelick Knob).

Commissioner Wender offered a motion that the Fayette County Commission goes on record in support of Phase III-A and writes letters to prospective participants, to use as a determining factor the cost per customer in determining the priority list. Commissioner Lopez seconded. Unanimous.

Mr. Pollard suggested that Region 4 Planning and Development Council draft letter. The Commissioners asked Angie Sleeth to draft the letter.

Ms. Sleeth presented second request to the Commission seeking architectural/engineering service for sewage/

Mr. Pollard requests that the Commission pay for a legal advertisement, and Mr. Pollard will seek USEDA to pay the professional fees.

Commissioner Wender offered a motion to go on record that the Commission support New Haven Public Service District in their effort to get engineering study, financial cost, a legal advertisement to be paid by the County Commission. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from Attorney Tom Fast regarding the ADA Study for the Fayette County Park done in 1992. (See attached)

The Commissioners signed a letter to Earl Pauley, Park Superintendent informing that effective immediately the Commission hereby orders as a reasonable accommodation the waiver of the Fayette

# **Fast Law**

---

*Thomas K. Fast*  
304-574-0777 *Attorney at Law*  
Fax 574-0623 201 North Court St.  
fastlaw@wv-cis.net P.O. Box 420  
Fayetteville, WV 25840

July 26, 2004

Fayette County Commission  
Attention: Charlotte Holliday  
P.O. Box 307  
Fayetteville, WV 25840

RE: Fayette County Park Pool Handicap access  
Kelly and Barbara Wriston

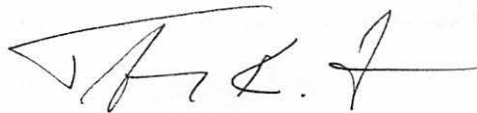
Dear Charlotte:

In reviewing the portion provided to me of the Assessment for Access study for Fayette County, I could find nothing regarding the Fayette County pool. The only mention of the pool was on the last page where there was an identification of a non-compliant rest rooms which were across from the pool.

I am requesting a review of the entire study to determine if the pool was listed in possibly another section. If so, please send me a copy. If you would like, I can come to your office and make the review myself.

Thank you kindly for your help.

Sincerely,



Thomas K. Fast

t/

cc: Kelly and Barbara Wriston

**BEFORE THE COUNTY COMMISSION OF FAYETTE COUNTY, WEST VIRGINIA**

**IN RE: MOTION OF KELLY WRISTON AND BARBARA WRISTON, HER MOTHER, TO BE HEARD REGARDING HANDICAP ACCESS AT FAYETTE COUNTY PARK POOL**

---

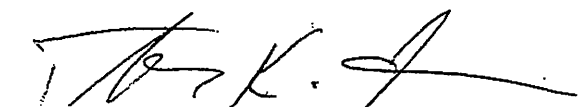
Now comes Kelly Wriston, and her mother, Barbara Wriston, (hereinafter sometimes referred to as "Wristons"), and move this Honorable County Commission to be heard regarding handicap access at the Fayette County Park pool.

1. Kelly Wriston, age twenty-three years, suffers from spinal bifida and is severally handicapped only having use of her arms and neck.
2. For approximately fifteen years, Barbara Wriston has taken Kelly Wriston to the Fayette County Park for swimming recreation.
3. During these years, Kelly Wriston was able to swim unassisted using arm floaties. Her mother, however, always stayed close by for safety reasons.
4. During the month of June 2004, while the Wristons were paid swimmers, an announcement was made over the loud speaker at the pool informing that no floaties would be allowed in the large pool, from which the Wristons had just exited.
5. This ruling amounts to a prohibition of Kelly Wriston swimming in this pool when with the floaties, she could enjoy the water as she has for years past.
6. In addition, there are many areas not accessible by wheelchair for handicapped persons, such as Kelly Wriston, including, but not limited to:
  - There are no handicapped table eating areas. The table eating areas are all outside the swimming area and on a bank. Food and drink are not allowed in the water area. This excludes Kelly Wriston from enjoying a snack while visiting the pool;

- There is a step one has to traverse in order to get into the shower/changing/bathroom area;
- There are no formal handicapped bathroom stalls or changing areas:
- There are no water steps in or out of the pool, only a latter; and
- The area to unload from vehicles is a graveled area which makes it very difficult for persons confined to a wheelchair to maneuver.

7. The Wristons do not desire to file a formal complaint nor instigate litigation concerning these issues.
8. To the contrary, the Wristons merely desire to address the County Commission to ask that it reverse the decision of the pool officials not to allow floaties for Kelly Wriston or other handicapped persons who could not otherwise safely swim in the pool without the assistance of arm floaties. This is merely a reasonable accommodation for this handicapped person, in otherwise a public area of accommodation.
9. The Wristons further desire to address this Honorable County Commission and request that appropriate and sufficient funds be appropriated to have performed an Americans with Disabilities Act study of the pool, that such a study be ordered, and then, appropriate sufficient funds to conform the pool to the Americans with Disabilities Act for not only Kelly Wriston but also for other persons who are similarly situated.

KELLY WRISTON and  
BARBARA WRISTON,  
Petitioners,  
By counsel.



Thomas K. Fast (WVSB#6312)

FAST LAW OFFICE

201 North Court Street

Post Office Box 420

Fayetteville, West Virginia 25840-0420

Telephone: (304) 574-0777

Facsimile: (304) 574-0623

BEFORE THE COUNTY COMMISSION OF FAYETTE COUNTY, WEST VIRGINIA

IN RE: MOTION OF KELLY WRISTON AND BARBARA WRISTON, HER  
MOTHER, TO BE HEARD REGARDING HANDICAP ACCESS AT  
FAYETTE COUNTY PARK POOL

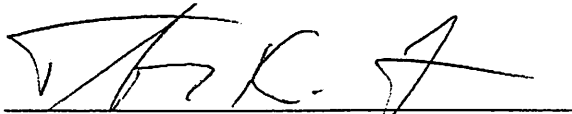
NOTICE OF HEARING

---

TO WHOM IT MAY CONCERN:

The undersigned will bring on for a presentation to the County Commission of Fayette County, West Virginia, the motion of Kelly Wriston and Barbara Wriston, her mother, regarding handicap issues at the Fayette County Park pool, on Monday, July 26, 2004 at 9:00 a.m.

KELLY WRISTON and  
BARBARA WRISTON,  
Petitioners,  
By counsel.



Thomas K. Fast (WVSB#6312)  
FAST LAW OFFICE  
201 North Court Street  
Post Office Box 420  
Fayetteville, West Virginia 25840-0420  
Telephone: (304) 574-0777  
Facsimile: (304) 574-0623

County Park prohibition of the use of floating devices by persons who are physically handicapped. The Commissioners asked that all lifeguards be advised of this waiver immediately. (See attached)

The Commissioners signed a Local State of Emergency Declaration declaring that a Local State of Emergency does exist in Fayette County, West Virginia since Thursday, July 22, 2004 flooding.

The Commissioners signed a letter to the Fayette County Weatherization Program enclosing a check in the amount of \$2,000.00. This contribution is conditional upon maintaining the Oak Hill/Fayette County Office Work Center for the current year July 1, 2004 through June 30, 2005.

Commissioner Wender offered a motion to pay Kelvin Holliday, County Clerks travel for Election expenses, amount \$667.88.

Commissioner Lopez seconded.

Ms. Holly informed the Commissioners that Daniel Jackson, Janitor called James Perdue, Maintenance Supervisor, Friday, July 23, 2004 to inform him that he was quitting.

Commissioner Wender offered a motion to accept Daniel Jackson's resignation. Commissioner Lopez seconded. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez told the Commissioners he would check with John Barnhart to see if he would be interested in taking the position.

The Commissioners recessed for lunch at 12:35 p.m.

The Commissioners reconvened the County Commission meeting at 1:45 p.m.

Ms. Holly presented to the Commissioners, an Order designating



for the Presidential General Election the total number and type of election boards for the various precincts.

Commissioner Wender offered a motion that four expanded receiving boards (Precincts 1 12, 19 and 55) and that the other 39 precincts would have the standard receiving boards and two sets of emergency absentee ballot commissioners. Commissioner Lopez seconded. Unanimous.

The Commissioners approved to change the County Commission meeting from August 9<sup>th</sup> to August 6<sup>th</sup>.

Commissioner Lopez offered a motion to approve as previously discussed invoice from Pannell and Sons, Inc. for digging and installing approximately 350 feet of storm drain, amount \$3,500.00. Commissioner Wender seconded. Unanimous.

The Commissioners received and reviewed from the Fayette County Animal Control Center, Weekly Fees Collected for the week of July 16 through July 22, 2004, amount \$464.00.

The Commissioners received and reviewed checks for 911 fees from Granite Telecommunications, LLC, amount \$80.00, AT&T Communications of WV, amount \$1,584.00, and Metro Teleconnect Co., amount \$23.52; Jail Fees from the City of Oak Hill, amount \$765.00; reimbursement for local match for ARC Flex-E Grant, amount \$500.00; WV Development Office-Food Center Grant, amount \$5,000.00; REACT Grant, amount \$3,000.00; Community Center Grant, amount \$3,406.84, Fayette County Soccer Grant, amount \$6,605.38, Sheriff Grant, amount \$874.61 and UKV Grant, amount \$1,428.57.

The Commissioners received and reviewed a copy of the Fayette

County Park overtime for July 15 to 31, 2004.

The Commissioners received and reviewed fax regarding the Regional Jail Fees.

The Commissioners received and reviewed Official Oath of Office from Todd Cornett, member of the Fayette County Enhanced Emergency Telephone System Advisory Board; Judson Wallace a member of the Armstrong Public Service District; and Sherman Bobbitt a member of the Fayette County Planning Commission.

The Commissioners received and reviewed from Thelma Kincaid, Circuit Clerk interest earned on checking account from July 2003 through June 2004.

The Commissioners received and reviewed, a fax from the County Commissioners Association of WV a copy of the agenda for the Educational Training Services XXV "Waves of Change" to be held on Sunday, August 8, 2004 at the Radisson in Morgantown.

The Commissioners received and reviewed a letter from Sheriff William Laird informing the Commission that Attorney Todd Twyman indicates that his client James Braxton will file a civil suit alleging a violation of his civil rights and other claims arising out of the actions of Deputy Sheriff Garland Burke.

The Commissioners received and reviewed a thank-you card from Eddie (Assessor) and Tammy Young expressing their most sincere gratitude for their immediate and total support.

The Commissioners received and reviewed a fax from Ann Cavalier regarding exploring the potential of WVU-Tech assisting in the preparation of a preliminary engineering report that could ultimately

use as the basis for seeking funding for and fixing the surface water problem at Adena Village.

The Commissioners received and reviewed a copy of a letter to Debbie Aliff, Payroll Clerk from Sheriff William Laird informing of the resignation of Deputy Sheriff J. L. Howell from his employment as a Fayette County Deputy Sheriff effective Tuesday, July 27, 2004.

The Commissioners received and reviewed several correspondences from the Workers' Compensation Commission and the Unemployment Compensation Division.

The Commissioners received and reviewed a fax from the State Treasurer informing that the Distribution of Oil & Gas Severance Tax will be directly deposited into the bank account provided to their office for the Commissions direct deposit application.

The Commissioners received and reviewed a notice from Southern Appalachian labor School inviting the Commission to their Open House on Friday, July 23, 2004.

The Commissioners received and reviewed a letter informing that SunTrust Bank is currently holding the pledged securities as of July 7, 2004.

The Commissioners received and reviewed a letter from the Public Service Commission to Congressman Nick Rahall regarding Roger Caldwell's request for new water service on Highland Mountain near Danese.

The Commissioners received and reviewed a letter from Chris Camppbell, Chief at the Danese Volunteer Fire Department regarding the deterioration of the steps.

The Commissioners asked that Allen Ballard and Ray St. Clair work on the steps, get estimated costs, and their time to building the repairing the steps on county time.

Commissioner Lopez asked Commissioner Wender to call Clarence Pannell and have him to go by the Division of Highways to get the culvert, see Mike Cobb or Joe Donnally.

The Commissioners signed a letter to the Family Law Masters requesting reimbursement for rent in the amount of \$2,025.00 for the month of August 2004.

Commissioner Wender offered a motion to approve and sign petitions to combine or divide and segregate land as submitted by the Assessor's Office for Arbutus M. Weaver, Robert Paul Jones, Lawrence and Ruby Parker, John Robert Errington, Tabitha L. & Danny Legg, and Julia and Robert Wilder. Commissioner Eskew seconded. All approved.

The Commissioners received/reviewed and signed minutes from Tim Richardson, Zoning Officer of the Fayette County Planning Commission hearing held today at 11:30 a.m.

The Commissioners received and reviewed a letter from Sheriff William Laird informing he had received a memorandum from the West Virginia Association of Counties related to the expenditure of the homeland security grant funds.

The Commissioners received and reviewed a letter from the Division of Highways to Beth Gardner congratulating the Oak Hill trail Committee of the award of the Transportation Enhancement grant for the Oak Hill Rail Trail project in Fayette County for \$56,800.00. Commissioner Wender will contact Ms. Gardner regarding a detailed

"scope-of-work."

The Commissioners received and reviewed a letter from Arbuckle Public Service district regarding the Kanawha Falls Phoenix Belt Filter Press. The Commissioners asked that a copy of the letter be forwarded to Dave Pollard, County Resource Coordinator to review.

Ms. Holly asked the Commissioners if they would consider approving a donation to the Fayetteville Little League.

Commissioner Wender offered a motion to make a contribution of \$500.00 to the Fayetteville Little League. Commissioner Lopez seconded. All approved.

Commissioner Wender informed the Commissioners he received a call from Dr. Donald Newell, with the Fayette County Health Department requesting space to store storage facility the Health Department paid for from a grant they received.

The Commissioners suggested asking Phil Perone or Linda Sheiler to come to the Fayette County Commission meeting to explain.

Commissioner Wender asked that a letter be written to Clint Gallaher informing him that before the Commission can proceed to replace Kenneth Roop as an appointee to the Fayette County Public Defender Corporation it is our understanding that your Board must have a meeting to vote on his removal. Commissioner Wender asked Ms. Holly to send a copy of the letter to Kathy Ramsey.

Commissioner Wender informed the Commissioners that there's been no response from the Division of Highway regarding the Glen Jean exit.

Commissioner Wender suggested writing another letter and point out to the Division of Highways the number of times this request has

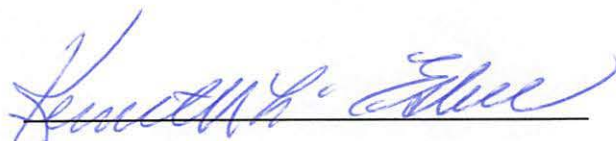
been made (January 12, April 26, and May 24); consider it a matter of urgent importance to meet with you or a member of their staff to explain the design of the Glen Jean intersection and what options are available to address this very serious public safety issue, and advise us if it is more appropriate for us to take up this request with the Governor's office; given the immediacy of the problem, the Commission expects a response to this letter prior to August 16, 2004.

Commissioner Eskew asked the Commissioners if Multi-Cap plan is to pick-up any other funding for Chris Dyer, Housing Consultant with Fayette County Housing Economic Opportunity Council. Commissioner Wender informed that they are funding July, August, and September have not heard any further information.

The Commissioners asked that Dave Pollard, County Resource Coordinator be scheduled for August 6 County Commission meeting to discuss press from Kanawha Falls Public Service District.

Commissioner Wender offered a motion to adjourn the County Commission meeting. Commissioner Eskew seconded.

The meeting was adjourned at 3:25 p.m. The next scheduled meeting is August 6, 2004.



*Kenneth G. Eskew*

FAYETTE COUNTY COMMISSION

REGULAR SESSION

JUNE 14, 2004

COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 14<sup>th</sup> day of June 2004.

Commissioner Eskew called the meeting to order at 8:34 a.m.

Commissioner Eskew presented a Resolution on behalf of former Assessor Thomas E. Aiello.

Commissioner Wender read the Resolution.

Commissioner Wender offered a motion that in honor of the memory of Thomas E. Aiello the Commission order that all transaction of business shall cease and desist in the Courthouse at 10:00 a.m. on this morning of Monday, June 14, 2004 for a one minute of silence beginning and ending with the toll of the Courthouse bell and that the Assessor's offices be closed for business from 12:30 p.m. until 3:00 p.m. to allow all employees of the Assessor to attend the funeral services of Thomas Aiello without charge to employees leave or reduction in pay. Commissioner Lopez seconded. Unanimous. (See attached)

Commissioner Lopez made a motion to fill the vacancy in the Office of Assessor created by the death of Thomas E. Aiello on June 9, 2004 and acting in accordance with §3-10-8 of the Code of West Virginia as amended, does hereby appoint Harvey E. "Eddie" Young as Assessor effective immediately for the term ending December 31, 2004. Commissioner Wender seconded. Unanimous. Order signed. (See attached)

**RESOLUTION OF THE  
FAYETTE COUNTY COMMISSION**

**WHEREAS, the Fayette County Courthouse is the center of Fayette County government, and**

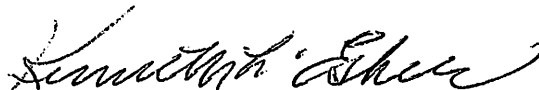
**WHEREAS, the Fayette County Commission has the Constitutional responsibility for the Fayette County Courthouse and other properties owned by the County, and**


**WHEREAS, Thomas E. Aiello currently served as the Fayette County Assessor since 1989, and**


**WHEREAS, the members of this Commission, individually and collectively hold our friend Tom Aiello in the highest personal and professional regard,**

**NOW THEREFORE BE IT HEREBY RESOLVED, to honor of the memory of Thomas E. Aiello, the Fayette County Commission does hereby order that all transaction of business shall cease and desist in the Fayette County Courthouse at ten o'clock on this the morning of Monday, June 14, 2004 for one minute of silence beginning and ending with the toll of the Courthouse bell. Furthermore, the Office of the Assessor of Fayette County shall be closed for business from 12:30 P.M. until 3:00 P.M. on this date to allow all employees of the Assessor to attend the funeral services of Tom Aiello without charge to employee leave or reduction in pay.**

**Entered to record this 14<sup>th</sup> day of June, 2004.**

  
**Kenneth L. Eskew  
President**

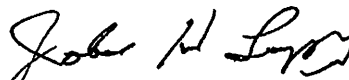
  
**John H. Lopez  
Commissioner**


  
**Matthew D. Wender  
Commissioner**



On this the 14<sup>th</sup> day of June, 2004, the County Commission of Fayette County meeting in Regular Session and finding it necessary to fill the vacancy in the Office of Assessor of Fayette County created by the death of Thomas E. Aiello on June 9, 2004 and acting in accordance with §3-10-8 of the Code of West Virginia, as amended, does hereby appoint Harvey E. "Eddie" Young of Fayetteville, West Virginia, as Assessor of Fayette County effective immediately for the term ending December 31, 2004.

  
Kenneth L. Eskew  
President

  
John H. Lopez  
Commissioner

  
Matthew D. Wender  
Commissioner

It is under the most painful and personally saddening circumstances that I accept the position and responsibility of the Assessor of Fayette County. Tom Aiello was a best friend and a great leader and I feel privileged to have worked with him for fifteen years and the last ten as the Chief Deputy Assessor. Tom was able to establish links and ties to any number of individuals at all levels of government throughout the state. I know I will never interact or network throughout the state as Tom has, but I know I have the knowledge, the ability and the experience to properly fulfill the responsibilities and maintain standards that Tom Aiello set forth for this office.

A handwritten signature in black ink, appearing to be "H. S. S.", written in a cursive style.

The Commission issued a Press Release.

The Commissioners received and reviewed a letter from Sheriff William R. Laird recommending that Eddie Young be given consideration for appointment of the Assessor.

The Commissioners recessed the County Commission meeting at 8:40 a.m. to attend the swearing in of Harvey E. "Eddie" Young.

Commissioner Eskew reconvened the County Commission meeting at 9:08 a.m.

Commissioners Lopez offered a motion to approve invoices and payrolls, first half payrolls to be released today, second half payrolls to be released on June 30, 2004. Commissioner Wender seconded. All approved.

Commissioner Wender offered a motion to approve exonerations as presented by the Assessor's Office. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed from three taxpayers request for property tax release.

Commissioner Wender offered a motion subject to the approval of the Assessor, Suzette Kay Smith be afforded tax relief for tax year 1999, 2000, 2001, 2002, and 2003 in the total amount of \$1,169.79 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. Commissioner Lopez seconded. Unanimous. Order signed.

Commissioner Wender offered a motion subject to the approval of the Assessor, Matthew David and Shannon Dean be afforded tax relief

## PRESS RELEASE

Harvey E. "Eddie" Young of Fayetteville was appointed today by the Fayette County Commission as Assessor of Fayette County to fill the vacancy created by the death last week of Thomas E. Aiello, former Assessor. The oath of office was administered to the new Assessor by Chief Judge Charles M. Vickers.

Mr. Young has been employed by the Assessor's office since July 1, 1989 and served as Chief Deputy Assessor since 1993. He is a 1978 graduate of Gauley Bridge High School and attended West Virginia Tech from 1978—1981.

Mr. Young is 44 years old and is married to Tammy Young, and they are the parents of three children, Savannah 16, Jason 12, and Dylan 11. He is the son of Vernon and Sarah Young, and he is a lifelong resident of Fayette County having lived in the Valley District for 38 years and has resided in Fayetteville for the past 6 years.

Mr. Young has been active in little league for 11 years and is a charter member of Grace Baptist Church.

for tax year 1999, 2000, 2001, 2002, and 2003 in the total amount of \$1,761.42 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. Commissioner Lopez seconded. Unanimous. Order signed.

Commissioner Wender offered a motion subject to the approval of the Assessor, Barbara Korn be afforded tax relief for tax year 1998, 1999, 2000, 2001, and 2002 in the total amount of \$747.32 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. Commissioner Lopez seconded. Unanimous. Order signed.

Commissioner Wender offered a motion to approve and certify from Sheriff William Laird the Real and Personal Property Tax Delinquent List. Commissioner Lopez seconded. All approved.

Sheriff Laird appeared before the Commission to inform them that Deputy Sheriff Jess McMullen and Deputy Sheriff John Kauff has been military activated.

Sheriff Laird asked the Commissioners permission to hire temporary reemployment of two (2) former deputy sheriffs (Leonard Bickford and Carey Vickers) who have formerly retired from their positions of employment with this department, Sheriff Laird told the Commissioners that such reemployment will only be used to temporary fill those two (2) vacant positions that currently exist due to military activations. Sheriff Laird told the Commissioners that the temporary appointments will become null and void immediately upon the return of those deputy sheriffs currently deployed for active military

duty.

Commissioner Wender offered a motion that Sheriff William Laird hire Leonard Bickford and Carey Vickers for the temporary reemployment to fill the two vacant positions that currently exist due to military activation. Commissioner Lopez seconded. All approved.

Sheriff Laird informed the Commissioners that he has prepared a grant proposal for those funds allocated by the West Virginia Office of Emergency Services for meeting the law enforcement homeland security needs within the County.

Sheriff Laird told the Commissioners that the Homeland Security Grant Program funding is \$172,970.

Commissioner Wender offered a motion to authorize Kenneth Eskew to execute the Homeland Security Grant. Commissioner Lopez seconded. Unanimous. A Letter of Intent signed.

Commissioner Lopez offered a motion that James E. Lively, Sr. be reappointed as a member of the Fayette County Building Commission. Commissioner Wender seconded. All approved. The Commissioners signed an Order and appointment letter to serve.

Attorney Fred Jesser appeared before the Commission to present a petition of Ricky D. Myles to abandon a certain unused drive.

Commissioner Wender offered a motion to set by way of Ricky Myles counsel a hearing for July 9 at 11:15 a.m. Commissioner Lopez seconded.

The Commissioners received and reviewed a letter from the Fayette County Zoning Office a request that a partial refund of a permit fee that was issued to Carl Bays on March 3, 2004 who do business as

Fayetteville Mini Storage. The fee in question should have been for \$100.00 was inadvertently written for \$150.00 therefore a \$50.00 refund is requested.

Commissioner Wender offered a motion to issue a \$50.00 refund to Carl Bays. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from St. Paul informing the Commission of some changes in the renewal policy. Commissioner Wender asked that James Lively, Sr. review.

The Commissioners received and reviewed a letter from Earl Pauley, Park Superintendent requesting that Douglas C. Bennett be transferred from Ground Maintenance at the Fayette County Park to Vehicle Maintenance at the Central Garage. This would be effective June 1, 2004 and his rate of pay will be \$5.515 an hour.

Commissioner Wender offered a motion to approve Douglas C. Bennett transfer from Ground Maintenance at the Fayette County Park to Central Garage at a pay rate of \$5.5 per hour. Commissioner Eskew seconded. All approved.

The Commissioners received and reviewed a letter from Region 4 Planning and Development Council informing that a FEMA scoping meeting regarding new flood plan mapping is scheduled for 9:00 a.m., June 23, 2004 at the Fayette County Courthouse in the County Commission Hearing Room.

Commissioner Wender offered a motion to change the County Commission meeting from July 12, 2004 to July 9, 2004. Commissioner Lopez seconded. All approved.

Commissioner Wender offered a motion to schedule a County

Commission meeting for July 19, 2004. Commissioner Lopez seconded.  
All approved.

The Commissioners received and reviewed a petition from Attorney Phil Tissue requesting an abandonment of a street, road or way, Section 5, Kimberly, West Virginia.

Commissioner Wender offered a motion to approve the request of Attorney Phil Tissue to hold a hearing on July 7, 2004 to abandon a street, road or way at Kimberly, for petitioners Lowell Thomas, Virginia Thomas, and Anna Margaret Bracy. Commissioner Lopez seconded. All approved.

Commissioner Wender offered a motion that Ms. Holly enters final Budget Revision adjustments for the General County Fund and Coal Severance Fund. Commissioner Lopez seconded.

Commissioner Lopez offered a motion that the Budget Revisions for the General County Fund and Coal Severance Fund for Fiscal Year 2003-2004 be approved. Commissioner Eskew seconded. All approved. Order signed.

Ms. Holly told the Commissioners that they needed to make various transfer of funds.

Commissioner Wender offered a motion to order the balance of the Fayette County General School Fund in the amount of \$140,725.08 be transferred to the Fayette County General Fund to defray the balance due for the cost of care and feeding of misdemeanor prisoners incarcerated by magistrates. Commissioner Lopez seconded. All approved. Order signed.

Commissioner Wender offered a motion to order a sum in the amount



of \$17,453.69 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. Commissioner Lopez seconded. All approved. Order signed.

Commissioner Wender offered a motion to order the sum of \$43,507.39 for the fiscal year 2003-2004 to be transferred from the Magistrate Court Fund to the Fayette County General Fund. Commissioner Lopez seconded. All approved. Order signed.

Ms. Holly informed the Commissioners that she has prepared an Order, ordering the annual pro-rata 3-year costs associated with such special levy election to be deducted from the total annual amount raised for the Law Enforcement Levy Fund (\$5,740), the Library Levy Fund (\$2,460), and the Fire Levy Fund (\$12,300) receiving funds from such Special Levy and transferred to the Fayette County Election Expense Levy Fund.

Commissioner Wender offered a motion to sign the order to transfer to the Fayette County Election Expense Levy Fund the annual pro-rata 3-year costs associated with such special levy election to be deducted from the total annual amount raised for the Law Enforcement (\$5,740), the Library Levy Fund (\$2,460), and the Fire Levy Fund (\$12,300). Commissioner Lopez seconded. All approved. Order signed.

Commissioner Wender offered a motion that Commissioner Eskew conducts the auction while he and Commissioner Lopez continue the County Commission meeting. Commissioner Lopez seconded. All approved.

Commissioner Wender offered a motion to give the New River Gorge

Heritage Festival permission to use the Courthouse lawn on Saturday, July 3, 2004 for the Town picnic. Commissioner Lopez seconded. All approved.

Ms. Holly presented to the Commissioners Legislative Digest Grants drawdown request for the Fayette County Sheriff's Depart, Grant #02-474, the Fayette County Emergency Food Assistance Center, Grant #04-431, the Fayette County REACT, Grant #04-433, the Upper Kanawha Valley Community Center, Grant #04-227, the Upper Kanawha Valley Community Center, Grant #04-034, and the Fayette County Youth Soccer Association, Grant #02-472.

Commissioner Wender offered a motion to authorize Commissioner Eskew to sign off on the Legislative Digest Grants. Commissioner Lopez seconded.

Ms. Holly presented a drawdown request for Region 4 Planning and Development Council for the Small Cities Block Grant New Haven Public Service District-Paint Creek/Plum Orchard Water Extension, amount \$115,682.11 to the Commissioners.

Commissioner Wender offered a motion to approve drawdown request for the Small Cities Block Grant New Haven Public Service District-Paint Creek/Plum Orchard Water Extension, amount \$115,682.11 and authorize Commissioner Eskew to sign Resolution. Commissioner Lopez seconded. Unanimous. Resolution signed.

Sheriff William Laird presented to the Commissioners a letter informing that Dawn Laughery with St. Paul Insurance had contacted him regarding the Civil Claim Cox v. Hammontre and Feltner.

Ms. Holly informed the Commissioners about the leak around the

Bell Tower and the fourteen loose shingles at the Memorial Building.

Ms. Holly suggested to the Commissioners to get Tri-State Roofing to do an annual clean up of the gutters.

Allen Ballard presented to the Commissioners a bid for some lights for the Memorial Building, cost \$2,182.11.

Commissioner Wender offered a motion to accept the bid for \$2,182.11 for the Memorial Building lights but to hold until the Digest Grant is approved. Commissioner Lopez seconded. Unanimous.

Ms. Holly informed the Commissioners that Peggy Bennett, secretary at the Fayette County Park had told Debbie Aliff, Payroll Clerk that she was to be paid \$8.00 per hour effective June 1, 2004 for taking care of the pool. Ms. Holly told the Commissioners that last year they approved the \$8.00 per hour for taking care of the pool but this year it had not been discussed. Ms. Holly told the Commissioners she had asked Ms. Hickman if this was discussed this year. Ms. Hickman replied no.

Commissioner Wender offered a motion that Peggy Bennett be paid \$8.00 per hour for taking care of the pool effective June 1, 2004 until the pool closes. Commissioner Lopez seconded. All approved.

The Commissioners approved to pay the lifeguards \$6.50 per hour.

Commissioner Wender offered a motion that anything that's not sold in the auction is hauled to the Raleigh County Landfill. Commissioner Eskew seconded. All approved.

Commissioner Wender offered a motion to donate the vanity bathroom to the Fayetteville Town Park. Commissioner Eskew seconded. All approved.

Ms. Holly informed the Commissioners she had contacted Dan Snead regarding the proposal for the Courthouse windows. Ms. Holly told the Commissioners that Mr. Snead sent over an Architectural Agreement, fee 9% of constructional cost any expenses would be reimbursed.

Commissioner Wender offered a motion to approve Dan Snead's proposal for the Courthouse windows, but the Commission would agree to 8% instead of 9% of constructional cost. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from Sheriff William Laird regarding the continued use of the office space located in the basement area of the Fayette County Courthouse.

Commissioner Wender offered a motion to extend six weeks to the Sheriff for office space in the basement area of the Fayette County Courthouse. Commissioner Eskew seconded. Unanimous.

Ms. Holly informed the Commissioners that she had talked with Allen Ballard, Manager, Fayette County Memorial Building, he told her that the Townside Construction had submitted proof of his Workers' Compensation coverage. Commissioner Eskew signed proposal from Townside Construction, amount \$14,893.00.

The Commissioners approved reimbursement for C-PAC for the month of June 2004, amount \$11,503.39.

The Commissioners received and reviewed a letter from the Midland Trail High School for funding for their softball field. The Commissioners decided to discuss on June 28, 2004 at the County Commission meeting.

The Commissioners received and reviewed a letter from David Neal,

E911 Coordinator informing that Chadwick Neal has resigned as Part-time Communication Specialist.

Mr. Neal also informed the Commissioners he has hired Terry McGuire and Emma Kelly, Probationary full-time Communications Specialists at a pay rate of \$8.42 per hour.

Mr. Neal asked that Tonya McMullen, Probationary part-time Communications Specialist salary be adjusted to an hourly rate of \$7.50.

Commissioner Wender made a motion to approve the adjustments by David Neal, E911 Coordinator of the 911 Center personnel. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a Workers' Compensation claim for William McGraw. The Commissioners asked Ms. Holly to talk with David Neal regarding this claim.

Commissioner Wender offered a motion to approve overtime for Jackie Hickman, Secretary and James Perdue, Maintenance Supervisor. Commissioner Lopez seconded. Unanimous.

Commissioner Wender made a motion to approve for a topper for David Neal, E911 Coordinator vehicle that he found at Priddy's. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from the Fayette County Beautification Committee asking that Larry Parsons be appointed as Litter Control Officer.

Commissioner Lopez offered a motion that this is tabled until June 25 County Commission meeting. Commissioner Wender seconded.

The Commissioners approved to discuss the appointment of Paul

Witt as a member of the Fayette County Solid Waste Authority at the next County Commission meeting.

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

The Commissioners received and reviewed a letter from the Fayette County Park requesting that a refund be issued for shelter rental to Karen Treadway in the amount of \$100.00 due to the fact that her family will be unable to attend.

The Commissioners received and reviewed a letter from Brian Parsons, Assistant Prosecuting Attorney regarding the 1991 Ford Escort.

The Commissioners received and reviewed invoices from Sheriff William Laird 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 \$90.00.

The Commissioners received and reviewed Weekly Fees Collected from the Fayette County Animal Control Center/C-PAC for the week of May 21, 2004 to May 27, 2004, amount \$713.00, for the week of May 28, 2004 to May 31, 2004, amount \$15.00, for the week of June 1, 2004 to June 3, 2004, amount \$50.00 for the week of June 4, 2004 to June 10, 2004, amount \$672.00 and the Activity Report for May and the Revenue Report for May.

The Commissioners received and reviewed several e-mail correspondences from the County Commissioners' Association of West Virginia.

The Commissioners received and reviewed from Branch Banking and

Trust Company informing that as of May 31, 2004 the securities that were held as collateral to serve the deposits of the Fayette County Commission.

The Commissioners received and reviewed 911 Fees for Business TeleCon, Inc., \$3.92, Operating Account, \$3,949.84, Nos. Communications, Inc., \$4.00, E-Tel Communications, Inc., \$40.00, Mountain Communications, \$51.95, VarTec, \$13.58; Franchise Fee for Bradley Communication \$550.26; TRIDENT overtime reimbursement \$2,353.76; WV Development Office, Paint Creek/Plum Orchard Water Extension, \$190,508.09; rent for the Memorial Building \$4,583.33; Alarm Fees, \$4,210.00.

The Commissioners signed a letter to the Equitable Gas Company informing that the Fayette County Commission would like to meet with them at 11:30 a.m. on Monday, July 26, 2004 to discuss the gas service agreement at the Fayette County Park and Fayette County Animal Control Center.

The Commissioners signed a letter to Judge John Hatcher informing him of the work performed on the courthouse roof and drainage system on June 9, 2004 by Tri-State Roofing and Sheet Metal Company.

The Commissioners signed Resolution of Support for the West Virginia Association of Counties.

Commissioner Wender and Commissioner Eskew signed a letter to Louis Tabit informing they received fax dated June 2, 2004 requesting their participation on a committee to pursue the upgrade to U S Route 60.

The Commissioners received and reviewed correspondences from the

Unemployment Compensation Division.

The Commissioners received and reviewed Annual Reports for the period of June 1, 2003 through May 31, 2004 for Sheriff William Laird and Thelma Kincaid, Circuit Clerk.

The Commissioners approved recommendation of Kelvin Holliday, County Clerk request for bids for record books from Dayton Legal Blank, amount \$3,551.50.

The Commissioners signed Title to the Town of Gauley Bridge for a 1995 Ford (VIN #2FALP71W2SX183481).

Commissioners received and reviewed request for leave from Dave Pollard, County Resource Coordinator (48 hours comp).

The Commissioners signed a letter to the County Commissioners' Association informing they received the recent letter written by County Commissioners' Association of West Virginia President James Waybright recommending that the Fayette County Commission withdraw from membership in the West Virginia Association of Counties through the withholding of our portion of the dues paid to that organization on July 1, 2004.

The Commissioners informed they reviewed and discussed the importance of this matter and they find great value in the maintenance of their membership status in both the County Commissioners' Association and the West Virginia Association of Counties, and for this it is the intention of the Commission to continue their membership in both organizations during the upcoming year.

The Commissioners received and reviewed minutes of the June 1, 2004 meeting with 4-C Economic Development Authority regarding West



The Commissioners received and reviewed Statement of Expenditures, Encumbrances and Appropriation for the Regional Jail and the Central Garage as of May 2004.

The Commissioners received and reviewed a letter from Stafford Consultants, Inc. regarding the New Haven Public Service District Phase IIIA Shawver Bridge Road.

The Commissioners received and reviewed a letter from Region 4 Planning and Development Council enclosing an amended financial page from the April 2004 IJDC application pertaining to the Wolf Creek Park, a Live, Learn, Work and Play Community.

The Commissioners received and reviewed a copy of a letter to St. Paul Insurance Claims Department from Sheriff William Laird regarding supplemental information for claim #FN01405, Date of Accident April 17, 2002 (Deputy Sheriff Mark Webb).

The Commissioners received and reviewed a letter from Leland O'Neal regarding his request for a copy of the results of all races on the May 11, 2004-Primary Election ballot. The Commission asked Ms. Holly to call Kelvin Holiday, County Clerk regarding this matter.

The Commissioners received and reviewed a copy of the Official Oath of Office from William J. Scott member of the New River Gorge Bridge Day Commission. Original forwarded to the County Clerk's Office.

The Commissioners received and reviewed a letter from Multi-Cap, Inc. thanking the Commission for their letter dated April 20 requesting future funding consideration for the Fayette County Housing and Economic Opportunity Council. Multi-Cap's Finance Committee will

review the request at its next committee meeting.

The Commissioners received and reviewed an invitation from Multi-County Community Action Against Poverty, Inc. inviting the Commission to participate in a focus group to be held at the Lovers Leap Baptist Church in Ansted on June 1, 2004 at 3:00 p.m.

The Commissioners received and reviewed a Jurisdiction Situation Report from Steve Cruikshank, OES Director.

The Commissioners received and reviewed a General Sanitation Inspection Report from the Fayette County Health Department on the Russell Matthew Park. Copy forwarded to Earl Pauley, Park Superintendent.

The Commissioners received and reviewed a copy of a letter to the Fayette County Chamber of Commerce from Edward G. Rahall regarding Mary Rahall and Advanced Web Systems.

The Commissioners received and reviewed a letter from Charter Communications regarding Introduction of CableCARD.

The Commissioners received and reviewed Certificate of Insurance from Verizon Select Services.

The Commissioners received and reviewed a fax from Diversified Enterprise, Inc. to Stafford Consultants informing they will be blasting at the Plum Orchard Site. Copy to Dave Pollard, County Resource Coordinator.

The Commissioners received and reviewed a letter from Steptoe and Johnson regarding the Gary W. Skaggs lawsuit.

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

2002.

The Commissioners received and reviewed a letter from the State Tax Department to the Fayette County Park informing of the West Virginia's sales tax holiday exemption, Friday, August 6, 2004 at 12:01 a.m. and ends on Sunday, August 8, 2004 at midnight.

The Commissioners received and reviewed a copy of a Remittance by the County Clerk's Office to the West Virginia State Treasurer's Office for the month of May 2004, amount \$330.00.

The Commissioners received and reviewed from the SunTrust Bank a list of securities pledged to the Fayette County Commission as of May 28, 2004. Original forwarded to the County Clerk Office.

The Commissioners received and reviewed a copy of a letter to Debbie Aliff, Payroll Clerk from Thomas Aiello, Assessor informing that effective June 1, 2004, Franklin Sandoro, Ashton Critchley, and Megan Light has been hired to work for the summer in the Assessor's Office and effective June 7, 2004, Krystal Joy Toney has been hired to work for the summer in the Assessor's Office. They will be paid through the PVC Fund at a rate of \$5.50 per hour.

The Commissioners received and reviewed a fax from the West Virginia State Treasurer's Office informing they will not accept withdrawal and deposit request faxes on Friday, June 11, 2004 which has been declared a national day of mourning, and investments markets will be closed.

The Commissioners received and reviewed Certificate of Insurance from the Fayetteville Highrisers 4-H Club.

The Commissioners received and reviewed a check from Eastern

Greenbrier Junior High School for rent for the Memorial Building, amount \$137.00.

The Commissioners received and reviewed an e-mail from Allen Ballard informing that Keith Donaldson would do the concrete work around the Memorial Building for \$325.00.

The Commissioners received and reviewed an e-mail from Randy Housh, Housing Consultant informing of his resignation to the Fayette County Housing-Economic Opportunity Council.

The Commissioners received and reviewed an e-mail from Chris Dyer, Housing Consultant, Fayette County Housing-Economic Opportunity Council regarding the laptop given to them by Steve Cruikshank, OES Director.

The Commissioners received and reviewed an e-mail from Chris Dyer regarding housing for the Southern Baptist work team that's coming in this weekend.

The Commissioners received and reviewed an e-mail from Chris Dyer regarding Benedum Foundation.

The Commissioners received and reviewed an e-mail from the County Commissioners' Association of West Virginia informing of the West Virginia Statewide Addressing and Mapping Board meeting on Thursday, June 3, 2004.

The Commissioners received and reviewed an e-mail from David Neal, E911 Coordinator informing he was not able to attend the State Mapping Board meeting due to a subpoena he received from Judge John Hatcher's Court.


Mr. Neal told the Commissioners he received 2 price quotes for a

topper for the new truck, cost \$1,300.00.

The Commissioners approved purchase of the topper from Custom Trucks Plus to be paid out of the 911 Fund.

Commissioner Wender offered a motion to adjourn the County Commission meeting. Commissioner Lopez seconded.

The meeting was adjourned at 12:20 p.m. The next scheduled meeting is June 25, 2004.

A handwritten signature in blue ink, reading "Kenneth Edue", is written over a horizontal line.

FAYETTE COUNTY COMMISSION  
SPECIAL SESSION  
JUNE 25, 2004  
COURTHOUSE  
FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a special session on this 25<sup>th</sup> day of June 2004.

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

Commissioner Wender offered a motion to approve and sign exonerations as submitted by the Assessors Office. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve invoices and vouchers. Commissioner Wender seconded. Unanimous.

Commissioner Lopez offered a motion to appoint Bill Caudill to fill the unexpired term of C. R. "Bud" Hill as a member on the Fayette Transition Team. Commissioner Wender seconded. All approved.

Dave Pollard, County Resource Coordinator presented his Quarterly Report to the Commissioners

Mr. Pollard told the Commissioners that they are moving along with the Business Park and the Sewer Project kicked off in May.

Mr. Pollard updated the Commissioners on the Leadership, Corridor L, Fayette County Tourism and the Birding Festival projects.

Mr. Pollard presented to the Commissioners from Lombardo Associates, Inc. the first drawdown payment for the USEPA-Fayette County Wastewater Equivalency Plan, amount \$34,143.58.

Ms. Holly told Mr. Pollard that the Commission has never received

from the Fayette Transition Team reimbursement for the \$500 local match on the \$10,000 Tourism Destination Study-Flex-E Grant.

Mr. Pollard told Ms. Holly he will discuss this matter with the Fayette Transition Team at their July 13<sup>th</sup> meeting.

The Commissioners received an e-mail from Ms. Holly to Dave Pollard informing that the agreement he sent for Lombardo Associates, Inc. has not been approved and signed by the Commission. Ms. Holly asked Mr. Pollard if he wanted to present this to the Commission at their County Commission meeting on June 28. Ms. Holly asked Mr. Pollard if he have a copy of the legal ad for the RFP? Ms. Holly told Mr. Pollard that the agreement needs to be signed before payment can be issued for services.

Ms. Holly also asked Dave Pollard if he had an agreement for the wastewater management planning services with Lombardo Associates, Inc. Ms. Holly asked Mr. Pollard to send her a copy of the agreement.

Mr. Pollard told Ms. Holly that Commissioner Eskew signed the original, sent to Lombardo Associates, Inc. sometime ago. Mr. Pollard told Ms. Holly it took a great deal of time from date of RFP to signing off by EPA to enter into project startup.

Mr. Pollard told Ms. Holly he have a draft copy of the ad that ran, actual copy and billing were sent to the Commission in June of 2003 and the Commissioners approved selection of Lombardo in September of 2003.

Th Commissioners signed a letter to Brian Sparks, Agriculture Agent with the WVU Extension Office informing they received a letter from Doff and Allane Young expressing their appreciation of the

services that he provided to Fayette County as the agriculture agent. The Commissioners expressed their thanks to Mr. Sparks for his exceptional service to the citizens of Fayette County.

The Commissioners signed a letter to Alison Chambers, Director, Family Law Masters requesting reimbursements for rent in the amount of \$2,025.00 for the month of July 2004.

The Commissioners received and reviewed several correspondences from the Workers' Compensation Commission.

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

The Commissioners received and reviewed Fire Levy Balance Sheet for Levy 8 Year 3 July 1, 2004 to June 30, 2005.

The Commissioners received and reviewed a letter from Lorrie Sprague, National Park Service informing that the National Park Service will host a broadcast session entitled "Gateway Communities: Key to Success" on Thursday, July 8, 2004 from 12:30 p.m. to 3:30 p.m.

The Commissioners received and reviewed a letter from Schumacher, Frances and Nelson regarding the Rhonda Cox v. Micah Feltner et al lawsuit.

The Commissioners received and reviewed from the Fayette County Animal Control Center/C-PAC Weekly Fees Collected for the week of June 11, 2004 to June 17, 2004, amount \$588.00.

The Commissioners received and reviewed the 911 Status Report from January 2004 to May 2004.

The Commissioners received and reviewed the Official Oath of Office from James E. Lively, Sr. a member of the Fayette County



Building Commission.

The Commissioners received and reviewed a letter from the Marion County Commission urging their fellow County Commissioners to continue their participation, and full payment of dues to the West Virginia Association of Counties.

The Commissioners received and reviewed the Annual Reports from the Prosecuting Attorney's Office and the Assessor Office for the period June 1, 2003 to May 31, 2004.

The Commissioners received and reviewed a copy of a letter to Debbie Aliff, Payroll Clerk from Harvey Young, Assessor informing that effective June 14, 2004 Adam J. Oliver has been hired to work the summer. He will be paid through the PVC Fund at a rate of \$5.50 per hour.

The Commissioners received and reviewed copies of letters to Debbie Aliff, Payroll Clerk from Harvey Young, Assessor informing that effective July 1, 2004, Ella Hambrick is to be transferred from part-time to full-time status at an annual salary of \$16,120.00, Cynthia Hysell salary is to be increased to \$18,000.00 to be paid from the General County Fund, Lindsey Epperly will become full-time at an annual rate of \$15,600.00, John M. Bone salary to be increased to \$18,200.00 all to be paid through the Assessor's PVC Fund, and Mary K. Weatherford will receive compensation from the Assessor's PVC Fund at an annual rate of \$3,000.00.

The Commissioners received and reviewed reimbursement from the Federal Emergency Management Agency for the salary of Steve Cruikshank, OES Director, amount \$7,612.38.

The Commissioners received and reviewed a check from the Supreme Court of Appeals for \$2,025.00 reimbursement for rent for the month of June.

The Commissioners received and reviewed request for leave from Dave Pollard, County Resource Coordinator from June 28, 2004 to July 2, 2004.

The Commissioners received and reviewed an e-mail from Commissioner Wender to Steve Cruikshank, OES Director regarding the laptop the Fayette County Housing Economic Opportunity Council is using.

The Commissioners received and reviewed an e-mail from the State Treasurer informing of the Distribution of Coal Severance Tax to Fayette County, amount \$17,435.08.

The Commissioners received and reviewed an e-mail from Mike Giuranna, Environmental Protection Agency, Region III informing he is trying to revive the Pay-As-You-Throw (PAYT) program.

The Commissioners received and reviewed a letter from the Office of Emergency Services informing they received the grant documents for the Law Enforcement, Emergency Operations Center and Citizen Corporation grant funding and informed the grant has been approved. Distribution of the funding of these grants will be sometime after July 10, 2004.

The Commissioners received and reviewed an invoice from Tri-State Roofing and Sheet Metal Company for the investigation and repair of leaks around the bell tower and the chimney, amount \$1,145.47. The Commission approved.

The Commissioners received and reviewed an invoice from the Fayette County Board of Education for the cost of Custodial Services to open and close building for the Presidential Primary Election May 11, 2004, amount \$1,540.88. The Commission approved.

The Commissioners received and reviewed a letter from the Prosecuting Attorney Office to Governor Wise requesting that he issue a requisition on the Governor of the State of Ohio for the extradition of Edgar D. Barron, Jr.

Ms. Holly informed the Commissioners she called Dan Snead regarding the agreement for the courthouse window project. Ms. Holly told the Commissioners that they did discuss the 9% fee. Ms. Holly told the Commissioner that Mr. Snead would check into.

The Commissioners received and reviewed a donation for the Fayette County Animal Control Center in memory of Robert Tabit from Carl Lee Kennedy, amount \$50.00.

Ms. Holly informed the Commissioners she received a letter from the West Virginia Development Office informing that Governor Wise has approved the Community Partnership grant award in the amount of \$3,000.000 to the Fayette County Commission to purchase practice equipment and other items to be retained for future use by the Gauley Bridge Colts Midget Little League.

Commissioner Lopez offered a motion to approve and authorize the adoption of the Resolution for the Gauley Bridge Colts Midget Little League. Commissioner Wender seconded. All approved. Agreement signed.

Ms. Holly presented the budget statement prepared based on the

budget they approved in March for fiscal year 2004-2005 to the Commissioners.

Commissioner Wender offered a motion that the Fayette County Commission approves the Budget Statement for Fiscal Year 2004-2005. Commissioner Lopez seconded. All approved.

Ms. Holly informed the Commissioners that one of the vehicles they sold at the auction was a forfeiture and the proceed would have to be awarded to the Prosecuting Attorney's Office.

Ms. Holly told the Commissioners that the truck for the 911 Center came in.

Ms. Holly informed the Commissioners she received a letter from Diane Meadows, CPC, WVU Extension Services informing that the carpet for their office has been installed.

Ms. Meadows informed the Commissioners that when she presented the quote for installation, it was for \$1,043.68 (installation \$663.68 + \$380 for moving the furniture). When she received the invoice, it was for \$1,163.68 (\$663.68 + \$500.00)

Ms. Meadows informed the Commissioners that the cost for installing the carpet is \$120.00 more. Ms. Meadows presented the revised invoice attached with the letter to the Commissioners.

Commissioner Wender offered a motion to pay the original estimate for labor and installation. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to pay the \$120.00 contingent that Ms. Holly check on why the cost is different. Commissioner Lopez seconded. All approved.

Ms. Holly told the Commissioners that the check for the carpet is

in today's vouchers.

Commissioner Lopez told the Commissioners that he asked Senator Shirley Love to look into the closing of the Gauley Bridge Detachment.

The Commissioners received and reviewed a letter to the Payroll Clerk from Sheriff Laird informing that Corporal Donald W. Williams, II resigned from his employment as a Fayette County Deputy Sheriff, effective July 12, 2004.

Ms. Holly informed the Commissioners that due to the death of Assessor Thomas Aiello she faxed Lavada Williamson with the Auditor's Office a request to provide her with guidelines regarding issuance of the Assessor's supplemental salary for the commission on dog tax collection.

Ms. Holly told the Commissioners she received an opinion from the Auditor's Office that deals with the Sheriff's Commission of a deceased Sheriff.

Ms. Holly informed the Commissioners that Paul Blake, Prosecuting Attorney suggested making the check to the Estate of Thomas E. Aiello, amount \$693.50.

Commissioner Wender offered a motion to authorize payment of the Assessor's supplemental salary for the commission on dog tax to the Estate of Thomas E. Aiello per Prosecuting Attorney. Commissioner Lopez seconded. All approved.

The Commissioners received and reviewed a letter from Vesta Fire Insurance Corporation regarding a Flood Insurance Application.

Ms. Holly told the Commissioners she referred this to Steve Cruikshank, OES Director to advise her of the status. The

Commissioners asked to hold until they hear from Mr. Cruikshank.

Patti Payne and Gloria King with C-PAC appeared before the Commission to discuss their Fiscal Year 2004-2005 budget.

Ms. Payne presented copies of their expenditures. Ms. Payne told the Commissioners she has four full-time and four part-time employees.

Commissioner Wender asked Ms. Payne if they would work with eight people at \$97,566.00 instead of \$112,000.

Ms. Payne told the Commissioners she feel \$120,000.00 would be enough to work with. Ms. Payne told the Commissioners that C-PAC has done a remarkable job. No decision was made.

Commissioner Wender offered a motion to go into Executive Session. Commissioner Lopez seconded.

Upon reconvening from the Executive Session, Commissioner Eskew informed in the Executive Session, Dave Pollard, County Resource Coordinator discussed the Building Code Inspectors job. No decision was made. Appointment for the Building Code Inspector is scheduled for Monday, June 28, 2004.

Commissioner Wender offered a motion that the Fayette County Commission participates in the completion of a Memorial for the City of Smithers amount \$1,000.00. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to approve Clarence Pannell amount up to \$3,500.00 for a 18" consanction and 18" culvert ditch, fence to drain swamp next to a historic church in Glen Jean. Commissioner Lopez seconded. Unanimous.

The meeting was adjourned. The next scheduled meeting is June  
28, 2004.

Kenneth P. Fisher

FAYETTE COUNTY COMMISSION

REGULAR SESSION

JUNE 28, 2004

COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 28<sup>th</sup> day of June 2004.

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

Commissioner Lopez offered a motion to approve invoices and vouchers. Commissioner Wender seconded. Unanimous.

Commissioner Wender informed the Commissioners that he is displeased with WVU Extension Service for not including the Commission with the selection of the 4-H Agent.

Commissioner Lopez told the Commissioners he would like to express his appreciation to our Legislator's for their efforts in getting grants for the County.

The Commissioners received and reviewed a letter from the Fayette County Solid Waste Authority recommending appointing Carrie Strunk to replace Paul Witt whose term expires June 30, 2004 as a member of the Fayette County Solid Waste Authority.

Commissioner Wender informed the Commissioners that making an appointment to the Solid Waste Authority the Commission is fully aware of the desire that Paul Witt would like to continue as a member of the Authority, the Commission is appreciative of Paul's efforts. The Commission has been made aware of the numerous occasions to resolve the individual and group problems. Commissioner Wender informed that he makes this motion not that Paul is not a good member but in the



best interest of the Solid Waste Authority make a motion to accept the recommendation of the Solid Waste Authority to appoint Carrie Strunk to replace Paul Witt effective July 1, 2004. Commissioner Lopez seconded. Unanimous. Order and letter of appointment signed.

Ms. Holly presented incorporated banking institutions within the County to act as County depositories for the Fiscal Year beginning July 1, 2004 (Fayette County National Bank, Branch Banking and Trust, Bank of Mount Hope) to the Commissioners.

Commissioner Wender offered a motion to approve incorporated banking institutions within the County to act as County depositories for the Fiscal Year July 1, 2004 (Fayette County National Bank, Branch Banking and Trust, and the Bank of Mount Hope). Commissioner Lopez seconded. Unanimous. Order and letters signed.

Commissioner Wender asked Ms. Holly if the County is allowed to put funds in a Credit Union?

Ms. Holly told the Commissioners she would have to check.

Commissioner Wender asked that next year to check into depositing funds for the Credit Union.

Ms. Holly informed the Commissioners that Commissioner Eskew needs to sign revised Signature Authority Form to include his name to sign any and all documents relating to the investment or withdrawal of funds with the West Virginia Investment Management Board through the West Virginia State Treasurer's Office.

The Commissioners signed letters to the West Virginia Public Service Commission and the Secretary of State giving a list of the Public Service Districts, their current board members, and the date

term end for each district.

Commissioner Wender offered a motion to approve Jesse Bibb as the Building Code Enforcement Officer effective August 1, 2004, salary \$22,500 a year and to thank the committee-Ken Eskew, Dave Pollard and Tim Richardson. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez made a motion that Budget Revision #3 for the General County Fund and Coal Severance Fund for Fiscal Year 2003-2004 be approved. Commissioner Wender seconded. All approved; budget revisions signed.

Commissioner Lopez offered a motion for Debbie Berry to write checks for any invoices she receive and hold and release on July 9, 2004. Commissioner Wender seconded. All approved.

Tim Richardson, Zoning Officer presented to the Commissioners the following cases for disposition-Case Z-495-04-1 and Z-496-04-1. Present was Leon Cooper, Chairman, Fayette County Planning Commission (See attached copies of minutes).

Mr. Richardson informed the Commissioners of the recommendation from the Planning Commission to the County Commission for an amendment to the Unified procedures, Sub Section III, Filing Procedures, C Application for Special use approval, 2: Newly proposed text to read as follows: The review will include the recommendation of the Fayette County Transition Team in Special Use application involving a commercial use.

Commissioner Wender offered a motion to amend the Unified Development Code as presented. Commissioner Lopez seconded. Vote passed 3-0. Order signed. (See attached Order)

# Fayette County Commission

## Minutes

June 28, 2004

The Fayette County Commission met in regular session, June 28, 2004, at 11:00 am. The zoning portion of this meeting as follows:

Members present: Ken Eskew, President  
John H. Lopez, Commissioner  
Mathew D. Wender, Commissioner

Also present, Leon Cooper, Chairman, Planning Commission, and Tim Richardson, Zoning Officer.

First order of business, swearing in of public that requested to be heard in zoning cases.

First request:

**Z-495-04-1:** Request of Charles E. Dummitt & Georgia Wallace, owners, for a change in land classification from R-R (Residence District) to B-4 ( Business, Major District) on, Surf 36.12/ Nr Courthouse and Surf 20.14/ Nr Courthouse, off County Route 8, Fayetteville, New Haven District.

Leon Cooper, Chairman of the Planning Commission, requested that this rezoning request be remanded to the planning commission due to a procedural oversight during the voting of the planning commission during this hearing. Matt Wender asked what was the oversight ? Cooper explained that a motion was made to vote by secret ballot and approved by the planning commission not knowing that this was a violation of the sunshine laws of procedure in public meeting and wanted the recommendation to be handled properly before it was heard by the county commission and would request this be remanded for the planning commissions July

meeting. Wender stated that it was his understanding that some of the adjoining property owners would not be available at the next hearing dates in July and felt that this matter should be tabled for now and readdressed at the county commissions meeting July 9, 2004 at 11:30 am.

**Disposition:** Motion by Matt Wender to table until the July 9, 2004 meeting. Second by John Lopez. Vote 3-0.

Next order of business:

**Z-496-04-1:** Request of John Steven Davis, contractual owner, for a change in land classification from R-2 (Residence District) to B-2 (Business, Local District) on 5+ AC of 24 Acres legally described as Surf 24, Smales Branch Rd , New Haven District.

Zoning officer stated that this is recommended by the planning commission to approve by a vote of 9-0.

Mr. Davis present , presented to the commission his plan of operation. Showing where his building would be located on the property and stated hours of operation. Matt Wender questioned, was there any opposition to this request? Zoning officer, yes, one lady, Linda Grubb opposed, concern of noise and traffic in the area.

**Disposition:** Motion to approve as recommended by John Lopez. Second by Matt Wender. Vote 3-0.


Next order of business:

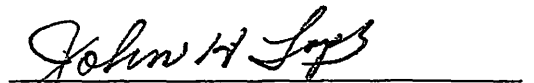
Recommendation from the planning commission to the county commission for an amendment to the UDC, Section 1007 Amendment and hearing procedures, sub-section III, Filing Procedures, C, Application for Special Use approval, 2: Newly proposed text to read as follows:

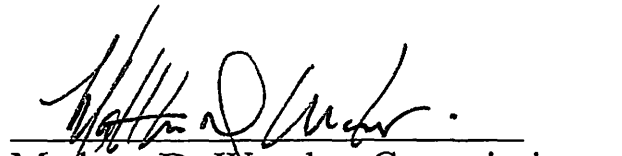
The review will include the recommendation of the Fayette County Transition Team in **Special Use applications involving a commercial use.**

**Disposition:** Motion to amend the UDC as presented and recommended by Matt Wender. Second by John Lopez. Vote 3-0.

No other business. Zoning portion of this meeting. Adjourned.

  
Kenneth Eskew, President

  
John H. Lopez, Commissioner

  
Mathew D. Wender, Commissioner

# Order

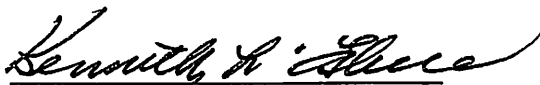
## Amendment to the Unified Development Code

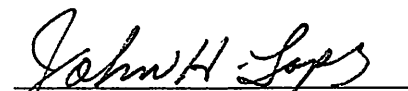
Approved by the Fayette County Commission  
June 28, 2004


Section 1007, Amendment and Hearing Procedures, sub-section III, Filing Procedures, C,  
Application for Special Use approval, 2.

Text change to read:

The review will include the recommendation of the Fayette County Transition Team in  
**Special Use applications involving a commercial use.**

  
Kenneth Eskew, President

  
John H. Lopez, Commissioner

  
Mathew D. Wender, Commissioner

Commissioner Lopez offered a motion to adjourn the County Commission for five minutes for an Executive Session. Commissioner Wender seconded.

The Commission reconvened the County Commission meeting.

Howard Hughes, Mayor of the Town of Pax and Henry Meredith appeared before the Commission to discuss the cleaning out of the creek and requesting funding for the Paint Creek Watershed.

Mr. Hughes informed the Commissioners that their By-Way application has been accepted this cover the area from Tamarack to the mouth of Paint Creek.

Mr. Hughes told the Commissioners that the Paint Creek Watershed has a lot of work to do. Mr. Hughes requested funding from the Commission.

Commissioner Wender offered a motion to allocate from the Coal Severance Fund \$1,000 to offset the cost of office expense for fiscal year 2004-2005 for the Upper Paint Creek Watershed. Commissioner Lopez seconded. Unanimous.

Mr. Hughes asked the Commission for assistance in pulling trees out of the creek. Mr. Hughes told the Commissioners he had talked with Southern Soil Conservation for assistance.

Commissioner Wender suggested to Mr. Hughes to call Southern Soil Conservation and ask them what they are expecting from the County Commission.

The Commission asked to schedule the Town of Pax and Southern Soil Conservation for July 19, 2004 at 11:0 a.m. to discuss cleaning of the creek.

The Commissioners signed a letter to the Equitable Gas Company asking that they meet with the Commission at the Fayette County Courthouse at 11:30 a.m. on Monday, July 16, 2004 to discuss the gas service agreement at the Fayette County Park and the Fayette County Animal Control Center.

Biddle Williams, Director, Pax Community Center appeared before the Commission to request funding for the Pax Community Center.

Mr. Williams told the Commissioners they have replaced the roof; painted the gym roof, redid heating for gym, new windows in gym, propane heaters in school building, upgraded wiring, Mr. Williams informed the Commissioners of all the things they need.

Commissioner Wender asked Mr. Williams if there was anything the Commission could do to encourage the City of Pax to move to the Community Center.

Commissioner Lopez asked Mr. Williams if he could get any assistance from FEMA. Mr. Williams replied no. Commissioner Lopez asked Mr. Williams to check with Steve Cruikshank, OES Director.

Commissioner Wender informed Mr. Williams that the county's carry over balance is down this year.

Commissioner Wender told Mr. Williams the Commission put in \$500.00 in the budget for the Pax Community Center.

Commissioner Wender asked Mr. Williams to encourage the City of Pax to move into the Community Center.

Commissioner Wender offered a motion to increase the Pax Community Center for Fiscal Year 2005 from \$500.00 to \$1,000.00 a request that there be a dialog with the Town of Pax and the Community



Center to discuss relocating the Town of Pax to the Community Center. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from the Fayette County National Bank informing of the securities which are pledged to the Fayette County Commission are no longer available for pledge as of July 1, 2004.

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

Commissioner Wender offered a motion to approve minutes for February 4, February 9, February 13, February 20 and February 23, 2004. Commissioner Lopez seconded. Unanimous.

Commissioner Wender requested Ms. Holly check with Dave Pollard, County Resource Coordinator regarding notices to the candidates who applied for the Building Code Officer but was not selected.

Commissioner Wender offered a motion that the monies that were allocated for Fiscal Year 2004 (\$1,000) for Minden Community Center for development of a park be a carryover from last year's allocation only, eliminate Fiscal Year 2005 allocation of \$500.00. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from Stafford Consultants, Inc. regarding copies of Estimate No. 3 for the New Haven Public Service District, Contract #13 for review and approval by the

Owner.

Commissioner Wender offered a motion to approve to write and release payrolls between now and June 30. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to pay Dog Tax Commission to the Estate of Thomas E. Aiello based upon the recommendation of the Prosecuting Attorney's Office. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to transfer \$1,000.00 from the General County Fund to the Fayette County Dog Tax Fund. Commissioner Lopez. All approved. Order signed. (See attached)

Commissioner Wender asked that the minutes show that Keith Smith did not appear for his 11:30 a.m. appointment.

The Commissioners received and reviewed Kelvin Holliday, County Clerk Annual Report for the period beginning June 1, 2003 through May 31, 2004.

The Commissioners received and reviewed a letter from the Auditor's office regarding Senate Bill 148 as it relates to collection of real and personal property taxes.

The Commissioners approved to pay the bill from Betsy Florist for black ribbon in memory of Thomas E. Aiello, amount \$5.30.

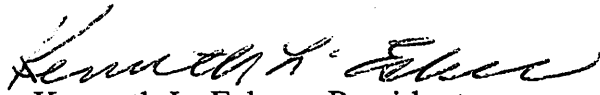
Ms. Holly asked the Commission if they were going to discuss the Fayette County Board of Education lease. Commissioner Eskew suggested holding the discussion until July.

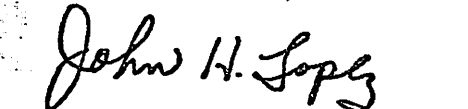
Ms. Holly informed the Commissioners that the County license plate for Southern Appalachian Labor of School has been resolved.


ORDER

On this the 28<sup>th</sup> day of June, 2004, the Fayette County Commission meeting in a Regular Session and having been made aware of the necessity to transfer funds to the Fayette County Dog Tax Fund, does hereby order the sum of \$1,000.00 be transferred from the Fayette County General Fund to said Dog Tax Fund.

FAYETTE COUNTY COMMISSION

  
Kenneth L. Eskew, President

  
John H. Lopez, Commissioner

  
Matthew D. Wender, Commissioner

The Commissioners received and reviewed a letter from the Good News Outreach, Inc. requesting funding.

Commissioner Wender suggested writing a letter informing that this Fiscal Year 2005 budget funding outside agencies has been reduced, would reconsider if County funding improves.

Commissioner Wender offered a motion to approve upgrade of the generator at the Valley Tower, amount \$1,250 for battery charger and \$2,000 to connect the entire system by Eastern Electric total amount approved \$3,250.00 to be paid out of the 911 Funds. Commissioner Eskew seconded. Unanimous.

Commissioner Lopez asked the status of the elevator.

Ms. Holly told Commissioner Lopez that the agreement has been signed, Region 4 will Administer, guidelines have to be followed. Ms. Holly told the Commissioner she do not know the status.

Commissioner Wender asked Ms. Hickman to call the Aeronautics Board prior to July 9 regarding setting a date to discuss status of the Statewide Airport System Plan.

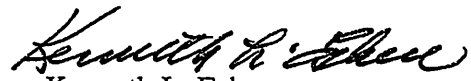
Ms. Hickman informed the Commissioners that Susan Chernenko, Director of the West Virginia Aeronautics Commission had called and scheduled an appointment for July 19, 2004 at 1:00 p.m. to discuss the Statewide Airport System Plan.

The Commissioners signed an Order approving recommendation from the Planning Commission to rezone property for John Steven Davis from R-2 (Residence District) to B-2 (Business Local District). (See attached.)

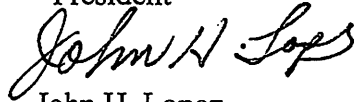
Ms. Holly to send an e-mail to Commissioner Wender to have Chris

# ORDER

On this 28<sup>th</sup> day of June 2004, it appearing to the Commission a recommendation from the Planning Commission to rezone property applied for in the name John Steven Davis, Contractual owner, zoning case Z-496-04-1, from R-2 (Residence District) to B-2 (Business, Local District) be and is hereby granted.



Kenneth L. Eskew  
President



John H. Lopez  
Commissioner



Mathew D. Wender  
Commissioner

Dyer, Housing Consultant, write a letter from the Fayette County Commission to Multi-Cap thanking them but informing them they need to proceed.

The Commissioners received and reviewed a letter from the Fayette County Beautification Committee requesting that Larry Parsons be appointed as Litter Control Officer.

Commissioner Lopez offered a motion that Larry Parsons be appointed Litter Control Officer on the Fayette County Beautification Committee effective July 1, 2004, same salary. Commissioner Wender seconded. Unanimous.

The Commissioner signed a letter to Brian Sparks, Agriculture Agent attaching a copy of a letter from Doff and Allane Young expressing their appreciation of the services that he has provided to Fayette County. The Commission also expressed their thanks for his exceptional services to the citizens of Fayette County.

The Commissioners received and reviewed a letter from the State Office of Emergency Services regarding FEMA-DR-1522-WV Hazard Mitigation Grant Program Notice of Intent. Copy forwarded to Steve Cruikshank, OES Director.

The Commissioners received and reviewed Weekly Fees Collected for the week of June 18, 2004 through June 24, 2004, amount \$350.00 from the Fayette County Animal Control Center/C-PAC.

The Commissioners received a letter from the West Virginia Division of Culture and History announcing its proposed Annual Work Program for its 2004-2005 Historic Preservation Program is now available for public review and comment.

The Commissioners received and reviewed a copy of a letter to Fred VanKirk, Secretary Department of Transportation from Senator C. Randy White regarding the Glen Jean intersection on U. S. Route 19.

The Commissioner received and reviewed thank-you note from the West Virginia Association of Counties for their resolution of support.

The Commissioners received and reviewed a letter from the West Virginia Development Office regarding the Synthetic Fuel Non-Producing Counties Fund for Fiscal Year 2004 Allocation and Uses.

The Commissioners received and reviewed a letter from the West Virginia University Extension Service informing that Deborah Tate has been selected by the West Virginia University Extension Service interviewing committee as a final candidate for the 4-H Agent position.

The Commissioners received and reviewed a letter from the West Virginia University Extension Service reminding the Commission about the Fayette County Extension Service Committee meeting scheduled for Tuesday, June 29, 2004 at 4:00 p.m. at the Work 4 WV building.

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

The meeting was adjourned at 2:20 p.m. The next scheduled meeting is July 9, 2004.



FAYETTE COUNTY COMMISSION  
SPECIAL SESSION  
MARCH 5, 2004  
COURTHOUSE

FAYETTEVILLE, WV 25840  
MEMBERS Present: Kenneth L. Eskew, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in a special session on this 5<sup>th</sup> day of March 2004.

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

Commissioner Wender offered a motion to approve vouchers and release check as submitted. Commissioner Lopez seconded. All approved.

Tom Aiello, Assessor appeared before the Commission to discuss his budget for the Fiscal Year 2004-2005.

Mr. Aiello informed the Commissioners he is requesting a \$100.00 pay increase for his employees and informed the Commission that he has included the PEIA increase in his budget.

Mr. Aiello informed the Commissioners that Eddie Young, Chief Tax Assessor who is an asset to this office is grossly under paid compared to the other Chief Tax Assessors in some of the Counties.

Mr. Aiello told the Commissioners that he had compared Mr. Young's salary with Raleigh County (\$36,600), Kanawha County (\$72,000), Mercer County (\$38,000), Boone County (\$34,000), Greenbrier (\$29,050), Harrison County (\$39,700), and Nicholas County (\$28,500). Mr. Young's salary is ranked seventh compared to the above salaries.

Mr. Aiello told the Commissioners he would like to adjust Eddie Young salary to \$32,000 and Mary K. Weatherford's salary to \$27,600.

Commissioner Wender asked Mr. Aiello about paying the salaries



out of the PVC account.

Mr. Aiello told the Commissioners that out of the PVC account he plans to purchase a new vehicle, a printer and new terminals.

Commissioner Wender told Mr. Aiello that the part-time budget for the PVC account has been reduce from last year's \$17,000 to \$12,000.

Mr. Aiello told the Commissioners that he has set aside money to give Steve Fox who oversees reappraisal a \$150.00 raise a month and Buren Renick \$100.00 raise a month.

Commissioner Eskew thanked Mr. Aiello for his cooperation and informed him that the Commission would look at his budget and see what they can do.

Sheriff William Laird appeared before the Commission to discuss his budget for the upcoming Fiscal Year 2004-2005.

Sheriff Laird informed the Commissioners he has included the PEIA increase, requesting the mandatory longevity increase for Law Enforcement, three vehicles (Crown Victoria at \$20,374.00 each).

Sheriff Laird informed the Commissioner he talked with Earl Pauley, Park Superintendent about the salvage vehicles has a few that can be auctioned off.

Sheriff Laird told the Commissioners he has two vacancies, one in the excess levy fund and one in service of process.

Commissioner Wender asked Sheriff Laird that since the City of Mount Hope, the City of Oak Hill and the Town of Fayetteville have their own deputies would this take the pressure off some of the calls for the Law Enforcement. Sheriff Laird replied no.

Sheriff Laird told the Commissioners no projected increase in

salary for the office of Treasurer and the Office of Transportation.

Discussion was held regarding the Regional Jail. Sheriff Laird told the Commissioners that there will be a \$3.50 per diem increase for housing inmates.

Sheriff Laird told the Commissioners that the salary for the Dog Warden will not increase.

Ms. Holly asked Sheriff Laird if the Retirement contribution for the deputies increased. Sheriff Laird replied no he has not received anything as of this day rate still 9.5%

Sheriff Laird asked the Commissioners to consider the Dental/Vision Plan coverage with the West Virginia Association of Counties. Sheriff Laird told the Commissioners that 22 counties have joined.

Sheriff Laird told the Commissioners he will be meeting with St. Paul Insurance next week to discuss coverage for Law Enforcement vehicles.

Sheriff Laird told the Commissioners the Animal Control Office needs an additional Dog Warden. The current salary of the Dog Warden is \$16,200. Sheriff Laird recommended upgrading the salary a little bit.

Sheriff Laird asked for an increase in the training program, wellness program and an increase to the Chief Deputy's salary from \$32,000 to \$35,000. Sheriff Laird told the Commissioners the Chief Deputy do not earn overtime.

Commissioner Wender suggested to Sheriff Laird to get in touch with James Lively, Sr. and have a representative from St Paul to come

down to discuss the insurance premiums.

Commissioner Eskew thanked Sheriff Laird for his cooperation and told Sheriff Laird they would take under advisement and get back with him.

Paul Blake, Jr., Prosecuting Attorney appeared before the Commission to discuss his budget for Fiscal Year 2004-2005.

Mr. Blake told the Commissioners he is requesting a pay increase for his employees, and that he included the PEIA increase.

Mr. Blake informed the Commissioners that his office calls have increased on weekends and at night.

Mr. Blake told the Commissioners he would like to keep his training and education, extra help line items the same as last year.

Commissioner Eskew thanked Mr. Blake for his cooperation and told Mr. Blake they would take under advisement and get back with him.

Allen Ballard, Manager, Fayette County Memorial Building appeared before the Commission to discuss his budget for the Fiscal Year 2004-2005.

Mr. Ballard informed the Commissioners of all the repairs that needed to be done at the Memorial Building: replace floor, \$19,000, doors, \$43,795, repair and paint soffit, \$14,893, install bleachers, \$70,835, 500 folding chairs, \$7,120, and Tri-State Roofing \$38,017.

Discussion was held regarding the restroom on the first floor and a water fountain.

Commissioner Wender offered a motion to authorize Mr. Ballard to purchase up to \$2,000 for materials to repair the restroom on the first floor to be handi-cap accessible and install a water fountain.

Commissioner Lopez seconded.

Mr. Ballard informed the Commissioners he had a request from Carol Learmonth, Coach of the Fayetteville High School Girls Softball team requesting the use of the Memorial Building for softball practice.

Commissioner Wender offered a motion to follow Mr. Ballard's recommendation to give permission for the Fayetteville High School Girls Softball team the use of the Memorial Building for softball practice, if the floor is refinished this summer this will be the last year. Commissioner Lopez seconded. Unanimous. A letter signed.

Commissioner Wender offered a motion for Mr. Ballard to purchase mats for the Memorial Building not to exceed \$1,200 to be paid out of the Memorial Building material and supplies line item budget.

Commissioner Lopez seconded. All approved.

Ms. Holly informed the Commissioners she received an Agreement from the West Virginia Development Office for Legislative Digest Grant for Southern Appalachian Labor School (SALS) for renovation. The Commissioners signed the Agreement.

Ms. Holly informed the Commissioners that based on the certified values she received from the Assessor's Office the values are down by \$64,838.

Ms. Holly informed the Commissioners she received a request from the Weatherization Program for \$5,000.00.

Commissioner Lopez suggested holding off on all the outside agencies request for now.

Ms. Holly informed the Commissioners that Brian Rakes an employee

at the Animal Control Center was discharged.

Ms. Holly informed the Commissioners that she received an invoice from Allen Ballard for contracted services for work done at the Fayette County Sheriff Department Detective Bureau, amount \$640.00. Ms. Holly told the Commissioners that this should be overtime not contracted services.

Ms. Holly informed the Commissioners the Small Cities Block Grant implementation meeting with the West Virginia Development Office for the Southern Appalachian Labor School dormitory and the courthouse elevator project will be at the Fayette County Courthouse at 9:30 a.m. on Friday, March 12, 2004.

The Commissioners received and reviewed from the Fayette County Animal Control Center/C-PAC Activity Report, Monthly Revenue Report, and Weekly Fees Collected for the week of February 20, 2004 to February 26, 2004, amount \$450.00 and the week of February 27, 2004 to February 29, 2004, amount \$75.00.

The Commissioners received and reviewed a letter from Patti Payne, Manager, Fayette County Animal Control Center/C-PAC asking that Stacy Workman attend the Euthanization Training Seminar at Fairmont State.

Commissioner Wender asked what would the consequence be if the Commission not do this, this year. Commissioner Wender suggested having Ms. Payne to come in on Monday to discuss the budget.

Ms. Holly informed the Commissioners she received the fully Executed Legislative Digest Grant for the Fayette County REACT and the Fayette County Courthouse.

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

The Commissioners received and reviewed 911 Fees checks from Nos Communication, Inc., amount \$4.00, Z-Tel Communications, Inc., amount \$4.00, Fibernet, amount \$1,811.96; Franchise Fees checks from Charter Communication, amount \$3,936.86.

The Commissioners received and reviewed from the West Virginia Treasurer for gasoline excise tax 60 a refund for \$13,922.99.

The Commissioners received a letter from the Danese Public Service District requesting that the Commission reappoint Gary Holcomb a member of the Danese Public Service District Board, term to expire 2010.

Commissioner Lopez offered a motion to reappoint Gary Holcomb, a member of the Danese Public Service District. Commissioner Wender seconded. Unanimous. Order and an appointment letter signed.

The Commissioners received and reviewed the proposal from the Fayette County Urban Renewal Authority.

The Commissioners received and reviewed a letter from David Neal, E911 Coordinator with price quotation received from Tessco for replacement antennae and transmission line (for fire and law radios) on the tower at the E911 Center, amount \$3,353.45, estimated cost to install is \$400.00 to \$600.00.

Commissioner Lopez offered a motion to approve payable out of the 911 Fund \$3,900 to install and replace antennae and transmission line at the tower at the E911 Center. Commissioner Eskew seconded. Unanimous.

Ms. Holly informed the Commissioners she received a Notice of Impending Default Judgement for Parking Violation from New York City. Ms. Holly informed the Commissioners that she checked with Earl Pauley, Park Superintendent and was told that the Suburban was not in New York.

The Commissioners asked Ms. Holly to check with Carl Harris, Assistant Prosecuting Attorney to see if the County had to pay.

The Commissioners signed an invoice to the Fayette County Board of Education for rent for the Memorial Building for the month of March, amount \$4,583.33.

The Commissioners received and reviewed a letter from Armstrong Creek regarding flooding problem.

The Commissioners asked that this be forwarded to Steve Cruikshank, OES Director to follow-up and respond.

The meeting was adjourned at 1:24 p.m. The next scheduled meeting is March 8, 2004.

  
\_\_\_\_\_

FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
MARCH 8, 2004  
COURTHOUSE

FAYETTEVILLE, WV 25840  
MEMBERS Present: Kenneth L. Eskew, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in a regular session on this 8<sup>th</sup> day of March 2004.

Commissioner Eskew called the meeting to order at 9:18 a.m.

Commissioner Wender offered a motion to approve vouchers as submitted. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve first half payrolls, payrolls to be released on March 12, 2004. Commissioner Wender seconded. Unanimous.

Kelvin Holliday, County Clerk appeared before the Commission to discuss his budget for Fiscal Year 2004-2005.

Mr. Holliday told the Commissioners he would like to see them implement the Job Description Study, requested access to the internet in the Commission Office, requested hiring one employee or increase his part-time line item, increasing Sherry Davis salary the same as Treatha Sexton, overtime for Linda Johnson (\$2,000), increasing travel to \$3,000 for Election Center Training, increasing dues and subscription from \$200 to \$300, increasing record book line items.

Commissioner Lopez informed Mr. Holliday the Commission would take under advisement and get back with him.

Leon Cooper, Chairman, Fayette County Planning Commission appeared before the Commission to discuss his budget for Fiscal Year 2004-2005.



Mr. Cooper informed the Commissioners he is requesting a salary increase from \$33,096.00 to \$37,896.00, a decrease in the travel line item from \$6,000 to \$2,000.

The Commissioners thanked Mr. Cooper for his cooperation and informed him they would take under advisement and get back with him.

Thelma Kincaid, Circuit Clerk appeared before the Commission to discuss her budget for the Fiscal Year 2004-2005.

Ms. Kincaid informed the Commissioners she is requesting a \$100.00 pay increase for her employees and an additional raise of \$200 for her Chief Deputy, requesting an increase in her travel line item to \$500.00, and requesting a copy machine for her office.

The Commissioners thanked Ms. Kincaid for her cooperation and informed her that they would consider her request and get with her.

Diane Meadows, Family and consumer Service Agent, Brian Sparks, Agriculture Agent, and Amber Jones, Nutritionist from the West Virginia University Extension Office appeared before the Commission to discuss their budget for the Fiscal Year 2004-2005.

Ms. Meadows informed the Commissioners she is requesting a LCD Projector, copier machine, an increase of \$700 for travel, an increase of \$400 for office supplies, new carpet for the office, need a new door to front office, the door not sturdy enough.

The Commissioners asked Ms. Meadows to get estimates on carpet and speak to James Perdue, Maintenance Supervisor regarding the front door.

The Commissioners thanked Ms. Meadows for her cooperation and informed her the Commission would take under advisement and get back

with her.

Commissioner Lopez suggested rescheduling the May 10 meeting to May 7. After a brief discussion the Commission decided to leave the County Commission on May 10, 2004.

The Commission recessed the County Commission meeting at 11:20 a.m.

The County Commission meeting reconvened at 1:35 p.m.

The Commissioners unanimously authorized Dave Pollard, County Resource Coordinator to draft a letter to the West Virginia Economic Development Authority to inform them that the Fayette County Commission has established a Fayette County Urban Renewal Authority on February 9, 2004 and that it is their intent to assign the West Virginia Economic Development Authority Grant Committee funds totaling \$2,000,000 to the Fayette County Urban Renewal Authority.

Commissioner Eskew informed the Commissioners he received a letter from Stephen Davis regarding potential flooding hazards on Paint Creek near Pax, as a result debris accumulating on the piers of an abandoned railroad bridge involving Norfolk Southern Corporation property.

The Commissioners asked that a letter be sent to Norfolk Southern Corporation requesting that they investigate this complaint and take corrective measures to alleviate this problem.

Ms. Holly informed the Commissioners that she received property values from Tom Aiello, Assessor, with these values they would have to change classification to Class III. Ms. Holly told the Commissioners they would have to enter an order changing classification effective

July 1, 2004.

Earl Pauley, Park Superintendent appeared before the Commission to discuss his budget for the Fiscal Year 2004-2005.

Mr. Pauley told the Commissioners his request for the Maintenance Garage-Requesting and increase in salary for Dan Pauley of \$11.00 per hour, requesting extra help for garage assistant starting at a salary of \$6.50 per hour increase of \$.50 after ninety days evaluation period, requesting an additional \$5,000 for maintenance and repairs, requesting a 4-port lift for the garage and two jacks (\$62.45 each \$124.90).

Mr. Pauley discussed the full-time and extra help salary for the Park total amount requested \$283,250.83.

Mr. Pauley asked that Richard Dix be hired full-time, salary be increased from \$6.15 an hour to \$7.25 an hour.

Mr. Pauley informed the Commissioners that they need a driveway mat to build a new road above the pool, cost would be \$450.00, asphalt to replace road way to the pool in front of office and canteen, cost \$2,00.00, concrete Cabin 3 front and back cost \$859.20, a rec. hall front porch, cost \$608.60, Beckley Stone, cost \$655.00, total cost for Capitol Outlay/Building 46,722.80.

Mr. Pauley informed the Commissioners of the Capital Outlay-Equipment need for the Park-a new Holland rear mount finishing mower (\$1,950.00), Kubota Diesel Tractor (\$13,000.00), and a 6" Squealer (Brush Hog) (\$750.00) the total cost \$15,700.00.

Commissioner Wender asked Mr. Pauley if any of this equipment could be brought used.

The Commissioners thanked Mr. Pauley for his presentation and informed him the Commission would review and get back with him.

Patti Payne, Manager, Angela Davis, and pat Payne members of C-PAC appeared before the Commission to discuss the budget for the Fiscal Year 2004-2005.

Ms. Payne presented an update of expenses for the Fayette County Animal Control Center/C-PAC for October 2002 to February 2004 and an update of the payroll expenses from October 2002 to February 2004 to the Commissioners.

Ms. Payne informed the Commissioners that the biggest increase is the payroll which increased from six employees to ten employees.

Ms. Payne asked the Commission if they would approve for Stacy Workman to attend the Euthanization Training at Fairmont State.

Commissioner Wender offered a motion for Stacy Workman to attend the Euthanization Training at Fairmont State. Commissioner Lopez seconded. All approved.

Ms. Payne asked the Commission if they would consider paying \$14,000 a month allotment.

The Commissioners thanked Ms. Payne for her presentation and informed her that the Commission would review and get back with her.

Angela Davis asked the Commission if the shooting range would be moved to another location.

The Commissioners received and reviewed the press release from Dave Pollard, County Resource Coordinator announcing the receipt of three grants from the Courthouse Records Management and preservation Board total \$31,790.00.

The Commissioners received/reviewed and approved an invoice from Giannini Construction for removal of trees from the creek at Armstrong Creek.

The Commissioners received and reviewed a copy of a letter to the New York City Department of Finance from Carl Harris, Assistant Prosecuting Attorney regarding a parking ticket that was invoiced to the Commission issued on December 19, 2003, Notice D008617918, Summons No. 3870600020, License Plate #31081WV.

The Commissioners received and reviewed a letter from the Department of Tax and Revenue informing they reviewed several natural resource accounts for possible appraisal errors for Tax Year 2004. Their review indicates that a clerical error was made and it was recommended that a mineral appraisal change be made.

The Commissioners received and reviewed a copy of a letter from Powellton Coal Company, LLC regarding Community Impact Statement Amendment previously filed a statement for Existing Permit S-3003-01. Original forwarded to Tim Richardson, Zoning Officer.

The Commissioners received and reviewed a letter to Superintendent Helen Whitehair dated March 4, 2004 concerning the presence of work release inmates at the Fayette County Memorial Building.

The Commissioners received/reviewed and approved an invoice from Chris Dyer, Fayette County Housing Consultant, amount \$2,500.00.

The Commissioners received and reviewed Rental Agreement for the use of the Soldier's Sailor Memorial Building from Woodrow Wilson High School.

The Commissioners received and reviewed a copy of a letter from Sheriff Bill Laird to Debbie Aliff, Payroll Clerk informing that effective March 1, 2004 he has appointed Matthew Kessler to a vacant position of a deputy sheriff with the Fayette County Sheriff's Department. The established rate of pay for this probationary appointment is to be \$1,953.42 per month or \$23,441.04 per year to be paid out of the General County Fund.

The Commissioners received and reviewed several correspondences from the Worker's Compensation Division.

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

The Commissioners received and reviewed a fax from Senator Shirley Love regarding Senate Bill 653.

The Commissioners received and reviewed a copy of a letter from the Fayette County Housing and Economic Opportunity Council, Inc. sent to Jack Buckalew, President Board of Directors, Multi-Cap, Inc. thanking them for meeting with their delegation on Monday, February 23 to discuss the funding of our housing and economic opportunity effort here in Fayette County.

The Commissioners received and reviewed 911 calls to the 911 Center for the month of January 2004.

The Commissioners received and reviewed a check from the West Virginia Development Office for HUD/SCBG Fund-New Haven Public Service District-paint Creek/Plum Orchard Water Extension, amount \$2,764.71.

The Commissioners received and reviewed a copy of a letter from Norfolk Southern Corporation to the Surface Transportation Board

consenting to the issuance of a notice of interim trail use or abandonment for the 1.75-mile of a railroad between milepost WL-0.0 at Oak Hill Jct., and milepost WL-1.75 at oak Hill in Fayette County and a notice of interim trail use or abandonment for the 2.8-mile line of a railroad between milepost OH-0.0 at Oak Hill and milepost OH-2.8 at Carlisle.

The Commissioners received and reviewed an e-mail to John David informing him of the SCBG Implementation meeting with the West Virginia Development Office for the Southern Appalachian Labor School (SALS) dormitory and the courthouse elevator projects being held at the Courthouse at 9:30 a.m. on Friday, March 12, 2004.

The Commissioners received and reviewed a notice from the State Tax Department informing of the West Virginia Sales and Use Tax changes for Year 2004. Original forwarded to Earl Pauley, Park Superintendent.

The Commissioners received and reviewed a letter from the Internal Revenue Service informing of a Statement of Adjustment to the Fayette County Commission account.

The meeting was adjourned at 4:50 p.m. The next scheduled meeting is March 15, 2004.

  
\_\_\_\_\_

FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
MARCH 15, 2004  
COURTHOUSE  
FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 15<sup>th</sup> day of March 2004.

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

Commissioner Lopez offered a motion to approve invoices and vouchers. Commissioner Wender seconded. All approved.

Commissioner Lopez informed the Commissioners that Earl Pauley, Park Superintendent had called him this morning requesting to purchase fertilizer. Commissioner Lopez informed the Commissioners he approved but not to exceed \$2,500.00 for the fertilizer.

Ms. Holly presented a SCBG drawdown for the New Haven Public Service District Water Extension Project-Saturday Road/Horseshoe Creek Water Extension, Contract 12, amount \$27,391.31. to the Commissioners for Angie Sleeth with Region 4 Planning and Development Council

Commissioner Lopez made a motion to approve and authorize the payment of said services. Commissioner Wender seconded. Unanimous. Resolution signed.

Ms. Holly presented to the Commissioners a SCBG drawdown for the New Haven Public Service District Water Extension Project-Paint Creek/Plum Orchard Water Extension, Contract 13, amount \$3,418.73.

Commissioner Wender made a motion to approve and authorize the payment of said services. Commissioner Lopez seconded. Unanimous. Resolution signed.



Ms. Holly told Commissioner Wender that the Commission did receive a response from the Division of Aeronautics Commission informing that at their meeting in October they made a draft presentation to the Commission and there are a few revisions and updates being made to the document. Once the final document is completed, they will schedule a meeting for the Commission.

Commissioner Wender asked Ms. Holly to inquire about the status of this meeting.

Ms. Holly informed the Commissioners she received two agreements from CSX Transportation for lease covering usage of land at Deepwater, Fayette County, West Virginia for the Deepwater Civitain Park.

Commissioner Wender offered a motion to authorize Commissioner Ken Eskew, President of the Fayette County Commission to sign Supplement Agreement with CSX Transportation. Commissioner Lopez seconded. All approved.

Ms. Holly told the Commissioners that on a follow-up of the parking ticket from New York City, she talked with Earl Pauley, Park Superintendent he informed her that the blue Suburban had not been to New York the tags had been assigned to a vehicle that was salvaged.

Ms. Holly told the Commissioners that Deputy Bob Godsey had filled out an NCA and the prosecuting Attorney did a follow-up letter.

Ms. Holly told the Commissioners that Steve Cruikshank, OES Director sent up invoices to be paid out of the buyout program that was approve by FEMA. Ms. Holly informed the Commissioners that she would have to check the amount of the bids with Mr. Cruikshank.

Commissioner Wender made a motion to approve subject prior to Ms.

Holly or Debbie Berry checking with Mr. Cruikshank to see if the amounts are consistent with the bids they received. Commissioner Lopez seconded. All approved.

Ms. Holly asked the Commissioners if Dave Pollard, County Resource Coordinator had given them a copy of the letter he had typed to Frederick Armstrong, Archives and History. The Commission replied yes.

Ms. Holly presented a request from C-PAC for their February monthly allotment, amount \$11,998.82 to the Commissioners.

Commissioner Wender offered a motion to approve subject to Ms. Holly reviewing reports. Commissioner Lopez seconded. All approved.

Barbara Painter with the Weatherization program appeared before the Commission to request funding.

Ms. Painter told the Commissioners that the Weatherization Program for the next fiscal year will be cut drastically and asked that the Commission write a letter of intent for funding. Ms. Painter told the Commission the total cost for office rent is less than \$10,000.00.

Ms. Painter presented statistics on what the Weatherization Program has done in Fayette County to the Commissioners.

The Commission thanked Ms. Painter for her presentation.

Rodney Myers, Director of the Fayetteville Jail Museum appeared before the Commission to request more room.

Mr. Myers told the Commissioners of the number of visitors that visits the jail.

Mr. Myers asked the Commissioners if they could mount a sign

about 2½' wide on the courthouse lawn to show the location of the Jail Museum. The Commission approved.

Commissioner Wender asked Mr. Myers how many members are on the Jail Museum board? Mr. Myers replied five.

Commissioner Lopez told Mr. Myers that the Commission needs to visit the second floor of the jail to see what kind of space if any they could come up with.

Commissioner Wender suggested to Mr. Myers to getting a plaque for Ann Cody to recognize her outstanding work she's done.

Commissioner Wender informed the Commissioners he received a letter from the Public Defender Board requesting that Kenneth Roop be removed as a member of the Public Defender Board. The commission asked Carl Harris, Assistant prosecuting Attorney to respond.

Patty Cole appeared before the Commission to voice her complaint regarding how Paul Blake, Prosecuting Attorney handled her daughter's death. Present was Paul Blake, Prosecuting Attorney, Carl Harris, Assistant Prosecuting Attorney.

Discussion was held, and Commissioner Eskew told Ms. Cole that the County Commission doesn't have any jurisdiction regarding this case.

Mr. Blake told the Commission that Ms. Cole can't accept the death of her child.

David Neal, E911 Coordinator appeared before the Commission to inform them that he received a call from Jeff Johnson at General Ambulance asking if they could station an ambulance in the Hico area.

David Goff with General Ambulance told the Commissioners he had

heard that there was a need for an ambulance in the Hico area.

Mr. Neal told the Commissioners that the area call volume not there as far as ambulance service.

Commissioner Wender informed the Commission wants to make sure we have adequate service in the county.

The Commissioners asked where are the ambulance stationed.

Mr. Neal told the Commissioners that Jan-Care has stations in Ansted, Mount Hope, Danese, Gauley Bridge and Montgomery and two in the Oak Hill area; General Ambulance has stations in Alloy, Mount Hope, and Oak Hill.

Todd Cornett with Jan-Care Ambulance Service told the Commissioners that he has trucks in the Ansted and Danese area feels that the Commission should have come to Jan-Care if a station needed to be added in Hico.

Marianne Whipkey, Council member for the Town of Ansted informed the Commissioners that Jan-Care Ambulance is involved with their Town the majority of the calls are from Mossey on up. Ms. Whipkey told the Commissioner if the Town loses the truck that Jan-Care has placed it would be detrimental to the town of Ansted.

Commissioner Wender asked Ms. Whipkey do the folks in Ansted feel they have adequate service.

Ms. Whipkey replied they get excellent coverage.

Commissioner Wender suggested to the Commission to table any decision for 90 days and asked David Neal to monitor the number of calls received in the area and report back to the Commission.

Commissioner Lopez asked David Neal, Jan-Care and General

Ambulance if any of them had any complaints from the Page-Kincaid area. They all replied no complaints have been made.

Commissioner Wender offered a motion that David Neal, E911 Coordinator reports back to the Commission in 90-days and they will review the process. Commissioner Lopez seconded. All approved.

The Commission recessed the County Commission meeting for lunch at 12:20 p.m.

The Commission reconvened the County Commission meeting at 1:20 p. m.

Cynthia Jones, secretary Danese Public Service District appeared before the Commission to request extending the boundaries of Danese Public Service District.

Ms. Jones presented maps of the existing boundaries and told the Commissioners they had met with the Town of Meadow Bridge to discuss picking up Beelick Knob approximately 270 customers.

Ms. Holly informed the Commissioners of the steps Danese Public Service district would have to take to extend the boundaries.

Commissioner Wender asked Dave Pollard, County Resource Coordinator to follow with a letter to the Danese Public Service District to inform them of the procedures to be taken. Mr. Pollard told the Commissioners he would talk with John Stark regarding the procedures that needed to be taken to extend the boundaries.

Ms. Holly presented a copy of a complaint filed by Virgil Payne against Tim Richardson, Zoning Officer, and Belinda Sue Morton, Esq. to the Commissioners. Copies forwarded to Tim Richardson, Dave Pollard and Carl Harris, Assistant Prosecuting Attorney.

The Commissioners received and reviewed from 4-C Economic Development Authority a copy of the Fayette County brochure and asked that any suggestions or changes would be appreciated.

Ms. Holly presented for approval the minutes of December 15, 2003, January 5, 2004, January 12, 2004 and January 3, 2004 to the Commissioners. No action taken.

Ms. Holly presented to the Commissioners for their signatures a copy of the Fayette County Planning and Zoning minutes of February 23, 2004.

Commissioner Wender offered a motion to approve Fayette County Planning and Zoning minutes of February 23, 2004. Commissioner Lopez seconded. All approved.

The Commissioners approved to send Beth Gardner with the Oak Hill Rail-Trail Committee the Commission FEIN Number.

Ms. Holly informed the Commissioners that she received a request from David Neal, E911 Coordinator requesting a letter of authorization to attend a Forensic Class to get credit on his EMT licenses.

Commissioner Wender suggested telling Mr. Neal that he need to attend a class more to his need.

The Commissioners received and reviewed a fax from Jim lively Insurance regarding insurance renewal for 2004. Mr. Lively informed the Commission that they are looking at a 7% to 8% renewal on the West Virginia Public entity book of Business Rates and suggested to the Commission to budget for a 10% increase to cover the increased coverages and new vehicles.

Commissioner Wender asked if there was anything the Commission

could do on regarding the policy coverage.

The Commission approved purchase of a computer for the 911 Center and purchase of a generator for the Valley tower site but did not authorize the extension to the building to house the generator.

Ms. Holly asked the Commission if they wanted to discuss the memorial Building Lease.

Commissioner Wender asked that a letter be written to the Fayette County Board of Education regarding renewing their lease to the Memorial Building. Commissioner Wender informed the Commission they should renew lease for one year, the Board to share 50/50 cost for repairs to the floor and include the expenses that incurred for the years.

The commissioners received and reviewed a letter from the Fayette County Urban Renewal Authority from Keith Richardson, Building Code Officer requesting the initial 10% drawdown of funds for the Building Code Department.

The Commissioner received and reviewed an e-mail from Keith Richardson requesting to be connected to the AS400 computer.

The Commissioners asked to have James Perdue, Maintenance Supervisor to run cable. Commissioner Wender suggested asking Mr. Richardson to see if Tom Aiello would allow him to connect with his system.

The Commission informed they would under take the cost of running the cable and suggested getting a technician to assistant.

The Commission received and reviewed a request from the Heritage Festival Committee and a request from the West Virginia Rural Health

Education Partnership requesting permission for the use of the Memorial Building.

Commissioner Wender offered a motion to approve the request of Rivers and Bridges Consortium to use the Memorial Building for a community health promotional event on June 24 and June 25, 2004. Commissioner Lopez seconded. All approved.

Commissioner Wender offered a motion to approve the request of the Heritage Festival Committee to use the Memorial Building for their Annual Heritage Festival Arts and Crafts show being held on July 2, 3, and 4, 2004. Commissioner Lopez seconded. All approved.

The Commission received and reviewed a letter from Attorney Phil Tissue regarding the New Haven Public Service District water extension Phase IIIA (Stringtown Road, Sunday Road, Hawver Road, Beauty Mountain, Miller Ridge Road) to remind it to continue to submit its applications for funding to Small Cities and AML at the appropriate time with respect to application for funding. The Commissioners asked that this be forwarded to Dave Pollard, County Resource Coordinator to respond.

The Commission received and reviewed correspondences from the Workers' Compensation Division.

The Commission received and reviewed a check from the West Virginia Development Office for Legislative Digest Grant 04-230-Upper Kanawha Valley Ballfield Lights.

The Commission received and reviewed a letter from the West Virginia AFL-CIO informing the Commission that they are in receipt of a letter of commitment for \$100,000.00 to further serve the funding



necessary to complete the Fayette Hills Unity Apartments project.

The Commission received and reviewed a letter from Phil Perone, Sanitarian informing of an accident he had on Rich Creek Road. Ms. Holly informed the Commissioners that Linda Shieler has faxed the information to Jim Lively Insurance.

The Commission received and reviewed a letter from Delegate David Perry, acknowledging receipt of the Commission Budget Digest Request and will at the appropriate time, present the Commission request and advocate for it to the best of his ability.

The Commissioners received and reviewed the Weekly Fees Collected from the Fayette County Animal Control Center/C-PAC for the week of March 1, 2004 to March 5, 2004, amount \$245.00.

The Commission received and reviewed several faxes from the County Commissioners' Association of West Virginia.

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

The Commission received and reviewed a letter from the Children Memorial Flag Day informing that April is Child Abuse Prevention Month and in conjunction, the 7<sup>th</sup> Annual National Children's Memorial Flag Day is April 23.

The Commission received and reviewed a letter from Steptoe and Johnson regarding the lawsuit of Gary K. Skaggs v. Micah Feltner, etal.

The Commission received and reviewed a notice from Branch Banking and Trust Company (BB&T) informing that as of February 29, 2004 CATO-MERIDIAN NY SC securities were held as collateral to serve the

deposits of Fayette County.

The Commission received and reviewed a Pledge Statement from SunTrust Bank with a list of the securities pledged for the Fayette County Commission as of February 27, 2004.

The Commission received and reviewed a notice from the Environmental Training asking the Commission to join them in the Appalachian Mountains from July 27-30 at the West Virginia University for the Small Communities 2004 seminar.

The Commissioners received and reviewed a letter from the West Virginia Development Office enclosing a copy of the proposed 2004 HUD Consolidated Action Plan Draft and Schedule of the Public Hearings.

The Commissioners received and reviewed a letter from the West Virginia Development Office inviting the Commission to participate in a strategic planning field forum in Ashland, Kentucky on Friday, March 26 to assist the Appalachian Regional Commission (ARC) in the development of a strategic plan to guide future economic and community development work in the Appalachian Region.

The Commissioners received and reviewed a letter from Paul Blake, Prosecuting Attorney informing that as of June 23, 2003, no unasserted possible claims or assessments which would affect the audit of the financial statements of the county and no probable unasserted claims pending as of that date or since that date up to and including the date of his letter. A copy of the letter was forwarded to Julia Bolen, Auditor.

The Commissioners received and reviewed a letter from the Department of Tax and Revenue informing they reviewed the natural

resource accounts for AWIAK, LTD possible appraisal errors for Tax year 2004 and their review indicate that a clerical error was made and they have provided the recommended mineral appraisal changes.

The Commissioners received and reviewed a remittance by the County Assessor for February 2004 to the State Treasurer's Office, amount \$109.50.

The Commissioners received and reviewed a letter to the West Virginia Economic Development Authority informing that it is the intention of the Fayette County Commission to assign the West Virginia Economic Development Grant Committee funds totaling \$2,000,000 to the Fayette County Urban Renewal Authority.

The Commissioners received and reviewed a letter from the Secretary of State enclosing an updated lists of clerks who will be conducting absentee voting by mail and early voting in person for the primary election.

The Commissioners received and reviewed a letter from the Secretary of State informing that the deadline for appointing poll workers is March 23 and enclosed a brief summary of the appointment process.

The Commission adjourned the County Commission meeting and reconvened for a Budget Work Session.

Ms. Holly told the Commissioners that as of today she has preliminary figures.

Ms. Holly told the Commissioners that the projected fund balance for the General County Fund is \$1,009,600 the end of February; she plugged in \$100,000 for the Primary Election, \$700,000 beginning fund

balance, \$63,000 allowed for rent of the Memorial Building, plugged in expenditures for PEIA, Regional Jail, \$160,533.

Ms. Holly told the Commissioners that the Regional Jail cost was \$763,320 this year it's \$822,000, Ms. Holly told the Commissioners that PEIA has a Plan A and Plan B (higher deductions). Commissioner Wender suggested going to Plan B.

Ms. Holly told the Commissioners the Coal Severance Fund projection total is \$208,050. Ms. Holly informed the Commissioners of the commitments for Fiscal Year 2004-2005: 4-C (\$49,958), OES (\$5,000), Spay/Neuter program (\$12,000), Kanawha Falls PSD-Boonesbury (\$10,000), SWA-audit, liability ins. (\$15,000), Sheriff cruisers (\$66,198 minus one), outside agencies (\$155,458).

The Commissioners asked that Steve Cruiskhank, OES Director be put on the agenda to give an update FEMA animal shelter final inspection and reimbursements.

The meeting was adjourned at 4:50 p.m. The next scheduled meeting is March 19, 2004.

  
\_\_\_\_\_

FAYETTE COUNTY COMMISSION  
SPECIAL SESSION  
MARCH 19, 2004  
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a special session on this 19<sup>th</sup> day of March 2004 to discuss the Fiscal Year Budget 2004-2005.

The Commissioners discussed Manuel Domingues and Michael Allen's question on building permit fees.

Commission Eskew informed the Zoning Commission did follow the rules, they got the documentation and everything was advertised.

Keith Richardson informed the Commissioners that in May of 2003 the Commission acted on a recommendation from the Fayette County Planning Commission to increase the commercial rate from one half of 1 percent to 1 percent of the cost of construction. Mr. Richardson told the Commissioners that the residential rate is \$3.00 per square.

Commissioner Wender asked if the Commission should have waited to change the cost of construction.

Commissioner Lopez suggested sending letters to Manuel Domingues and Allen and Sons Construction informing them of what all been done.

Commissioner Wender suggested that Mr. Richardson write a letter to Allen and Sons Construct and send a copy to Manuel Domingues to inform them that a public hearing was scheduled, was properly advertised, and public notice was given regarding the increase for commercial rates from one half of 1 percent to 1 percent of the cost of construction.

Mr. Richardson asked the Commission if he will continue to be a

county employee but paid out of the Economic Development Grant Committee fund.

Commissioner Eskew informed Mr. Richardson that the money will flow through the County.

Mr. Richardson asked for a first quarter budget of \$26,400 for April, May, and June.

Ms. Holly informed the Commissioners she thinks the Commission should get an opinion from Carl Harris, Assistant Prosecuting Attorney before making any decision.

Ms. Holly presented the list of poll workers from the Democratic and Republican Executive Committees and the Emergency Absentee Deputies from Kelvin Holliday, County Clerk for the Presidential Primary Election being held May 11, 2004 to the Commissioners.

Commissioner Lopez made a motion to approve the lists of poll workers from the Democratic and Republican Executive Committee and the Emergency Absentee Deputies from Kelvin Holliday, County Clerk for the Presidential Primary Election being held May 11, 2004. Commissioner Wender seconded. Unanimous.

Ms. Holly informed the Commissioners she received the contract from the West Virginia Development Office for Southern Appalachian Labor School (SALS) Legislative Digest Grant, amount \$5,000.00.

Commissioner Lopez offered a motion to authorize Kenneth Eskew, President, Fayette County Commission to act in connection with the contract for its proper executive and implementation and approve and authorize the adoption of said Resolution. Commissioner Wender seconded. Unanimous.

The Commissioners adjourned the County Commission meeting at 10:30 a.m. and reconvened for the Budget Work Session for Fiscal Year 2004-2005.

*Kenneth W. Edue*

FAYETTE COUNTY COMMISSION  
SPECIAL SESSION  
MARCH 24, 2004  
COURTHOUSE

FAYETTEVILLE, WV 25840  
MEMBERS Present: Kenneth L. Eskew, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in a special session on this 24<sup>th</sup> day of March 2004 to finalize the Fiscal Year Budget 2004-2005 and to review and change classification.

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

The Commissioners asked Ms. Holly to notify the Public Officials and Department Heads that they will review the budget at 1:00 p.m.

Commissioner Wender offered a motion to approve vouchers as presented. Commissioner Eskew seconded. Unanimous. Vote passed 2-0.

Commissioner Wender offered a motion to approve payrolls for the 2<sup>nd</sup> half of March payroll, payrolls to be released on March 30<sup>th</sup>. Commissioner Eskew seconded. Unanimous. Vote passed 2-0.

The Commissioners received and reviewed a letter from Mayor Melanie Dragan informing that the U. S. Postal Services is about to remove the zip code and replace it with the zip code of Glen Jean, Ms. Dragan is asking the Commission for assistance in seeking a "unique zip code status" for Thurmond.

Commissioner Wender offered a motion that Mayor Dragan draft a letter on behalf of the Commission to go on record as supporting the retention of the zip code for Thurmond and the Commission will send copies to all parties designated. Commissioner Eskew seconded. Vote passed 2-0.

The Commissioners signed a letter to Allen and Sons Construction



regarding their questions on building permit fees.

Commissioner Lopez offered a motion to approve James Perdue, Maintenance Supervisor overtime. Commissioner Wender seconded. All approved.

The Commissioners received and reviewed a letter from Larry Farley regarding ATV's.

Ms. Holly informed the Commissioners they need to take action on the classification change.

Ms. Holly informed the Commissioners it has been certified by the Assessor's Office Chapter 7, Article 7 that Fayette County is put in a new section.

Commissioner Lopez offered a motion to approve order accepting the new property value increase and that Fayette County is moved from Class IV to Class III effective July 1, 2004. Commissioner Wender seconded. Unanimous.

The Commissioners received and reviewed a thank-you letter from Penny Hill, widow of C. R. "Bud" Hill.

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.

The Commissioners signed a letter to the Fayetteville Rotary Club endorsing the promotion of fitness of the Fayetteville Fitness Committee for Fayette County.

The Commissioners adjourned the County Commission meeting at

10:10 a.m. until 1:00 p.m.

The Commissioners reconvened for the Budget Session. Commissioner Eskew called the meeting to order at 1:15 p.m. Commissioner Eskew thanked the public officials for attending.

Commissioner Eskew informed they were here today to adopt the Budget for the Fiscal year 2004-2005.

Present for the adoption of the Fiscal Year 2004-2005 Budget was Sheriff Bill Larid, Paul Blake, Prosecuting Attorney.

Commissioner Eskew gave a brief summary of what the Commission approved for the Fiscal Year 2004-2005 Budget.

Commissioner Eskew informed the Coal Severance Tax is down and there is an increase in the PEIA premium, Regional Jail cost and the Liability insurance.

Commissioner Eskew told the public officials that because of the decrease in revenue, the only increase in salary would be the mechanic at the Fayette County Park, and Keith Richardson, Building Code Officer.

Commissioner Eskew informed the Commission would review revenues in May and June time frame to see if any increases can be made.

Commissioner Eskew informed the PEIA increased about 8% the County will pick up the full amount of \$43,000 for all employees.

Commissioner Eskew informed that they transferred one law enforcement employee into the General County Fund.

Commissioner Eskew informed that the county assessment changed and this moves the County from Class IV to Class III.

Sheriff Laird told the Commissioners he is investigating a grant

possibility for a service of processor employee.

Paul Blake asked that the Commission cut out some of the dog pound cost, should not be all on the County.

Mr. Blake asked Ms. Holly what is the amount awarded to him for his Fiscal Year Budget 2004-2005.

Ms. Holly replied \$511,003 this includes the change in classification and the PEIA increase.

Mr. Blake asked the Commission if there's a change in revenue between now and July 1<sup>st</sup> would there possibly be some modifications.

The Commission replied they would review and get back with him.

Commissioner wender asked Mr. Blake about the upcoming Levy in February.

Sheriff Laird informed the Commissioners he received notification that Fayette County has been awarded a Local Law Enforcement Block Grant through the Division of Criminal Justice Service.

Sheriff Larid told the Commissioners that this grant requires a matching fund of \$1,111.00 which has been authorized to be paid from the Concealed Weapon Fund.

Commissioner Lopez offered a motion to enter into a contractual agreement with the West Virginia Division of Criminal Justice Services to receive and administer grant funds pursuant to provisions of the West Virginia Local Law Enforcement Block Grant Program. Commissioner Wender seconded. Unanimous. Resolution signed.

Sheriff Laird informed the Commissioners he would like for them to apply for a Juvenile Justice and Delinquency Program Grant (JJDP).

Sheriff larid told the Commissioners that this grant is intended

to provide \$48,996.00 or approximately 75% of the salary cost for the employment of one deputy sheriff starting July.

Commissioner Wender offered a motion for Sheriff Larid to apply for the Juvenile Justice and Delinquency Program Grant (JJDP) and the Commission would authorize the hiring of one deputy sheriff, to be paid out of the process of service line item. Commissioner Lopez seconded. All approved.

Commissioner Wender offered a motion that Commissioner Eskew is authorized to sign the document once application is complete. Commissioner Eskew seconded. All approved.

Commissioner Lopez offered a motion to adopt the Budget for Fiscal Year 2004-2005 for the General County Fund and the Coal Severance Fund. Commissioner Wender seconded. Unanimous.

Ms. Holly informed the Commissioners they will meet on the third Tuesday in April to Lay the Levy.

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

The meeting was adjourned at 2:40 p.m. The next scheduled meeting is March 29, 2004

  
\_\_\_\_\_

FAYETTE COUNTY COMMISSION

REGULAR SESSION

MARCH 29, 2004

COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 29<sup>th</sup> day of March 2004.

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

Eddie Young, Chief Tax Assessor presented to the Commissioners' exonerations to be approved and signed.

Commissioner Wender offered a motion to approve and sign exonerations as presented by the Assessor's Office. Commissioner Eskew seconded. All approved.

Commissioner Wender offered a motion to approve vouchers as presented. Commissioner Lopez seconded. All approved.

Ms. Holly presented overtime to be approved for Allen Ballard, Debbie Berry and Jackie Hickman.

Commissioner Wender offered a motion to approve 14 hours overtime for Allen Ballard. Commissioner Lopez seconded. All approved.

Commissioner Wender offered a motion to approve 62.45 hours overtime for Debbie Berry. Commissioner Lopez seconded. All approved.

Commissioner Wender offered a motion to approve 64½ hours overtime for Jackie Hickman. Commissioner Lopez seconded. All approved.

Ms. Holly presented a request for annual leave from Allen Ballard from April 5<sup>th</sup> to April 9<sup>th</sup> to the Commissioners. The Commissioners

approved.

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 2004.

Commissioner Wender informed the Commissioners he received a letter from Kelvin Holliday, County Clerk requesting a reduction in Camp Kismet camping fees from the mandated \$650.00 to \$300.00 to \$350.00 for their one week stay at the Fayette County Park.

Commissioner Lopez offered a motion to reduce Camp Kismet camping fees from \$650.00 to \$325.00 for their one week stay at the Fayette County Park. Commissioner Wender seconded. Unanimous.

Commissioner Wender asked to put on the agenda for April 12<sup>th</sup> to discuss the New River Bridge Day Commission members.

Discussion was held regarding a vehicle for David Neal, E911 Coordinator for the 911 Center.

Commissioner Wender offered a motion to prepare bid specs and advertise for the appropriate vehicle for the 911 Center, payment would come out of the 911 Funds. Commissioner Lopez seconded. Unanimous.

Commissioner Wender asked the Commission to authorize Allen Ballard and Ray St. Clair to do the work on the remodeling of the Oak Hill Council Chambers for 4-C Economic Development Authority.

Commissioner Wender informed the Commission that the Commission would supply the labor and 4-C would pay for the labor and purchase of the materials, approximate cost \$5,000.00. Commissioner Wender told the Commission it would not cost the County anything, the City of Oak

Hill will give 4-C a five-year lease.

Commissioner Wender offered a motion to authorize Allen Ballard and Ray St. Clair to do the work on the remodeling of the Oak Hill Council Chambers, 4-C to pay for the labor and materials, City Hall will give 4-C a five-year lease. Commissioner Lopez seconded.

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

The Commissioners received and reviewed a letter from CBS 59 News inviting the Commission to announce their community events on their station. Their community calendar airs during the Morning Show from 5:00 a.m. to 7:00 a.m. Monday through Friday and "Live at 5 p.m." broadcast Monday through Friday.

The Commissioners received and reviewed a letter from the West Virginia School of Osteopathic Medicine informing that the Department of Health and Human Services has developed the "Diabetes Detection Initiative: Finding the Undiagnosed" and as part of this initiative in southern West Virginia and in association with the 25<sup>th</sup> Anniversary of the Northern Greenbrier Health Clinic the West Virginia Diabetes Prevention and Control Program and the West Virginia Primary Care Association is sponsoring a special day of recognition for Fayette and Greenbrier Counties on March 25, 2004, beginning at 1:00 p.m. at the Northern Greenbrier Health Center in Williamsburg.

The Commissioners received and reviewed from the West Virginia Development Office a Guide for Preparing a Small Cities Block Grant Proposal.

The Commissioners received and reviewed minutes from Page-Kincaid

Public Service District for the months of February and March 2004.

The Commissioners received and reviewed a letter from St. Paul Fire and Marine Insurance Company acknowledging receipt of Claim #GP09310942 09 T005 (complaint filed by Virgil Payne).

The Commissioners received and reviewed the State handbook of Economic, Demographic, and Fiscal Indicators 2003 from AARP.

The Commissioners received and reviewed a letter from the West Virginia Development Office enclosing a copy of the United States Department of Labor's Semi-Annual Labor Standards Enforcement Report.

The Commissioners received and reviewed a fax from the Numbers Institute to Governor Bob Wise requesting that the Governor exercise his right of veto on the proposed state planning and zoning law, Senate Bill 454.

The Commissioners received and reviewed checks for 911 Fees from AT&T Communications of WV (\$66.00), Verizon (\$37,113.36), and Metro-Teleconnect Companies (\$37.24); a check from the Fayette County Board of Education for rent for the month of March (\$4,583.33); a check from the Woodrow Wilson High School for rent for the Memorial Building for the Boys Sectional (\$400.00); a reimbursement from the Family Law Master for rent for the month of March (\$2,025.00); a reimbursement for TRIDENT overtime (\$1,128.33).

The Commissioners received and reviewed a letter from the Department of Tax and Revenue informing they reviewed the natural resource account on Fletcher Mining Company and their records indicate the recommended mineral appraisal changes.

The Commissioners received and reviewed a letter from the



Department of Tax and Revenue enclosing a summary of the county's appraisal ratio study.

The Commissioners received and reviewed a memorandum from the West Virginia Development Office enclosing a copy of the proposed 2004 HUD Consolidated Action Plan Draft and Schedule of Public Hearings.

The Commissioners received and reviewed a letter from All American Investment Group, LLC (AAIG) announcing the opening of their East Coast Division in Charlotte, North Carolina.

The Commissioners received and reviewed Surface Transportation Board decision and Notice of Interim Traid Use or Abandonment STB Docket #AB-290 (Sub. No. 232X)-Norfolk Southern Railway Company-Abandonment Exemption in Fayette County.

The Commissioners received and reviewed a copy of a letter from the Fayette Transition Team to Dempsey Holstein regarding providing housing fire protection provided with his domestic water service.

The Commissioners received and reviewed a letter from David Ziegler with Ziegler and Gunnoe, LC informing that he represents the Region I Local Elected Officials Board and the Region I Workforce Investment Bond and has been advised on an informal basis that the formula used by the Governor's Workforce Investment Division to allocate funds among the seven regions in the State is about to be changed.

The Commissioners received and reviewed Official Oath of Office's from Shannon Estep Member of the Fayette County Enhanced Emergency Telephone System Advisory Board and from Gary Holcomb Member of the Danese Public Service District.

The Commissioners received and reviewed a copy of a letter from Sheriff Bill Laird to the Workers' Compensation Division regarding Stacy Workman's claim.

The Commissioners received and reviewed a letter from Barbara Painter with the Fayette County Weatherization enclosing the census information that was given to her in January 2004.

The Commissioners received and reviewed a letter from Senator Randy White informing the Commission of the Legislation bills that could affect the local county government (the ATV safety regulation, the phase in of Hotel-motel taxes after annexation by a municipality, fee increases within specific offices, election reform, and the funding of the Prosecuting Attorney's Institute).

The Commissioners received and reviewed Weekly Fees Collected from the Fayette County Animal Control Center/C-PAC week of March 12, 2004 to March 18, 2004, amount \$425.00 and the week of March 19, 2004 to March 25, 2004, amount \$470.00.

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

The Commissioners received and reviewed a letter from the West Virginia Development Office thanking the Commission for attending and participating at the Implementation meeting for the Fayette County Commission's Courthouse Elevator/SALS contract project last week (March 12, 2004).

The Commissioners received and reviewed a letter from Senator Shirley Love enclosing a copy of the West Virginia Bill Status Report.

The Commissioners received and reviewed from Stafford

Consultants, inc. an updated contact listing for the New Haven Public Service District Contracts 13 & 14. Copy forwarded to Dave Pollard, County Resource Coordinator.

The Commissioners received and reviewed a letter from Jan-Care Ambulance Service, Inc. thanking the Commission for taking the time to look into their concerns over the positioning of an ambulance for 9-1-1 calls within the County.

The Commissioners received and reviewed a letter from the Department of Health and Human Resources informing that the Bureau for Medical Services (BMS) is required by Federal law 42CFR433.138 to identify all third party medical resources for children in child support and/or Medicaid families. Original forwarded to the Payroll Clerk.

The Commissioners received and reviewed a letter from Acordia Employees Service informing of the new location of their Ohio office- 170 Northwoods Boulevard, Suite 210, Columbus, Ohio.

The Commissioners received and reviewed letters from Region 4 Planning and Development Council informing they are in possession of the Commissions proposal for public financial assistance for Countywide Wastewater Equivalency Plan, Wolf Creek Park-EDA Pre-Application proposal for public financial assistance, and Oak Hill Rail Trail Acquisition proposal for public financial assistance.

The Commissioners received and reviewed an anonymous letter voicing their opinion regarding Deputy Chuck Moses shooting incident.

The Commissioners approved Steve Cruikshank, OES Director request to pay invoices from the Hazard Mitigation Buyout Program.

Commissioner Eskew informed the Commissioners he had a conference call this morning with the West Virginia Economic Development Authority regarding allowing the Fayette County Urban Renewal Authority to drawdown \$1,150,000. Commissioner Eskew informed the Commission that Dave Pollard, County Resource Coordinator will prepare the Request for Payment documents. Commissioner Eskew informed the Commission that Mr. Pollard will notify W. D. Smith, Executive Director, Region 4 Planning and Development Council.

Ms. Holly asked the Commissioners if minutes were ready to be approved. The Commissioners took no action on minutes today.

Ms. Holly told the Commissioners she received a response from the Department of Highways regarding the Glen Jean intersection, they agreed to pave the highway at the Armory, construction will begin this summer and end this fall.

Ms. Holly told the Commissioners that there was no mention of what they would do for the Glen Jean intersection.

The Commissioners asked Ms. Holly to write a letter requesting that they attend a meeting of the Fayette County Commission to explain the design of the Glen Jean intersection.

Commissioner Wender suggested that a copy of the letter be sent to our Legislators and General Allen Tackett.

The Commission recessed at 10:20 a.m. to visit the jail to view and discuss storage space.

The Commission reconvened the County Commission meeting at 11:20 a.m.

Dave Pollard, County Resource Coordinator appeared before the

Commission to present recommendations by the Fayette County Planning Commission.

Mr. Pollard presented the first order of business to the Commissioners: 1) a recommendation from the Planning Commission to the County Commission to adopt an ordinance that is required by the State Fire Commission in order to enforce the Building Codes.

Mr. Pollard told the Commission that the Building Code Official had received an ordinance from the State Fire Marshall that is required to be inserted in the local code in order to enforce the state building code.

Commissioners Wender made a motion to accept the recommendation of the Fayette County Planning Commission and to adopt the ordinance as required. Commissioner Lopez seconded. Vote passed 3-0.

Mr. Pollard presented the next order of business: 2) A recommendation to the Fayette County Commission to accept the redevelopment plan submitted on the Wolf Creek project by the Fayette County Urban Renewal Authority.

Mr. Pollard informed the Commissioners that the Planning Commission recommendation to accept the plan was forwarded to the County Commission on a 9-0 vote.

Commissioner Lopez made a motion to accept the recommendation of the Fayette County Planning Commission to accept the redevelopment plan submitted on the Wolf Creek project by the Fayette County Urban Renewal Authority. Commissioner Wender seconded. Vote passed 3-0.

Mr. Pollard informed the Commissioners that the Building Code fees are to start May 1, but suggested to the Commission to hold off

recommendation until April.

The Commissioners signed title from the City of Mount Hope for purchase of a 2001 Ford Expedition, amount \$11,900.00.

Kelvin Holliday, County Clerk appeared before the Commission to discuss the upcoming Presidential Primary Election.

Mr. Holliday reminded the Commission that on May 4 at 9:00 a.m. they will test the tabulator and at 10:00 a.m. check voting devices.

Mr. Holliday told the Commissioners that training for the election class starts April 29 at 6:00 p.m. Commissioner Wender asked Mr. Holliday to work with James Perdue, Maintenance Supervisor regarding opening and closing doors during this time.

Mr. Holliday told the Commissioners he needed the County Commission room open on April 12; need to have at least one dozen workers to bring votamics down?

The Commissioners asked Mr. Holliday to talk with Debbie Aliff, payroll Clerk about working the election training class.

The Commissioners recessed for lunch at 12:20 p.m.

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

Discussion was held regarding the payroll and overtime for the Presidential Primary Election.

Commissioner Wender told Mr. Holliday that he should have the authority to approve overtime for his employees only.

Commissioner Lopez told Mr. Holliday that he was in charge of the election not the payroll. Commissioner Lopez told Mr. Holliday he can monitor his employees hours.

The Commissioners signed a letter to C & E Corporation regarding his letter urging the Commission to vote against all zoning proposals that would allow for an additional Wal-Mart and shopping center expansion.

The Commissioners asked that a letter be written to C & E Corporation to inform them that this zoning issue is a request before the Town of Fayetteville and not the Fayette County Commission. Therefore, they have no vote in the decision.

The Commissioners signed a letter to Allen Ballard, Manager, Fayette County Memorial Building informing that the request of Rivers and Bridges Consortium the use of the Memorial Building for a community health promotional event, did meet the public, non-profit guidelines and, consequently the Commission approved and the \$1,000.00 rental fee will be waived.

The Commissioners signed a letter to Allen Ballard, Manager, Fayette County Memorial Building informing that the request of the Heritage Festival Committee the use of the Memorial Building for their 2004 Annual Heritage Festival Arts and Crafts Show on July 2, 3, and 4, 2004, did meet the public, non-profit guidelines and, consequently the Commission approved and the \$1,000.00 rental fee will be waived.

The Commissioners signed a letter to Manual Yancey, Grand Dragon Knights of the Ku Klux Klan denying their request for use of the Fayette County Courthouse steps to conduct a rally on the grounds of the Courthouse on August 14, 2004 at 2:00 p.m.

Ms. Holly informed the Commissioners that the County Commissioners' Association of West Virginia is having a Planning

Session on Thursday, April 15 and Friday, April 16, 2004.

Ms. Holly told the Commissioners she received a call from Cellular One regarding the demo cell phones.

Ms. Holly asked the Commissioners if they wanted Cellular One to give us a proposal. The Commissioners replied no.

The Commissioners approved for Ms. Holly to purchase cell phone for Stacy Workman, Dog Warden from Cellular One.

The Commissioners approved for Ms. Holly to attend several Seminars in Charleston.

Ms. Holly told the Commissioners she received an invoice from Software System for the work in the Voter's Registration Office, amount \$2,275.00.

Commissioner Wender approved to pay an invoice as submitted by Software Systems but write a letter to request reimbursement from the Secretary of State for \$2,275.00 for work. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from Dave Pollard, County Resource Coordinator to the West Virginia Development Office enclosing an original and one copy of the final report for the Fayette County Commission Flex-E-Grant Using the Tools (04ARCP0111) and a request for final payment.

The Commissioners received and reviewed a letter from Governor Bob Wise informing that the Local Law Enforcement Block Grant for \$10,000.00 has been approved.

The Commissioners signed a letter to the West Virginia Development Office requesting first and final drawdown for the Fayette



County Health Department renovations, amount \$10,000.00 (Legislative Grant 04-033).

The Commissioners signed a letter to the Fayette County REACT (Grant #04-433) enclosing a copy of the Agreement for the Legislative Digest grant in the amount of \$3,000.00 for the purchase of communication and safety equipment from the Governor's Local Economic Development Assistance Grant Program.

The Commissioners signed a letter to the Fayette Emergency Food Assistance Center (Grant #04-431) enclosing a copy of the Agreement for the legislative Digest grant in the amount of \$5,000 for the installation of an air-conditioning system from the Governor's Local Economic Development Assistance Grant Program.

The Commissioners received and reviewed a letter from the City of Mount Hope giving an update on the City of Mount Hope-Project #03SCBG0065-Kilsyth Sewer Extension/Plant Upgrade. Commissioner Eskew requested that Dave Pollard, County Resource Coordinator attend the next project meeting being held Thursday, April 29, 2004 at 11:00 a.m. at the Mount Hope Housing Authority.

The Commissioners received and reviewed a letter from the West Virginia Economic Development Authority informing they accept the request to transfer the grantee from the Fayette County Commission to the Fayette County Urban Renewal Authority.

The Commissioners received and reviewed from the West Virginia Economic Development Authority the revised version of the Disbursement Agreement.

The Commissioners received and reviewed a letter to Senator

Shirley asking that he vote against Senate Bill 60 and that he speak out against any proposed legislation that will reduce water quality regarding Senate Bill 60 which would remove the water quality rule setting authority from the Environmental Quality Board and establish a new Water Quality Board made up of West Virginia agency directors and a move by certain groups to weaken current West Virginia Water Quality Standards and to remove the list of trout streams and lakes from the Water Quality Stands.

The Commissioners received and reviewed a thank-you card from the C. R. "Bud" Hill Family.

The Commissioners received and reviewed a letter from Joyce Saunders regarding a complaint against Deputy Dempsey. Copy forwarded to Sheriff Bill Laird.

The Commissioners received and reviewed an e-mail from the Fayette County Chambers of Commerce informing that Saturday, April 3, 2004 a cleanup has been scheduled for 8:00 a.m. to 11:30 a.m. in Fayette County.

The Commissioners received and reviewed an e-mail from Commissioner Wender to Ms. Holly regarding C-PAC allotment check.

The Commissioners received and reviewed an e-mail from the Fayette County Housing Economic Opportunity Council giving an update on Multi-Cap.

The Commissioners received and reviewed an e-mail from Commissioner Wender to Ms. Holly asking that a copy of the Fayette County Job Classification Study be sent to Sandy Smith with the Jefferson County Commission.

The Commissioners received and reviewed an e-mail from the Fayette County Chambers of Commerce requesting assistance for the completion of the Statue for the Fayette County Courthouse.

The Commissioners received and reviewed an e-mail from Commissioner Wender to C-PAC regarding the County Budget for Fiscal year 2004-2005.

The meeting was adjourned at 3:10 p.m. The next scheduled meeting is April 12, 2004.

  
\_\_\_\_\_

FAYETTE COUNTY COMMISSION  
SPECIAL SESSION  
MAY 4, 2004  
COURTHOUSE

FAYETTEVILLE, WV 25840  
MEMBERS Present: Kenneth L. Eskew, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in a special session on this 4<sup>th</sup> day of May 2004.

Commissioner Eskew called the meeting to order at 8:10 a.m.

Steve Cruikshank, OES Director appeared before the Commission to request that they approve flood insurance payment for the Fayette County Animal Shelter, amount \$580.00.

Commissioner Wender offered a motion to authorize payment of the flood insurance premium for the three buildings at the Fayette County Animal Shelter, amount \$580.00. Commissioner Eskew seconded.

Mr. Cruikshank told the Commissioners once the insurance is in place FEMA will release the 10% payment.

Commissioner Wender suggested writing a letter to Jim Lively Insurance and asks that they revisit the sight of the buildings to see if they can get some relief on the premium.

Commissioner Wender offered a motion to approve the vouchers and checks. Commissioner Eskew seconded.

Commissioner Wender offered a motion to approve payrolls, payrolls to be released on May 14, 2004. Commissioner Eskew seconded.

The Commission recessed to go up to the third floor to test the tabulator and votomatics.

Commissioner Wender offered a motion to approve 10 workers to work on May 5 to carry down election supplies. Commissioner Lopez

seconded.

Eddie Young, Chief Tax Assessor presented to the Commissioners the mineral assessed values from 1997 to the present.

Exonerations were approved and signed.

The Commissioners signed a letter to the WVU Extension Service recommending Joyce P. Carte for the Fayette County 4-H Extension Agent opening.

Ms. Holly presented to the Commissioners for their signature Business for WV Data Reports. Ms. Holly told the Commissioners that Tim Richardson, Zoning Officer had completed the form.

The Commissioners approved incorporated banking institutions within the County to act as County depositories for the Fiscal year beginning July 1, 2004 (Fayette County National Bank, Branch Banking and Trust (BB&T), Bank of Mount Hope, United National Bank, Bank One Beckley, WV N.A., and City National Bank of WV). Orders and letters signed.

Commissioner Wender offered a motion to approve to combine or divide and segregate land for Leonard D. and Rebecca Stottle as presented by the Assessor's Office. Commissioner Lope seconded.

Howard Hughes, Mayor City of Pax and Henry Meredith appeared before the Commission to request funding for the Upper Paint Creek Watershed.

Mr. Hughes told the Commissioners that he's asking Raleigh and Fayette Counties for \$3,500.00.

Commissioner Wender asked Mr. Hughes what other source of funding has he applied for.

Mr. Hughes told the Commissioners that they have applied for grants, but there are no grants out there for your day to day expenses.

Commissioner Lopez told the Mr. Hughes that the Commission cannot make a decision today. Ms. Holly would know more about the County's expenditures around the middle of June.

Commissioner Wender asked Mr. Hughes to give the Commission and update on the Scenic Byways.

Mr. Hughes told the Commissioners that volunteer Cindy Phillips is working on an application for funding a scenic drive from Sandstone to the Tamarack.

Commissioner Wender asked Mr. Hughes and Mr. Meredith if they would come back the last of June to discuss further the funding for cleaning out the creeks.

Commissioner Wender suggested getting inmates to help clean-up the creek. Commissioner Wender informed he would talk with Sheriff Larid regarding this.

Gerry Lowe, a representative of Lanier Worldwide Inc. appeared before the Commission and presented two quotes for a new copier for the Circuit Clerk's Office-1)-LD145 Digital Copier-State contract purchase price \$7,188.00 with Finisher Bridge automatic staples, \$8.00 monthly service, Monthly service and supplies for up to 45,000 copies \$186.23 and 2)-LD075 Digital Copier State contract purchase price \$13,670.00, monthly service and supplies for up to 80,000 copies \$325.87.

Commissioner Wender offered a motion to purchase the LD145

Digital Copier (\$7,188.00) with a sorter (\$1,110.00) as soon as possible. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to purchase the monthly service and supplies agreement for \$186.23 understanding that this service commence 90 days after the purchase of the copier. Commissioner Lopez seconded. Unanimous.

Dave Pollard, County Resource Coordinator and Tim Richardson, Zoning Officer appeared before the Commission to discuss the vacancy of the Building Code Inspector.

Discussion was held, Commissioner Eskew asked if there were any potential contractors, Commissioner Wender suggested that the Commission need someone who can administer the workload and someone to write up job description.

Mr. Pollard informed the Commissioners he could ask Randy Spilman or Mark Schott to write up the job description.

Commissioner Wender asked Mr. Pollard to write up job description and advertise in the Beckley, Montgomery and Oak Hill papers.

Commissioner Wender offered a motion to advertise for two weeks for a Building Code Inspector, cut-off date for advertising May 22, applications would be due by May 26 and to schedule interviews for May 28 and May 31. Commissioner Lopez seconded.

The Commission asked that Dave Pollard and Tim Richardson take part in the interviewing.

Commissioner Eskew suggested running advertisement for 15 to 20 days with option to extend if needed.

Commissioner Wender asked Mr. Pollard, Commissioner Eskew and Mr.

Richardson to pick two other individuals to assist.

Discussion was held regarding holding a meeting June 4 to discuss June 14, June 18, and June 28 for target dates for employment of the Building Code Officer.

Commissioner Wender offered a motion to amend is motion to include that Tim Richardson and Dave Pollard to work with variations of dates to hire Building Code Officer.

Commissioner Wender asked Mr. Pollard if the Commission received any allocations from the West Virginia Housing Development Fund.

Mr. Pollard told Commissioner Wender that this is a request for a first drawdown in the amount of \$3,135.00 on the \$75,000.00 grant for the Building Code implementation.

Ms. Holly told the Commissioners she received the reissued check from the West Virginia Housing Development Fund in the amount of \$3,135.00 for the Fayette County Building Code Enforcement Program.

Commissioner Wender asked Mr. Pollard if they should notify Randy Moore of the reissued check. Mr. Pollard replied yes.

Commissioner Wender offered a motion to go into Executive Session with Paul Blake, Prosecuting Attorney and Carl Harris, Assistant Prosecuting Attorney to discuss the terms and conditions of the deed for the Berwind Land property. Commissioner Lopez seconded.

Commissioner Lopez moved to reconvene the County Commission meeting. Commissioner Wender seconded.

Earl Paul, Park Superintendent called to inform that he had Frank McKinney, Tree Surgeon to cut down a tree at the Fayette County Park, cost \$900.00 due to safety issue a branch fail and burned grill on



suburban.

Commissioner Lopez offered a motion to pay Frank McKinney \$900.00 to remove the tree at the Fayette County Park. Commissioner Wender seconded.

Commissioner Wender asked Mr. Pauley about the road problem in Glen Jean.

Commissioner Lopez informed he would talk with Mr. Cobb with the Division of Highways regarding this matter.

The Commissioner recessed for lunch at 12:40 p.m.

The Commission reconvened the County Commission meeting at 2:01 p.m.

Commissioner Eskew and Commissioner Wender informed they had approved for Carl Harris, Assistant Prosecuting Attorney to have a 1:00 conference call with Berwind Land Company to discuss the deed.

The Commissioners signed an order having been advised of the need to substitute certain securities pledged on behalf of the Branch Banking and Trust (BB&T) releasing said securities provided that securities will be substituted simultaneously and that Fayette County funds deposits with said banking institution will not be unsecured.

The Commissioners received and reviewed a letter from David Neal, E911 Coordinator informing of the hiring of Chadwick Neal as a Probationary part-time Communications Specialist. Mr. Chadwick will begin working April 29, 2004 at an hourly rate of \$6.1.

The Commissioners signed a letter to the Reverend Robert and Catherine Roberts thanking them for their selfless and generous home repair work, conducted in cooperation with the new affordable housing

program in Fayette County, during the week of April 26 through April 30, 2004.

The Commissioner received and reviewed a quote for the purchase/installation of a new PC in the Payroll Office.

The Commissioners signed a letter to the West Virginia Development Office regarding the Wolf Creek Park Project.

The Commissioner received and reviewed a letter from the Fayette County Chapter American Red Cross thanking the Commission for their support by providing the funding for the Disaster Response Trailer.

The Commissioner received and reviewed a letter from Stafford Consultants Incorporated regarding New Haven Public Service District Phase IIIA Shawvers Bridge Road (John Crookshanks).

The Commissioner received and reviewed a fax from the National Association of Counties asking the Commission if they could consider participating in the 457 Deferred Compensation Program.

The Commissioner received and reviewed a copy of a letter to Congressman Nick Rahall from Public Service Commissioner informing that Roger Caldwell's request for water service on Highland Mountain Road near Ansted has been referred to the Water and Wastewater Division for response.

The Commissioner received and reviewed a copy of Stacey Workman's, Dog Warden Quarterly Report.

The Commissioner received and reviewed a letter from Stafford Consultants, Inc. regarding New Haven Public Service District Contract 13 Periodic pay Estimate No. 2.

The Commissioner received and reviewed a copy of the memorandum

to the Fayette County Employees from Alloy Employees Federal Credit Union regarding membership.


The Commissioner received and reviewed from the Fayette County Animal Control Center/C-PAC Weekly Fees Collected for the week of April 9 to April 15, 2004, amount \$450.00.

The Commissioner received and reviewed checks for Franchise Fees from Charter Communications, amount \$23,843.97.

The Commissioner received and reviewed several correspondences from the Workers' Compensation Division.

The Commissioner received and reviewed the 50% allotment to the New River Convention and Visitors Bureau for Hotel Occupancy Tax for Oct.-Nov.-Dec., 2003, amount \$7,358.40 and Hotel Occupancy Tax for Jan.-Feb.-Mar., 2004, amount \$2,750.79.

The meeting was adjourned at 2:10 p.m. The next scheduled meeting is May 10, 2004.

  
\_\_\_\_\_

FAYETTE COUNTY COMMISSION  
SPECIAL SESSION  
COURTHOUSE  
MAY 10, 2004  
FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a special session on this 10<sup>th</sup> day of May 2004.

Commissioner Eskew called the meeting to order.

Commissioner Eskew informed that the purpose of this meeting is the closing on the Berwind Land Company property.

Commissioner Eskew informed the Commissioners that the Fayette County Urban Renewal Authority had a conference call at 8:30 a.m. to discuss Administration details.

Dave Pollard, County Resource Coordinator presented information to the Commissioners regarding the Fayette County Urban Renewal Authority.

Mr. Pollard asked the Commissioners to take action on authorizing Region 4 Planning and Development Council to be the administrator for the By-laws and maintain financial records for the Fayette County Urban Renewal Authority.

Commissioner Wender offered a motion to authorize Region 4 Planning and Development Council to administer By-laws and maintain records for the Fayette County Urban Renewal Authority. Commissioner Lopez seconded. Unanimous.

Mr. Pollard recommended to the Commissioners to purchase the Berwind Land Company property for \$1,150,000.00.

Commissioner Wender made a motion to accept recommendation of Mr.

Pollard to purchase the Berwind Land Company property for \$1,150,000. Commissioner Lopez seconded. Unanimous.

Commissioner Eskew thanked the Senators, Delegates and all who participated in this project and asked to continue negotiations.

Commissioner Wender gave highlights and a background summary on how the Wolf Creek Project came about.

Commissioner Wender thanked Dave Pollard, County Resource Coordinator, Paul Blake, Prosecuting Attorney, Carl Harris, Assistant Prosecuting Attorney, and Woody Thrasher, Thrasher Engineering for their assistance.

Commissioner Wender told everyone that he is pleased to turn over to the Fayette County Urban Renewal Authority the control of the Wolf Creek Project and the Commission will continue to work with individually.

Commissioner Eskew informed that a lot of people needed to be thanked.

Commissioner Lopez informed he would like to mention and thank Ron Sedlock, Don Beals and Cardinal Realty.

Carl Harris, Assistant Prosecuting Attorney informed the Commissioners that the Berwind Land Company deed has been prepared.

Commissioner Eskew presented the \$1,150,000.00 check to Ron Elliott, Berwind Land Company.

Berwind Land Company presented the deed (1.055 acres) to the Commission.

R. B. Hunt presented the option money refund of \$50,000.00 to the Commissioners. Mr. Hunt told the Commissioners he was pleased to work

with the Commission on the Wolf Creek Project and hope the plan goes forward.

Mr. Elliott told the Commissioners this will have a great impact on Fayette County and he was pleased to have a part in the project and was privileged to work with Ron Sedlock and Don Beals with Cardinal Realty.

The Commissioners thanked Berwind Land Company for their gifts to the Fayette County Commission.

Dave Pollard, County Resource Coordinator to meet with the Project Engineer at 1:00 p.m. and the Planner at 3:00 p.m.

The grant has been approved for a two-foot contour packet.

Ms. Holly reminded the Commissioners that they will meet on May 19, 2004 to certify the Presidential Primary Election results.

Commissioner Lopez offered a motion to release the election and canvass workers' payrolls on May 14, 2004. Commissioner Wender seconded. Unanimous.

Ms. Holly reported the meeting with David Jolloy and Commissioner Eskew regarding the Courthouse Securities Grants to the Commissioners.

Ms. Holly told the Commissioners that she's not sure of the time line there's a chance it may not be completed.

Ms. Holly told the Commissioners she have contacted Dan Snead with D. J. Snead Associates regarding the courthouse window replacements.

Ms. Holly told the Commissioners they would have to enter into a contract with an architect.

Ms. Holly asked the Commissioners if they should advertise or

enter into an agreement with Dan Snead. Ms. Holly told the Commissioners that Mr. Snead sent a copy of the Code.

Ms. Holly told the Commissioners they should advertise for the courthouse windows but feels the architect should be Dan Snead with all he has done, feels he would understand the protect.

Commissioner Wender offered a motion to advertise for procurement of windows for the Fayette County Courthouse. Commissioner Lopez seconded.

Ms. Holly presented to the Commissioners for Steve Cruikshank, OES Director, the final inspections report for the Animal Shelter.

Ms. Holly told the Commissioners that FEMA approved \$26,560.32-\$14,560.32 worth of overrun expenses incurred in repair of the existing buildings and \$12,000.00 for a temporary relocation shelter.

Ms. Holly informed the Commissioners that she did ask Mr. Cruikshank if this included the 10% withheld on the new shelter.

Mr. Cruikshank told Ms. Holly he did not know but he would check with John Hayden, FEMA.

Mr. Cruikshank told Ms. Holly he doubled checked with Mr. Hayden was told that this \$26,560.32 did not include the 10% withheld on the new shelter.

Ms. Holly informed the Commissioners that she asked Mr. Cruikhsank if FEMA would pay for the cages for the temporary shelter. Mr. Cruikshank replied he did not know but has asked John Hayden to look at, approximately \$8,900.00 for cages open but not ruled out.

Mr. Cruikshank informed that based on all this, the OES Director recommends he be allowed to sign off on the documents. Mr.

Cruikshank informed the Commission that by signing this, it does not mean the Commission accepts, but this allows FEMA to pay.

Ms. Holly informed the Commissioners that this does not include the paving of the road.

Commissioner Wender asked Ms. Holly what she recommends.

Ms. Holly told the Commissioners she recommend Commissioner Eskew sign authorizing Mr. Cruikshank to sign documents. Ms. Holly informed the Commissioners that this does not waive the right for further review.

Commissioner Wender offered a motion to authorize Commissioner Ken Eskew to sign documents acknowledging that the Fayette County Commission was made aware of cost with the understanding that this does not waive right of further review. Commissioner Lopez seconded. Unanimous.

Commissioner Wender informed the Commissioners he called Judy Radford, Executive Director 4-C Economic Development Authority on Friday and was told that Lisa Crigger with Region I Workforce Investment Board will no longer have a job.

Judy Radford called and West Virginia State College is willing to pay one half and 4-C Economic Development Authority will pay one half of the salary. West Virginia State College requires a Bachelor Degree.

Commissioner Wender suggested to the Commissioners that since Dave Pollard, County Resource Coordinator has a Bachelor's Degree why not let West Virginia State College pay one half of his salary and then the Fayette County Commission will pick-up salary for Lisa



Crigger.

Commissioner Wender informed the Commissioners that Mr. Pollard will be an employee with West Virginia State College but will still be employed by the Fayette County Commission, currently Lisa Crigger only works two days a week full time and she is going after the grants. Mr. Pollard will do projects he is involved with now.

Commissioner Wender informed the Commissioners that Dave Pollard job description will not change. Lisa Crigger should be available to get all grants available to Fayette County, will work with Mr. Pollard to chase all available grants.

Commissioner Wender informed the Commissioners that funding for Lisa Crigger is over June 30, 2004.

Commissioner Wender informed the Commissioners that the job description for Lisa Crigger would be up to the Commission.

Commissioner Eskew asked Dave Pollard if he was comfortable with this plan.

Dave Pollard replied plan is okay, will pass on to Judy Radford to pursue and will forward information back to the Commission will be employed June 30, 2004.

The Commissioners received and reviewed a letter from Congressman Nick Rahall thanking the Commission for contacting the Congressional office regarding the Thurmond Post Office.

The Commissioners received and reviewed a notice from the West Virginia Department of Health and Human Resources regarding the National Organization on Adolescent pregnancy, Parenting and Prevention, Inc. asking that the Commission join the effort to promote

personal responsibility.

The Commissioners received and reviewed from the Fayette County Animal Control Center/C-PAC their Monthly Revenue and Activity Reports, and their Weekly Fees Collected for the week of April 23, 2004 to April 29, 2004, amount \$585.00 and the week of April 30, 2004, amount \$105.00.

The Commissioners received and reviewed several correspondences from the Workers' Compensation Commission.

The Commissioners received and reviewed several checks for Franchise Fee from Bradley Communications, Inc., amount \$45.08, reimbursement from Berwind Land Company, amount \$50,000.00, Jail Fees, amounts \$90.00.

The Commissioners received and reviewed a remittance by the County Assessor's for Fiscal Year 2004 to the West Virginia State Treasurer's Office, amount \$120.00.

The Commissioners received and reviewed a letter from Jackson and Kelly enclosing summaries of Senate Bill 139 and House Bill 4624 that was signed during the 2004 Regular Session of the West Virginia Legislature.

The Commissioners received and reviewed a letter from the West Virginia Human Rights Commission informing they will be hosting a Fair Housing Summit on Tuesday, May 25, 2004 at the West Virginia State Community and Technical College in Institute, West Virginia.

The Commissioners received and reviewed an Order and General Maintenance Agreement from the representative of Lanier Worldwide, Inc. for a copier for the Circuit Clerk's Office, cost of machine

\$8,365.00 with an additional finish unit with bridge.

The representative asked the Commission if they wanted the maintenance contract to begin the 90 days warranty when installed or after.

Ms. Holly informed the Commissioners that she made the decision that the maintenance contract is to begin 90 days after installation.

Commissioner Eskew signed the faxed maintenance agreement.

Commissioners Eskew suggested checking on delivery date for May 11, 2004.

Ms. Holly informed the Commissioners she checked with Thelma Kincaid, Circuit Clerk she's okay with the delivery date after May 17, 2004.

The Commissioners received and reviewed a signed rental agreement from the Fayetteville Elementary School PTA and Certificate of Liability Insurance from the Fayette County Board of Education for the use of the Fayette County Memorial Building.

Ms. Holly presented a letter to the West Virginia Development Office requesting payment from the Legislative Digest Grant for the Fayette County Youth Soccer Association, amount \$6,600.00 to the Commissioners. Commissioner Eskew signed.

Ms. Holly informed the Commissioners that the \$2,000.00 approved for the current year for the Danese Improvement Association Project has been changed to the Fayette County Memorial Building received a letter from David Perry informing of this. Ms. Holly told the Commissioners that the Legislative Digest Information Sheet for the project must be completed.

Ms. Holly asked the Commissioners if they wanted the request for the \$2,000.00 for sulfate.

Commissioner Wender suggested using the \$2,000.00 for outside lights and handicap upgrades.

Commissioner Lopez offered a motion to authorize Commissioner Eskew to execute agreement and to approve purchase and installation of exterior lights to illuminate the front of the Fayette County Memorial Building. Commissioner Wender seconded. All approved. Resolution signed.

Ms. Holly reminded the Commissioners that the test for the tabulator is May 11, 2004 at 5:00 p.m.

Steve Cruikshank, OES Director appeared before the Commission to inform them that a business in Lochgelly accepts water from wells. Mr. Cruikshank told the Commissioners he had the Division of Environmental Protection checking for hazard waste. Mr. Cruikshank told the Commissioners he is checking on their permits. Mr. Cruikshank told the Commissioners he has some concerns. Commissioner Eskew informed there should be some type of permit.

Mr. Cruikshank went on to report on the animal shelter.

Mr. Cruikshank told the Commissioners that the bill submitted under the temporary shelter for cages are now destroyed.

Commissioner Eskew signed the agreement.

Commissioner Wender suggested to still make request on the additional recommendations.

Ms. Holly told the Commissioners that the hydro-seed for the animal shelter have been done.

Mr. Cruikshank will continue to fax to FEMA information to keep the paperwork flowing.

Commissioner Lopez informed the Commissioners that per Linda Johnson the City of Smithers and the City of Mount Hope levy and city elections will be held the same day as the Presidential Primary Election. Commissioner Lopez asked would there be any confusion since the Presidential Primary Election is going on, would not like to see confusion.

Ms. Holly told the Commissioners that the Commission had made the arrangements and they were approved. Ms. Holly told the Commissioners she has not received any calls other wise.

Commissioner Lopez informed he would not like to see Smithers having any problems.

Commissioner Wender suggested someone be placed with information to tell the voters where to go.

Ms. Holly told the Commissioners that the polling place has already been designated does not feel we can change now. The time has passed for making designation.

Commissioner Wender suggested to Ms. Holly to telephone Jan Casto with the Secretary of State's Office to get classification to hiring additional persons.

Ms. Holly informed the Commissioners she feels signs would help explain. Dixie and Nicholas County uses same polling place.

Ms. Holly told the Commissioners she will call Jan Casto and request suggestions.

Commissioner Wender suggested the Commission give Ms. Holly

latitude to make decision if an additional person is needed.

Commissioner Lopez suggested using partitions. Commissioner Lopez informed he would be more comfortable if dividers were used for the two elections.

The Commissioners received and reviewed from James Perdue, Maintenance Supervisor, the maintenance work schedule for the Presidential Primary Election.

Ms. Holly reminded the Commissioners that Canvass is Friday, May 14, 2004 at 8:00 a.m.

Ms. Holly asked Steve Cruikshank, OES Director to give a report on the incident at the 911 Center involving a 911 Communications Specialist.

Mr. Cruikshank told the Commissioners he was released from decisions made regarding the 911 Center several years ago.

The Commissioners received and reviewed a letter from David Neal, E911 Coordinator informing the Commission of the discharge of a fire arm at the 911 Center.

Commissioner Eskew informed there should be no weapons at the 911 Center.

Ms. Holly informed the Commissioners that David Neal did send a press release to all the press agencies.

Bill McGraw is at work today.

The Commissioners received and reviewed a fax with new information regarding canvass manual changes.

Commissioner Lopez questioned Kelvin Holliday, County Clerk regarding the master list he uses during the canvass.

The Commissioners approved vouchers for In-Service Training expense for the Prosecuting Attorney Office and the Assessor's Office.

The Commissioners approved request for comp. time leave from Dave Pollard, County Resource Coordinator for May 13, 2004 and received and reviewed his Quarterly Report.

The Commissioners received and reviewed a letter from the West Virginia Retirement System informing that effective July 1, 2004 the Deputy Sheriff Retirement System Employer Contribution Rate will increase to 10.5%.

The Commissioners received and reviewed a letter from Corporal Deanna Saxton thanking the Commission for their part and continued support of the Fayette County STARS Program and inviting the Commission to this year's STARS Graduation Celebration being held Tuesday, June 1, 2004.

The Commissioners received and reviewed a letter from Mountain Transit Authority informing that Galen Horrocks is retiring as a member of the Mountain Transit Authority and asked the Commission if they would appoint a representative to the Board.

The Commissioners received and reviewed a copy of the ATV Gazette Article.

Commissioner Lopez informed the Commissioners that three deputies will be leaving Law Enforcement for military active duty, feels there will be problems after July 1, 2004.

The Commissioners received and reviewed a letter from the Fayette County Health Department informing that the term of Dr. Thomas Morgan expires on June 30, 2004. The Board is recommending that Dr. Morgan

be reappointed to serve.

Commissioner Lopez offered a motion to reappoint Dr. Thomas Morgan, a member of the Fayette County Health Department Board for a five-year term to expire on June 30, 2009. Commissioner Wender seconded. All approved.

Commissioner Lopez offered a motion to award to the Southern Appalachian Labor School \$1,500.00 for the workcamp in current budget. Commissioner Wender seconded. All approved.

Commissioner Wender asked that John David give an accounting for the \$7,500.00 he received from the County.

Commissioner Wender asked Ms. Holly to send him an e-mail to remind him to get accountings for the \$7,500.00 from John David.

Commissioner Lopez offered a motion that the \$1,500.00 for Southern Appalachian Labor School be for next Fiscal Year even though it's available, in addition the \$7,500.00 be considered a grant for Fiscal Year 2005.

Commissioner Wender if Southern Appalachian Labor of School has the \$7,500.00; Commissioner Wender suggested to take out commitment for next year have excess for June 2004. Commissioner Wender seconded.

The Commissioners received and reviewed an e-mail from Commissioner Wender to Randy Moore of the West Virginia Housing Development Fund informing that effective April 30, 2004, Keith Richardson resigned his position as Building Code Enforcement Officer.

The Commissioners received and reviewed a confirmation letter from Christopher Moorehead confirming the use of the County Commission



meeting room for the purpose of administering a Promotional Examination to Deputy Mark Webb of the Fayette County Sheriff's Department on Thursday, May 20, 2004 at 1:00 p.m.

The Commissioners received and reviewed an e-mail from Commissioner Wender to Roseann and Virgil Berry regarding how the trailer will be used in emergency situations.

The Commissioners received and reviewed a letter from Thrasher Engineer giving a preliminary determination of the saleable property within Phase 1 of the Fayette County Industrial Park Wolf Creek Project.

The meeting was adjourned. The next scheduled meeting is May 14, 2004.

  
\_\_\_\_\_

~~5110104~~  
5110104

Joe Stone

Paul M. Shubert

W. Q. Smith

Moses Zegeer

John Witt

John Piro

Harold Braagg, Pres

SHIRLEY LOVE

Senator Randy White

Steve Keenan

R. B. Hunt - Berwind Land Co., V.P.

Ron Elliott - Berwind Land Co., Land Agent

Leo Hanj

Ken Siskel Cardinal Realty, Inc.

Car Beals Cardinal Realty - Inc.

FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
COURTHOUSE  
MAY 14, 2004  
FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 14<sup>th</sup> day of May 2004 at 8:55 a.m. to conduct the canvass for the Presidential Primary Election held on May 11, 2004.

The Commissioners reconvened the County Commission meeting at 1:00 p.m.

Earl Pauley, Park Superintendent, Larry Parsons, Litter Control Officer and Deputy Sheriff Walter Casey appeared before the Commission to discuss purchasing a roll off for hauling abandoned vehicles.

Mr. Parsons told the Commissioners that the Fayette County Solid Waste Authority is going to apply for a recycling grant for whatever cost for the roll off.

Mr. Parsons informed the Commissioners they would have to set up a location for the roll off.

Deputy Sheriff Casey told the Commissioners it would cost the Commission \$.40 cents a pound to crush and \$.80 cents to auto recycling.

Commissioner Wender asked Deputy Sheriff Casey when do the Commission have to pay.

Deputy Sheriff Casey replied when delivering.

Commissioners Wender asked if an independent hauler is okay to use.

Mr. Parsons replied if an independent hauler wants to haul its

okay.

Deputy Sheriff Case told the Commissioners it would cost approximately \$40.00 a car.

Mr. Pauley told the Commissioners that the Fayette County Park maintenance will be responsible for the In-Kind portion of the grant.

Mr. Parsons told the Commissioners he would like the County to maintain the maintenance, gas, an operator etc. for the roll back.

Mr. Pauley informed the Commissioners that Bud Fox told him that he does not want county car wrecks anymore.

Mr. Parsons asked the Commissioners to endorse and commit to the In-Kind Service of the grant.

Commissioner Wender made a motion that the Commission fully supports application on behalf of the Fayette County Solid Waste Authority for the purchase of a roll off, the Commission will supply maintenance, gas, an operator, net proceeds will be deposited in the General County Fund-earmarked for county clean-up efforts.

Commissioner Lopez seconded. All approved.

The Commissioners signed post canvass tests and abstracts for Democrat, Republican and Non-Partisan.

Commissioner Eskew informed that since a church has brought the Beckwith Elementary School maybe the Commission can put Precinct 51 back at the school.

The Commissioners signed a letter to Region 4 Planning and Development Council giving evidence of Fayette County Commission's firm commitment of funding in the amount of \$140,000 for the Wolf Creek Park Community Project.

Ms. Holly presented a copy of the legal that was prepared for the Architectural/Engineering Firms for replacement of the windows of the Fayette County Courthouse to the Commissioners.

Commissioner Wender informed he will prepare Press Release for the Window grant.

The Commissioners asked that Sheriff Bill Laird be scheduled on the agenda for May 19, 2004 for Executive Session.

The Commissioners signed a letter to Robin Hildebrand congratulating her on her recent recognition as West Virginia's Small Business Person of the Year by the U. S. Small Business Administration.

The Commissioners received and reviewed a fax from the County Commissioners' Association giving the schedule for the West Virginia Legislative's May interim.

The Commissioners signed a letter of support for the Southern Appalachian Labor School application to continue home rehabilitation work within Fayette County.

The Commissioners signed a letter to the New River Alliance of Climbers approving their request regarding permission to set up informational booths on and around the Courthouse lawn from 8:00 a.m. til Noon on Saturday, May 15, 2004.

The Commissioners signed a letter to the Putnam County Aging Programs, Inc. informing that the Commission nominates two representatives to serve on the Board of Directors of the Putnam County Aging Program, Inc. they are Anna Lou Holt, and Ann Berry.

The Commissioners received and reviewed a letter from Kelvin

Holliday, County Clerk certifying that the voters' registration record for each absentee voter in the 2004 Presidential Primary Election has been checked and that all unchallenged absentee ballots were cast by voters properly registered.

The Commissioners received and reviewed a copy of a letter from Kelvin Holliday, County Clerk to the payroll Clerk authorizing payment of overtime for one and a half hour for Bonnie Kay Smith for working the emergency poll official makeup class.

The Commissioners received and reviewed a copy of a letter from Kelvin Holliday, County Clerk to the Payroll Clerk authorizing payment of \$65.00 to Kathleen Ward as emergency absentee clerk.

The Commissioners received and reviewed a copy of a letter from Kelvin Holliday, County Clerk to the Payroll Clerk authorizing payment of Emergency Absentee Election Day reimbursement for William McGraw and David Bennett.

The Commissioners received and reviewed a copy of a letter from Kelvin Holliday, County Clerk to the Payroll Clerk authorizing payment of absentee expenses for J. C. Moss and Mary Moss.

Commissioner Wender informed the Commission he had a conference call with W. D. Smith, Executive Director, Region 4 Planning and Development Council and was told that the Fayette County Commission needs to sign a Road Access Resolution for the Wolf Creek Park Project.

The Fayette County Commission will make application through the Industrial Road Access Program to provide Fayette County up to \$400,000 for fiscal year 2003-2004 and fiscal year 2004-2005.

Commissioner Wender asked that Judy Radford and W. D. Smith be scheduled to discuss at the next County Commission meeting May 19, 2004.

The Commissioners signed an invoice to the Fayette County Board of Education for May rent, amount \$4,583.33.

The Commissioners received and reviewed a letter from Branch Banking and Trust Company giving a list of the securities as of April 30, 2004 that were held by Branch Banking and Trust Company as collateral to secure the deposits of Fayette County Commission.

The Commissioners received and reviewed a fax from the County Commissioners' Association informing of the County Commissioners' Association Spring Board and Legislative Committee meeting scheduled for June 6-8, 2004.

The Commissioners received and reviewed an e-mail from Steve Cruikshank, OES Director, informing the Commission of the slide at Boomer hollow.

The meeting was adjourned. The next scheduled meeting is May 19, 2004.

  
\_\_\_\_\_

FAYETTE COUNTY COMMISSION  
SPECIAL SESSION  
COURTHOUSE

MAY 19, 2004

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a special session on this 19<sup>TH</sup> Day of May 2004.

Commissioner Eskew called the meeting to order at 9:26 a.m.

Commissioner Lopez offered a motion to approve vouchers and invoices and to release the poll workers checks. Commissioner Wender seconded. All approved.

Commissioner Eskew announced that the Commission was here to certify the canvass of the Presidential Primary Election held on May 11, 2004.

Ms. Holly presented the Abstract by voting precincts and an order to be signed by the Commissioners.

The Commissioners reviewed order. Commissioner Lopez made a motion to certify the 2004 Presidential Primary Election. Commissioner Wender seconded. Unanimous.

The Commissioners signed order certifying the results of the canvass for the 2004 Presidential Primary Election. A letter, order and the canvass results were forwarded to the Secretary of State.

Commissioner Wender discussed with the Commission the travel reimbursement submitted by Chris Dyer in the amount of \$250.12 for the period of April 2004. Commissioner Wender informed the Commissioners that it was his understanding that the County would reimburse the Fayette County Housing Economic Opportunity Council up to a total of



\$350.000 over the next three months.

Commissioner Wender offered a motion to revise the travel reimbursement allocation for Chris Dyer from \$350.00 to \$850.00 with a cap over the next three months period, and reimbursement should be made to the Fayette County Housing Economic Opportunity Council. Commissioner Lopez seconded. All approved.

Commissioner Lopez offered a motion to approve exonerations as presented by the Assessor's Office. Commissioner Wender seconded. All approved.

Patti Payne, Manager C-PAC appeared before the Commission to give the Commission an update of what's happening at the Animal Shelter.

Ms. Payne informed the Commissioners of the minor problems at the Animal Shelter, some leaking sinks, gutters stopped up, water draining back into cat building, doors dragging, hinges coming off the doors and prank phone calls.

Ms. Payne told the Commissioners that more cases are going before the Magistrates.

Ms. Payne told the Commissioners that eleven dog runs in the dog building are being worked on by the Fayette County Park employees.

Ms. Payne told the Commissioners that the Fayette County Animal Control Center no longer has a secretary. They have nine employees on staff-4 full time and five part-time. Ms. Payne told the Commissioners that this is working out very well.

Ms. Payne told the Commissioners that a family and the Mayor of Thurmond, Melanie Dragan donated two large dog traps and one extra large dog trap which are being used to trap stray and feral dogs in

Fayette County.

Ms. Payne told the Commissioners that the Open House was a success.

Ms. Payne asked the Commissioners for permission to lock the gate on the bridge at the animal shelter on Sundays due to only 2-3 people on staff and they are unaware of persons on the property. Ms. Payne told the Commissioners that the Shelter is closed on Sundays and Mondays.

Commissioner Lopez suggested to Ms. Payne to put a sign saying- "Authorized Personnel Only, Sunday to Monday." Commissioner Wender suggested adding blow horn.

Ms. Payne told the Commissioners they needed to purchase large pet taxis for Dog Warden. Ms. Payne told the Commissioners she needed eight but would request four.

Commissioner Wender offered a motion to approve County to purchase four pet taxis not to exceed \$250.00. Commissioner Lopez seconded. Unanimous.

Ms. Payne told the Commissioners that the Dog Warden is in need of three pair work pants and three T-shirts. Ms. Payne told the Commissioners that the cost would be \$240.00.

Commissioner Wender offered a motion to approve an amount not to exceed \$240.00 for uniforms for the Dog Warden. Commissioner Lopez seconded. All approved.

Commissioner Wender asked Ms. Payne to give a comparison for last years expenditures on fees for employees. (See attached)

Allen Ballard, Manager, Fayette County Memorial Building appeared

## Citizens for the Prevention of Animal Cruelty, Inc. (C-PAC) Agenda

Wednesday May 19, 2004

Fayette County Commission Meeting @ 10:00 am.

### Old Business

1. Minor problems at the FCACC. Some leaking sinks, gutters stopped up, water draining back into cat building, doors dragging, hinges coming off the doors (screws too short to hold up door), prank phone calls.
2. More animal cruelty cases are going before the magistrates of Fayette County. Arrest warrants and jail time are being issued and fines are being collected. It's a pleasure to see this finally happen in this county. I applaud the Fayette County Sheriff's Dept. and the judicial system in this endeavor.
3. The 11 Dog runs in the dog building that are being worked on by the Park employees. Unknown when they will be complete.
4. The FCACC no longer has a Secretary but we are making do. (This should help out on the budget). There are now 9 employees on staff; 4 full time and 5 part time. This is working out very well.
5. A family and the Mayor of Thurmond, Mrs. Dragan, donated 2 large dog traps and 1 extra large dog trap, which are being used to trap stray and feral dogs in Fayette County.
6. Over 3,600 dogs and cats have been sterilized through the C-PAC low-cost spay/neuter program since 1999 at a cost of more than \$174,000. This success has been achieved by government and public donations as well as sterilization grants.

### New Business

1. On May 8, 2004, C-PAC held an "Open House" at the FCACC (new animal shelter) and it was a success. Over 125 people were invited and more than 62 people attended the event. 10 animals were admitted to the shelter on this day and 3 were adopted. Recognition plaques were given to those that dedicated years of hard work for the animals sake. The following were recognized: Mary Withers Abbot, Betty Mahan, Billy Blake, Bert Horrocks, Earl Pauley, Delores Wender, Bob & Patty Korn, John Witt, Sam Amato and WalMart of Oak Hill.
2. Need permission to lock the gate on the bridge at the animal shelter on Sundays due to only 2 - 3 people on staff and are unaware of persons on the property. Shelter is closed on Sundays and Mondays.  
*add 2nd sun. 2:00 with pers SUN - MON*
3. Need to purchase large pet taxis for Dog Warden (see attached). The pet taxis being used now are cracked, doors are bent and will not shut properly (dogs have escaped in vehicle and at the shelter).  
*need 8 request 4 Matt - motion to approve County purchase 4 pet taxis not to exceed \$250 each 2nd unit*
4. Dog Warden is in need of 3 pair work pants size Medium, and 3 t-shirts. All khaki in color. (Summer boots)  
*Patti PRD \$240 matt motion app. amt not to exceed \$240 for uni.*
5. Need the allotted funds to hire a part time Animal Control Officer for 3 days per week. Start out pay is \$6.00 an hour (24 hours + on call time). This would cut down on overtime and stress on the Dog Warden.
6. More door closures need to be added to the new shelter (Doors in dog and pup room and hall way).

JACC  
5/19/04

7. Sheriff Laird authorized the purchase of a dart gun for the Sheriff's Dept. Now there are 2 dart guns and 4 deputized Humane Officers. Deputies M. Fridley, D. Williams, W.S. Casey and E.C. Gilkerson. This has helped the Dog Warden to catch the stray dogs that are feral or mean. Veterinary expenses have increased due to each dart used costs \$10 - \$12.

8. The upcoming fiscal year allotted budget decreased by \$3,000 a month will propose major problems to stay within the \$10,400 budget for the animal shelter. Below are a just a few problems that will occur.

- 1) employee layoffs
- 2) decrease in animal intake
- 3) less adoptions
- 4) more euthanasia
- 5) increase in stress and fatigue in employees and animals

**Animals Admitted in 2003**

2,412

**Animals Admitted in 2004 (to date)**

929

**Animals Adopted in 2003**

Canines - 402

Felines - 129

**Total - 531**

**Animals Adopted in 2004 (to date)**

Canines - 199

Felines - 51

**Total 250**

**Animals Reclaimed in 2003**

97

**Animals Reclaimed in 2004 (to date)**

52

**Animals Euthanized in 2003**

Canines - 1,031

Felines - 753

**Total 1,784**

**Animals Euthanized in 2004 (to date)**

Canines - 353

Felines - 173

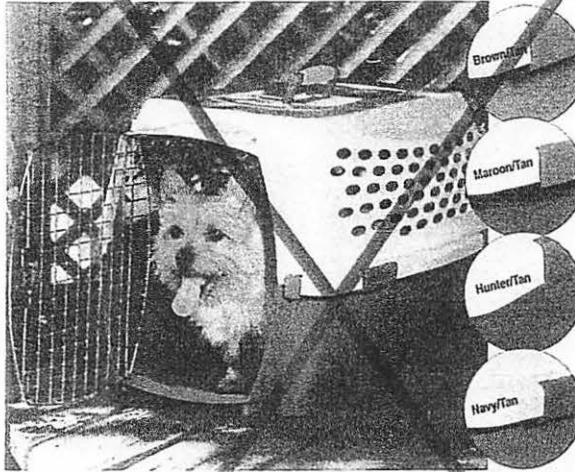
**Total 526**

**PORTABLE KENNELS**

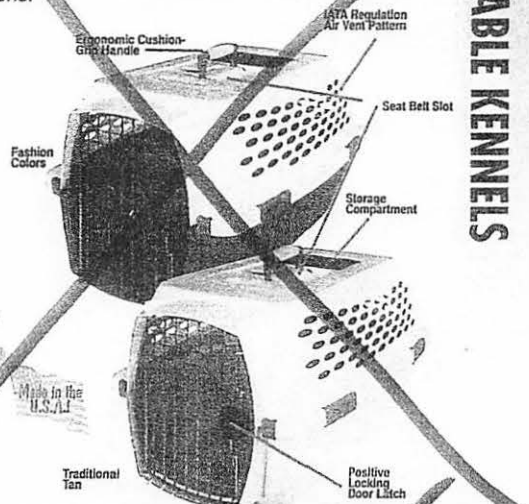


**Kennel Cab® Portable Kennels**

**NEWLY REDESIGNED!** Features a seat belt slot for pet safety, positive locking door latch, improved "quick latching system" including front latches for strength, ergonomic cushion-grip handle, IATA regulation air vent pattern with rear vents & a storage compartment for treats, leash, water cups (sold separately in Air Travel Kit) or pet's papers. Molded of lightweight, durable polypropylene. *Listed with outside dimensions.* Available in traditional tan or new fashion colors.



- Small** - pets up to 10 lbs  
19"L x 12½"W x 10"H  
DK-A1-49, tan \$13.95  
DK-A6-49, brown/tan \$13.95
- Medium** - pets up to 15 lbs  
23"L x 15½"W x 12"H  
DK-A2-49, tan \$17.49  
DK-A7-49, maroon/tan \$17.49
- Inter.** - pets up to 20 lbs  
24"L x 16.7"W x 14½"H FOB 30 lb  
DK-A3-49, tan \$18.49  
DK-A8-49, htr green/tan \$18.49
- Large** - pets up to 25 lbs  
26"L x 18½"W x 16½"H FOB 30 lb  
DK-A4-49, tan \$21.95  
DK-A9-49, navy/tan \$21.95



**FREE Porte LeBistro®**

Receive FREE 9 oz Portable Waterer with the purchase of any size Kennel Cab® Portable Kennel

Limit 1 per Order Expires 07-14-04

**Airline Travel Kit** - Includes (1) absorbent pad, (1) food cup, (1) water cup & (1) live animal identification label.  
DK-AA-49, kit \$2.19



- Small
- Medium
- Inter.
- Large



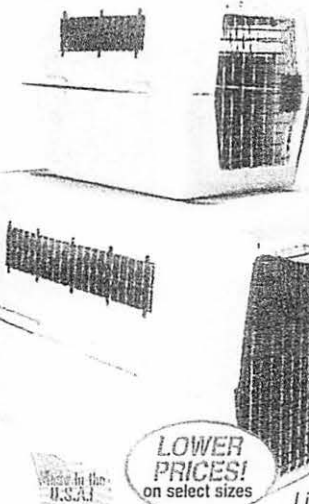
**LOWER PRICES!**  
on select sizes

Easy-to-use dial-latch system



**Vari Kennel® Portable Kennels**

Lightweight, portable kennel designed for the safe, comfortable & dependable transportation of your pet. Made of a durable, high-density plastic with heavy gauge, electro-welded steel door. Features dual-bolt latch for added security, chrome-plated ventilation grills & leakproof bottom. Small & medium come with sturdy handles for easy carrying. Has easy-to-use wing-nut fasteners. Bottom half can be used alone as a bed. Assembles without tools. Tan color. Kennel cups are sold separately in *Air Travel Kit*. *Listed with outside dimensions.*



**LOWER PRICES!**  
on select sizes

**Deluxe Vari Kennel® Portable Kennels**

These kennels feature a dial-latch system that adds strength & makes assembly quick & easy. The durable, yet lightweight, high-impact plastic exterior stands up to heavy use. Also features a raised "moat" floor design to help contain spills, reversible door for right or left-hand use & wire vent grills. Small & med. come with sturdy handles for easy carrying. Kennel cups are sold separately in *Air Travel Kit*. *Listed with outside dimensions.*

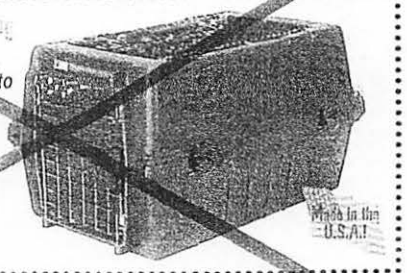
- Small, FOB 30 lb** (21½"L x 17"W x 16"H) Pets up to 20 lbs  
DK-E1-49, maroon \$26.95
- Med, FOB 30 lb** (27½"L x 21½"W x 20"H) Pets up to 30 lbs  
DK-E2-49, rover brown \$37.95
- Inter, FOB 70 lb** (32"L x 22½"W x 23"H) Pets up to 50 lbs  
DK-E3-49, htr green, was \$61.95 \$49.95
- Large\*, FOB 70 lb + \$50.00** (36"L x 24½"W x 26"H) Pets up to 70 lbs  
DK-E4-49, navy, was \$61.95 \$59.95  
*\*Due to UPS Oversize Charges: FOB 70 lb + \$50.00*
- X-Large\*, FOB 70 lb + \$50.00** (40"L x 27"W x 30"H) Pets up to 90 lbs  
DK-E5-49, sand \$76.95  
*\*Due to UPS Oversize Charges: FOB 90 lb + \$40.00*

- Small** (21"L x 16"W x 15"H), for pets up to 20 lbs  
DK-O1-49 \$23.95
- Medium** (27"L x 20"W x 19"H), for pets up to 30 lbs  
DK-O2-49, FOB 30 lb \$29.95
- Intermediate** (32"L x 22"W x 23"H), for pets up to 50 lbs  
DK-O4-49, FOB 70 lb, was \$47.95 \$43.95
- Large\*** (36"L x 24"W x 26"H), for pets up to 70 lbs  
DK-O3-49, FOB 70 lb + \$50.00 \$56.95
- X-Large\*** (40"L x 27"W x 30"H), for pets up to 90 lbs  
DK-O5-49, FOB 70 lb + \$50.00, was \$74.95 \$69.95  
*\*Due to UPS Oversize Charges: FOB 90 lb + \$40.00*

Replacement doors & other parts for all PetMate™ Carriers from Doskocil are available on special order. Call your Customer Service Representative for details.

*Two Doors for loading & unloading easier than ever!*

**Double-Door Deluxe™ Pet Carrier**  
Features the usual front door with the deluxe dial-latch system, plus a convenient top door. 23"L x 14½"W x 12"H.  
DK-C3-49, maroon \$25.95



NOTE: Some FOB Charges are based on "Dimensional Weight" per UPS standards rather than "Actual Weight"

before the Commission to give an update of the Memorial Building.

Mr. Ballard told the Commissioners they have cut down the hedges at the building and he and Earl Pauley, Park Superintendent is working on the flag pole, working on the Triple A boys and girls sectional, is still in the process of working on the wrestling tournament.

Ms. Holly informed the Commissioners that Carl Harris, Assistant Prosecuting Attorney suggested advertising for the work at the Memorial Building.

Commissioner Wender offered a motion that the Fayette County Commission advertises to repair sockets and facia for the Memorial Building. Commissioner Eskew seconded. Vote passed 2-0.

The Commissioners received and reviewed Activity Report for permits issued for the month of April and as of May 18, 2004 from Tim Richardson, Zoning Officer.

Earl Pauley, Park Superintendent appeared before the Commission to discuss the pool passes.

Mr. Pauley told the Commissioners that pool passes are dropping and recommended to the Commission to go back to the original fee of \$55.00 for family and for additional members \$10.00 and the twenty people who paid last year get a one-time \$10.00 decrease.

Commissioner Wender offered a motion to go back to the original pool pass fee of \$55.00 for family and \$10.00 for additional members. Commissioner Lopez seconded. All approved.

Commissioner Wender offered a motion that the 20 people who purchased pool passes last year receive a \$10.00 deduction this year. Commissioner Lopez seconded. All approved.

Mr. Pauley asked the Commissioners if he could get a proposal for a simplex telephone system. The cost to install \$275.00 and the monthly fee would be \$75.00. The Commission approved for Mr. Pauley to get a proposal for a simplex telephone system.

Commissioner Wender asked Ms. Holly to have Chris Dyer, Housing Consultant for Fayette County Housing-Economic Opportunity Council to give them a copy of all the work groups that will be here this summer.

Judy Radford, Executive Director, 4-C Economic Development Authority and W. D. Smith, Executive Director, Region 4 Planning and Development Council appeared before the Commission to request that the Commission make application for road access for the Wolf Creek Park Project through the Industrial Road Access Program to provide Fayette County up to \$400,000 for the fiscal year 2003-2004 and fiscal year 2004-2005.

Commissioner Wender offered a motion to make application through the Industrial Road Access Program to provide Fayette County up to \$400,000 for the fiscal year 2003-2004 and the \$400,000 for the next fiscal year 2004-2005. Commissioner Lopez seconded. All approved. Resolution signed.

Commissioner Lopez offered a motion to rescind motion to rebid the Memorial Building contract. Commissioner Wender seconded. Carl Harris, Assistant Prosecuting Attorney informed due to previous commitment.

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 \$190,508.09 (Stafford Consultants, \$22,966.84, Welding, Inc., \$55,620 and Diversified Enterprises, Inc., \$111,921.25).

Commissioner Wender 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 \$190,508.09. Commissioner Lopez seconded. Unanimous. Resolution signed.

Judy Radford, Executive Director, 4-C Economic Development Authority informed the Commissioners that the 4-C EDA would like to donate a table and chairs to the Commission.

Commissioner Wender suggested that the Commission accept the table and chairs and turn them over to the City of Oak Hill.

The Commissioners received and reviewed two applications for the Building Code Enforcement Officer position (John E. Clark and Raymond C. St. Clair). The Commissioners asked that the originals be forwarded to Dave Pollard, County Resource Coordinator to review.

Ms. Holly presented to the Commissioners from the Assessor's Office Petitions to combine or divide and segregate land as recommended by the Assessor.

Commissioner Wender offered a motion to approve recommendation by the Assessor's Office to combine or divide and segregate land for Tammy King and Elizabeth Chittum, Drema Farley, Andy and Lora Kees, Robert Paul Jones, and Ernest K. Lester. Commissioner Lopez seconded. All approved. Petitions signed.

Commissioner Lopez made a motion to submit a request for reimbursement to the Supreme Court of Appeals for rent for the Family



Law Master Office in the amount of \$2,025.00 for the month of June.  
Commissioner Wender seconded. All approved.

The Commissioners signed a letter to the Fayette County Board of Education regarding the renewal of the Lease to the Memorial Building.

The Commissioners signed an order reappointing Dr. Thomas Morgan a member of the Fayette County Board of Health.

The Commission recessed for lunch at 12:15 p.m.

The Commissioners reconvened the County Commission meeting at 1:25 p.m.

Commissioner Lopez offered a motion to go into Executive Session to discuss personnel matter. Commissioner Wender seconded.

The Commissioners reconvened the County Commission meeting at 2:40 p.m.

Ms. Holly informed the Commissioners she received an e-mail from David Neal, E911 Coordinator informing her that it's time to replace the batteries in the backup units at the 911 Center. Ms. Holly informed the Commissioners that Mr. Neal included a price quote from the vendor for \$1,481.16 plus shipping \$120.01.

Commissioner Lopez offered a motion to purchase backup batteries for the 911 Center, cost \$1,481.16 plus shipping \$120.01 total cost \$1,601.17. Commissioner Wender seconded. Unanimous.

David Neal, E911 Coordinator appeared before the Commission to discuss the 911 employees, salary, 1990 ambulance in Quinnwood, and the generator.

Mr. Neal told the Commissioners that the 1990 Valley Ambulance that's stationed in Quinnwood is not on the road anymore.

Commissioner Lopez suggested turning the title over to Quinnwood.

Commissioner Wender asked Mr. Neal where they stand on the replacement of the radio system.

Mr. Neal told the Commissioners that Two-Way Radio will honor the maintenance agreement set-up with Motorola for the 911 equipment.

Mr. Neal told the Commissioners hopefully they will have something in writing next week.

Mr. Neal discussed a new radio console for the 911 Center. Mr. Neal informed the Commissioners that he doesn't have quotes but estimated the cost would be approximately \$150,000 to \$200,000.

Commissioner Wender asked Mr. Neal where do we stand with our financial expenditures.

Mr. Neal informed that there's a carry over of \$114,605 for Fiscal Year 2002-2003, surplus \$59,100.

Mr. Neal told the Commissioners that the repeater and equipment for the Meadow Bridge Tower have been completed.

Discussion was held regarding salary increases for the 911 employees.

Mr. Neal told the Commissioners that his employees make less than the surrounding counties (Nicholas, Greenbrier, and Raleigh).

Commissioner Wender asked Mr. Neal to get some current numbers for the salaries and get back with them.

Mr. Neal told the Commissioners that the Valley Tower Site needed an addition to house the generator, would cost \$2,600 to extend the building, batteries would cost about \$108.00 a piece.

Diane Meadow, CPC for the WVU Extension Service appeared before

the Commission to inform them that eight candidates have applied for the 4-H Agent position.

Commissioner Wender asked Ms. Meadows if they would include Dennis McCutheson on the committee to interview applicants. Ms. Meadows told the Commissioners she would check with the committee. Ms. Meadows told the Commissioners they will be interviewing sometime in June.

Ms. Meadows presented to the Commissioners three estimates for the cost of new carpet for the Extension Office. (Carpet Warehouse, Lee's Carpet and Floor-Show, Inc.) (See attached)

Commissioner Wender offered a motion to carpet the upstairs and downstairs of the WVU Extension Office not to exceed \$2,200.00. Commissioner Lopez seconded.

Ms. Meadows asked the Commission if they would include the cost of the internet (\$79.00 per month) in the 2004-2005 budget. No action taken.

Ms. Meadows presented a requisition requesting a desk, bookcase, chair mat and chair for the Extension Office to the Commissioners.

Ms. Holly asked Ms. Meadows who would this desk be for. Mr. Meadows replied the Nutritionist Outreach Instructor.

Commissioner Wender offered a motion to transfer travel funds to Agriculture supplies to purchase desk, bookcase, chair mat and chair for \$589.94 provided there are funds in this year Extension Office budget. Commissioner Lopez seconded. Unanimous.

Ms. Meadows presented to the Commissioners a request to pay for internet services out of the material and supplies line item.

Fayette County Commission  
Fayette County Courthouse  
Fayetteville WV 25840

Dear Commissioners:

Below are three estimates that have obtained on the cost of having new carpet laid in the Extension offices. Please review and contact me if you need further information.

### CARPET WAREHOUSE (SUPERIOR FURNITURE)

Downstairs area (no padding)	
(Reception Area, office, office/conference area, kitchen, steps)	\$1,155.02
If installer has to move furniture, file cabinets, etc (est.)	250.00
Upstairs (no padding)	
(2 offices and hall way)	\$ 637.42
If installer has to move furniture, file cabinets, etc. (est.)	130.00

Note: Carpet Warehouse (CW) contracts out their labor for installation. In order for CW to honor the tax exemption, we need to pay the installer for labor a separate check. Therefore:

Labor costs with installer <i>not</i> moving office furniture:	663.68
Labor costs with installer moving office furniture:	1,043.68

### LEES CARPET AND FLOOR COVERING

Downstairs' offices and staircase (no padding)	\$1,632.00
Plus entryway	<u>50.00</u>
	\$1,682.00
Upstairs' offices and hallway (no padding)	<u>934.00</u>

Both downstairs and upstairs		\$2,566.00
with padding	\$ 425.00	<u>          </u>
		\$2,991.00

**FLOOR-SHOW, INC.**

*If carpeted on two separate occasions (3 months apart):*

Downstairs' offices and staircase (no padding)		\$1,975.17
Upstairs' offices and hallway (no padding)		<u>\$1,251.56</u>
		\$3,226.73

*If carpeted on the same day/occasion:*

Both downstairs and upstairs (no padding)		\$3,092.86
---	--	------------

---

**Note:** Estimates from Carpet Warehouse and Lee's Carpet are based on the same brand of carpet, Enumerator II Spruce #556. (This is the carpet that we prefer.)

Commissioner Wender offered a motion that a line item transfer within the Extension Office budget to pay for the months of May and June current internet (\$79.00) out of the materials and supplies line item. Commissioner Lopez seconded. All approved.

Ms. Meadows told the Commissioners that they have had a lot of problems with their copier.

Ms. Meadows presented a quote she received from Appalachian Office Products (\$5,499.00). Ms. Meadows told the Commissioners that the maintenance fee would be \$55.00 a month if purchased. The current service contract is \$1,369.00 a year or \$114.00 a month. No decision was made by the Commission.

The Commissioners recessed to go into Executive Session at 4:03 p.m.

The Commissioners reconvened the County Commission meeting at 4:15 p.m.

The Commissioners signed a cover letter to the Secretary of State regarding the Board of Canvassers' certificates of the results of the Presidential Primary Election held on May 11, 2004.

The Commissioners received and reviewed a letter from 4-C Economic Development Authority regarding the lack of attendance by some of the Board members not attending the meetings.

The Commissioners received and reviewed the original agreement for the copier in the Circuit Clerk's Office.

Ms. Holly told the Commissioners she will be deleting the 1990 Ambulance from the county's insurance would need some kind of documentation from Quinwood Ambulance Service.

Ms. Holly told the Commissioners she talked with Tom Davis he told her they would be putting a new engine in the ambulance and they were not interested in purchasing.

Commissioner Wender offered a motion that the Fayette County Commission donates to the Quinnwood Ambulance Service the 1990 Ambulance that's not in use. Commissioner Eskew seconded. Vote passed 2-0.

Ms. Holly asked the Commissioners when they want to get the work done at the Memorial Building. The Commissioner replied as soon as possible.

The Commissioners received and reviewed a letter from the Fayette County Park requesting that a refund be issued to Ms. Nelsie Ferri in the amount of \$74.20 she had received a shelter for July 2004 family reunion but due to illness in the family they had to cancel. The Commission approved refund.

The Commissioners received and reviewed a copy of a letter from Sheriff William Laird to Debiie Aliff, Payroll Clerk requesting that the Chief Tax Deputy Tom Woodrum be removed from the payroll of the Fayette County Sheriff's Department for a five-day period beginning on Monday, May 17, 2004 and ending on Friday, May 21, 2004.

The Commissioners received and reviewed a letter and certificate of coverage from the West Virginia Workers' Compensation Commission.

The Commissioners received and reviewed from the SunTrust Bank a list of securities pledged to the Fayette County Commission as of April 30, 2004. Original given to the County Clerk's Office.

The Commissioners received and reviewed a copy of a letter to

Debbie Aliff, Payroll Clerk from Paul Blake, Prosecuting Attorney informing that effective May 16, 2004 the following employee's salaries will increase: Brian D. Parsons, \$41,000.00 per year, Anthony Ciliberti, Jr., \$35,500.00 per year, Neil V. Boden, \$36,000.00 per year, Debra J. Rinehart, \$27,000.00 per year, Cathy Jo Canterbury, \$22,000.00 per year and Tina L. Beverly, \$15,500.00 per year.

The Commissioners received/reviewed and approved C-PAC allotment for the month of May, amount \$13,609.44.

The Commissioners received and reviewed from the Fayette County Animal Control Center/C-PAC Weekly Fees Collected for the week of May 1 to May 6, 2004, amount \$165.00 and the week of May 7 to May 13, 2004, amount \$800.00.

The Commissioners received and reviewed Steve Cruikshank, OES Director, a list of the property that was inspected and found to either meet or exceed the guidelines set forth by FEMA for the FEMA 1378 Hazard Mitigation Grant Program.

The Commissioners received and reviewed a fax from the County Commissioners' Association giving the unofficial results of the 2004 Primary Results for the County Commission race.

The Commissioners received and reviewed a fax from the County Commissioners' Association informing of the Committee for Governing in the 21<sup>st</sup> Century meeting being held Tuesday, May 18, 2004.

The Commissioners received and reviewed from the Division of Highways a Notice of an Opportunity for a Public Meeting on the Proposed Abandonment of 0.09 Mile County 21/50 Fayette County.

The Commissioners received and reviewed from the 911 Center a



Status Report of the 911 calls for January through April.

The Commissioners approved the purchase of an air conditioner for the Circuit Clerk's Office, amount \$238.00.

The Commissioners received and reviewed letters from the West Virginia Development Office informing they have received the application for the Economic Infrastructure Bond funding consideration of \$600,000 for the development of Wolf Creek Park in Fayette County; a letter informing that the Fiscal Year 2001 Small Cities Block Grant-Fayette County Commission, Paint Creek/Plum Orchard Water Extension, Project #01SCBG0041X expiration date of the agreement has been extended to June 30, 2005; and letters informing that the Financial Management System Audit for Fiscal Year 2002 Small Cities Block Grant-Fayette County Commission-New Haven Public Service District Water Extension Project #01SCBG0041X and Fiscal Year 2002 Appalachian Regional Commission Grant for Fayette County Commission-New Haven Public Service District Water Extension, Project #02ARCP0110 report shows no findings of noncompliance with federal and state requirements.

Commissioner Wender offered a motion to adjourn the County Commission meeting. Commissioner Eskew seconded.

The meeting was adjourned at 4:30 p.m. The next scheduled meeting is May 24, 2004.



---

FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
COURTHOUSE  
MAY 24, 2004  
FAYETTEVILLE, WV 25840  
MEMBERS Present: Kenneth L. Eskew, Matthew D. Wender

The Fayette County Commission met in a regular session on this 24<sup>th</sup> day of May 2004.

Commissioner Eskew called the meeting to order at 9:50 a.m.

Commissioner Wender offered a motion to approve payment of vouchers as presented to the Commissioners. Commissioner Eskew seconded. Vote passed 2-0.

Commissioner Wender offered a motion to approve payrolls as presented, payrolls to be released May 28, 2004. Commissioner Eskew seconded. Vote passed 2-0.

Commissioner Wender offered a motion to waive a rental fee for the use of the Memorial Building for the Fayetteville Highrisers 4-H Club, all other rules applicable, including proof of insurance, garbage, and custodian service, the organization will be responsible for the clean-up of the building and grounds after the event. Commissioner Eskew seconded. Unanimous. A letter signed.

Commissioner Wender suggested asking Carl Harris, Assistant Prosecuting Attorney, the Planning Commission, and the Sheriff to come in to discuss the County options on the ATV House Bill 40022.

Commissioner Wender suggested that a letter be sent to Leon Cooper, Chairman, Planning Commission suggesting that he schedule a meeting with Tim Richardson, Zoning Officer, Sheriff William Laird,

Carl Harris, Assistant Prosecuting Attorney, and Dave Pollard, County Resource Coordinator to give an overview of the legislation and law enforcement input for discussion.

Commissioner Wender suggested that a copy of the letter be sent to Tim Richardson, Carl Harris and the Kanawha County Commission.

Commissioner Wender asks that Mr. Cooper advise the Commission of the meeting date, time and location.

Commissioner Wender suggested sending a letter to the Kanawha County Commission acknowledging that the Commission received their letter along with a copy of the proposed Kanawha County Safe Roads Ordinance B.

Ms. Holly informed the Commissioners she reviewed a bid from J. Dan Snead Associates on the Architectural/Engineering Firms for the replacement of the Courthouse windows.

Commissioner Wender offered a motion that Ms. Holly be designated as the County's representative to meet with Mr. Snead to discuss replacement of the Courthouse windows. Commissioner Eskew seconded. Unanimous.

The Commissioners signed letters to the West Virginia Development Office requesting extensions of several legislative digest grants that's not completed (Sheriff's Department-Project #02LEDA0069, Soccer Fields-Project #02CPGP0224, Boomer Volunteer Fire Department-Project #03LEDA0047, Christians Helping Others Food Pantry-Project #03LEDA0048, Courtroom Chairs-Project #03LEDA0053, New Haven Public Service District-Project #03LEDA0054, Upper Kanawha Valley Community Center-Project #03LEDA0057, Upper Kanawha Valley Community Center-

Center-Project #03LEDA0057, Upper Kanawha Valley Community Center-Project #04CPGP0018, Upper Kanawha Valley Ballfield Lights-Project #04CPGP0021, Memorial Building-Project #04CPGP0022, REACT-Project #04LEDA0046, Courthouse Ramp-Project #04LEDA0047, Emergency Food Assistance Center-Project #04LEDA0048 and Southern Appalachian Labor School-Project #04LEDA0053).

The Commissioners signed invoice to the Fayette County Board of Education for rent for the month of June, amount \$4,583.33

Ms. Holly told the Commissioners that every two years they have to renew their account with the West Virginia State Agency for Surplus Property. Ms. Holly presented application for eligibility to sign to the Commissioners.

The Commissioners approved to sign application of eligibility listing Kenneth Eskew, Fayette County Commission President, John Lopez, Commissioner, Matthew Wender, Commissioner, Charlotte Holly, County Administrator, James Perdue, Maintenance Supervisor, Earl Pauley, Park Superintendent, Stephen Cruikshank, Fire Levy/OES Coordinator, Daniel Pauley, Central Garage, and David Neal, E911 Coordinator designated representatives to purchase supplies.

Commissioner Wender informed the Commission he received a petition regarding the unsafe conditions of Dempsey Road between Laurel Creek and State Highway 61 in Fayette County.

Commissioner Wender asked that a letter and a copy of the petition be sent to the Division of Highways in Charleston and Oak Hill requesting their assistance to resurface Dempsey Road and clear the ditches of debris. Commissioner Wender asked that a copy of the

letter and petition be sent to our Senators, Delegates and Clark Tesky.

The Commissioners signed the Annual Renewal Application for Registration Certificate for the Fayette County Park.

Attorney Louis Tabit appeared before the Commission to present a donation in the amount of \$500.00 from the Estate of Robert A. Tabit bequest for the Fayette County Animal Control Center/C-PAC.

Commissioner Eskew asked Ms. Holly to send a thank-you letter to Mr. Louis Tabit.

Ms. Holly presented overtime for James Perdue, Maintenance Supervisor for April 21 through May 18, 2004 to the Commissioners.

Commissioner Wender offered a motion to approve overtime for James Perdue. Commissioner Eskew seconded. Unanimous.

The Commissioners received and reviewed a letter from the Secretary of State Office regarding County Contact Information Concerning Communication Areas regarding the mandated Voter's Registration System. The Commissioners signed and designated Charlotte Holly, County Administrator to be the contact person.

The Commissioners received and reviewed from the Fayette County Board of Health an Agreement to continue using Donald C. Newell, Jr. D. O. as the Fayette County Health Officer. Commissioner Wender offered a motion to approve and accept the recommendation of the Fayette County Board of Health to sign the Agreement between the Fayette County Commission, the Fayette County Board of Health and Donald C. Newell, Jr., D. O. Commissioner Eskew seconded. Vote passed 2-0.

from ACS regarding a renewal of maintenance support, cost \$6,689.00 beginning July 1, 2004.

Commissioner Wender offered a motion to approve the renewal of maintenance support from ACS effective July 1, 2004. Commissioner Eskew seconded. Vote passed 2-0.

The Commissioners received and reviewed a letter from Judge John Hatcher, Jr. informing he had requested a budget digest allocation from Senator Shirley Love to purchase chairs for the deliberation room.

Judge Hatcher informed the Commissioners that \$6,000.00 Budget Digest Grant has been approved.

The Commissioners received and reviewed a letter from Judge John Hatcher regarding a foil odor in the Circuit Clerk's Office for the last two weeks.

Ms. Holly informed the Commissioners she talked with James Perdue, Maintenance Supervisor regarding this matter he has called Marty with Camco, Mr. Perdue thinks there might be something in the air-conditioning unit.

Ms. Holly told the Commissioners she asked Mr. Perdue to let her know when Marty is coming and asked Mr. Perdue to check with Steve Cruikshank, OES Director regarding using the sniffer.

Ms. Holly told the Commissioners she had gone over to pick up draft for Earl Pauley and Lacy Lights plaque. Commissioner Eskew and Commissioner Wender suggested to Ms. Holly to put a logo on the signs.

Commissioner Wender asked about the plaque for C. R. "Bud" Hill. Commissioner Wender informed he would ask Dave Pollard, County

Commissioner Wender informed he would ask Dave Pollard, County Resource Coordinator to get the writing done. Commissioner Wender asked Ms. Holly to contact Adona Pugh regarding the Lacy Lights.

The Commissioners received and reviewed an Easement from William Clarence Altice and Debra Lilly on Lots 9 and 10 of the Glen Jean Subdivision for the purpose of placing a ditch or culvert thereon to drain water from their property to aid dispersing water from the surrounding area in an appropriate manner. The Commissioners asked that a copy be forwarded to Carl Harris, Assistant Prosecuting Attorney to review.

The Commissioners received and reviewed request for a hearing from Elkem Metals Company regarding the classification of sizeable pollution control equipment investments on property tax returns for the years 2000 and 2001.

Commissioner Wender asked if the State Tax Department needed to be here. Ms. Holly replied yes.

Commissioner Wender asked that this be scheduled on a County Commission meeting day.

The Commissioners received and reviewed a memorandum from Judy Radford, Executive Director, 4-C Economic Development Authority informing that the Fayette County Brochures have been printed and requesting a check in the amount of \$850.00 to the New River Convention and Visitors Bureau.

Commissioner Wender offered a motion that the County pay \$850.00 for County Business Brochures with the understanding that the balance of the printing cost be paid by the West Virginia Division of Tourism

The Commissioners received and reviewed a letter from the West Virginia Division of Culture and History apologizing for their delay in getting a letter of congratulations and initial instructions out regarding the awards of the Records Management and Preservation Grant and informing that in their recent meeting they were authorized a Grant Orientation Workshop and Records Management Training Workshop to be held Wednesday, June 30, 2004 from 9:00 a.m. to 5:00 p.m. A copy of the letter forwarded to Sheriff Bill Laird, Thelma Kincaid, Circuit Clerk, Dave Pollard, County Resource Coordinator, and Kelvin Holliday, County Clerk.

Commissioner Lopez asked that a letter be sent to Sheriff William Laird asking that he advise us whether or not he need to continue the temporary use of the offer space located in the basement.

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

The Commissioners received and reviewed Dave Pollard's request for 16 hours of comp. leave for May 25 and May 26, 2004.

The Commissioners received and reviewed a letter from the Dominion Resources Services, Inc. giving an update regarding the Greenbrier Pipeline Project.

The Commissioners received and reviewed letters from the West Virginia Development Office informing that on April 29, 2004 they visited Region 4 Planning Development Council to review progress made to date on the Appalachian Regional Commission (ARC) grant for the Fayette County Commission's-New Haven Public Service District-Saturday Road/Horseshoe Creek Water Extension Project and to review progress



Road/Horseshoe Creek Water Extension Project and to review progress made to date on the Small Cities Block Grant (SCBG) for the Fayette County Commission's-New Haven Public Service District-Paint Creek/Plum Orchard Water Extension Project; a letter informing that all Small Cities Block Grant's (SCBG) payments for the month of June 2004 must be in the office by June 16, 2004 and that any payment request after June 16, 2004 will be paid in July 2004.

Commissioner Wender offered a motion to approve overtime (30 hrs.) for Debbie Berry. Commissioner Eskew seconded. Vote passed 2-0.

The Commissioners received and reviewed a letter from the Fayette County Weatherization Program informing that the Advisory Council Meeting scheduled for May 22, 2004 has been changed to June 28, 2004 and that on May 26 the Weatherization Program will have a booth set up at the Tamarack from 10:00 a.m. until 5:00 p.m.

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

The Commissioners received and reviewed a letter from the State Auditor's Office informing that the Regional Training for County Officials scheduled for the month of June has been canceled.

The Commissioners received and reviewed checks for 911 Fees from VarTec, amount \$13.58, Nos Communications, Inc., amount \$4.00, Z-Tel Communications, Inc., amount \$32.00, AT&T Communication for WV, amount \$1,242.00, Citizens Communications Co., amount \$56.50, Verizon, amount \$36,604.62 and Metro-Teleconnect Co., amount \$41.16; Jail Fees-City of Oak Hill, amount \$540.00; reimbursement for TRIDENT overtime, amount

\$1,233.61; rent from the Fayette County Board of Education, amount \$4,583.33; rent for the Family Law Master, amount \$2,025.00; and reimbursement Workers' Compensation (Chuck Moses), amount \$2,005.76.

Patti Payne, C-PAC appeared before the Commission to give an update of the financial expenses of the Fayette County Animal Control Center/C-PAC.

Ms. Payne recommended to the Commission that they take the \$12,000.00 for the Spay/Neuter program and pay for a part-time dog warden.

Ms. Payne told the Commissioners that the shelter cannot operate on \$10,400.00.

Ms. Payne told the Commissioners she have seven employees herself included four full time and three part-time Monday through Saturday, Sunday three people work two at bottom and one at top.

Commissioner Wender asked Ms. Payne to give to the Commissioners a budget listing the medicine, supplies, net expenses, et al and look at this payroll and tell the Commission how many people you really want to have.

Commissioner Wender asked Ms. Payne to list how many animals been brought into the shelter from calendar year July 2002 to April 2004.

The Commissioners asked Ms. Payne to call Ms. Hickman to schedule an appointment.

The Commissioners received and reviewed Weekly Fees Collected for the Fayette County Control Animal Center/C-PAC for the week of May 14, 2004 to May 20, 2004, amount \$245.00.

Lloyd and Virginia Thomas appeared before the Commission to

inquire about abandoning a right-of-way.

The Commissioner suggested to Mr. and Mrs. Thomas that they get an Attorney to assist with this matter. The Commissioners gave Mr. and Mrs. Thomas a copy of the West Virginia Code.

The Commissioners approved to pay an invoice from the Sheriff's Office from State Electric, amount \$249.78.

Discussion was held regarding the Building Code Fees.

Commissioner Wender asked Ms. Holly what the Commission need to mechanize.

Ms. Holly told the Commissioners that the first year's fees will go to the general county fund and if there are excess funds the permit fees offset the Building Code Fees.

Commissioner Wender suggested getting with Tim Richardson, Zoning Officer and Dave Pollard, County Resource Coordinator to clarify what the Commission get paid for and how the excess funds would be used.

Ms. Holly informed the Commissioners she received an e-mail from the State Treasurer's Office informing that the Fayette County Sheriff 25% distribution of Coal Severance Tax will be deposited on May 24, 2004, amount \$14,431.26.

Commissioner Eskew informed the Commissioners he had received a letter from Steve David asking that Norfolk Southern Corporation research the potential flooding on his property on Paint Creek near Pax.

Commissioner Eskew informed the Commissioners that he received a letter from Norfolk Southern Corporation regarding the potential flooding on their former property on Paint Creek near Pax.

Commissioner Eskew told the Commissioners that Norfolk Southern told him that they have no ownership interest in the property.

Commissioner Wender asked Ms. Holly to forward a copy of the letter to Steve Cruikshank, OES Director to respond. Ms. Holly told the Commissioners that she had forwarded a copy of the letter to Mr. Cruikshank. The Commissioners asked Ms. Holly to send a second notice to Mr. Cruikshank.

The Commissioners asked Ms. Holly to write a firm follow-up letter to the Division of Highways requesting that a member of their staff schedule a meeting with the Commission to explain the design of the Glen Jean intersection and what options are available to address this very serious public safety issue.

Commissioner Wender asked Ms. Holly if she had received an update from Susan Chernenko, Director West Virginia Aeronautics Commission regarding the Statewide Airport System Plan. Ms. Holly replied no.

Ms. Hickman informed the Commissioners that Ms. Chernenko had called and scheduled an appointment with the Commission for June 14, 2004 at 10:00 a.m.

Commissioner Wender asked Ms. Hickman to notify and invite Dr. Donald Newell, Judy Radford, 4-C Economic Development Authority, and Sharon Cruikshank the courtesy to attend.

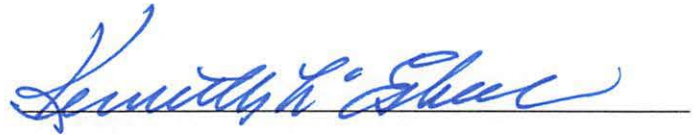
The Commissioners signed a letter expressing their support of the plan by Southern Appalachian Labor School plans to develop a low-income housing project as part of a youthfield project.

The Commissioners signed a letter to the West Virginia Bureau for Public Health informing the Commission fully support the "Steps to a

Healthier US" grant application in collaboration with the New River Health Association, the West Virginia Bureau for Public Health, and the West Virginia Department of Education.

The Commissioners received and reviewed the applications received for the Building Code Officer position.

The meeting was adjourned at 1:37 p.m. The next scheduled meeting is June 14, 2004.

A handwritten signature in blue ink, reading "Kenneth L. Shaw", is written over a horizontal line.

FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
NOVEMBER 12, 2004  
COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: Kenneth L. Eskew, John H. Lopez

The Fayette County Commission met in a regular session on this 12<sup>th</sup> day of November 2004.

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

Commissioner Lopez offered a motion to approve and sign exonerations as presented by the Assessor's Office. Commissioner Eskew seconded. Unanimous.

Ms. Holly presented the abstract by voting precincts and an Order to be signed to the Commissioners. No one filed to contest the election.

The Commissioners reviewed the order. Commissioner Lopez offered a motion to officially certify the 2004 Presidential General Election. Commissioner Eskew seconded. Unanimous.

The Commissioners signed order certifying the results of the canvass for the 2004 Presidential General Election. A letter, an order and the canvass results were forwarded to the Secretary of State Office.

Commissioner Lopez offered a motion to approve vouchers' invoices and payrolls, payrolls to be released today. Commissioner Eskew seconded. Unanimous.

Commissioner Lopez offered a motion to approve paying mileage to the poll workers who picked up supplies. Commissioner Eskew seconded. Unanimous.

The Commissioners recessed the County Commission meeting to unlock ballot room.

The Commissioners received and reviewed a letter from Allen Ballard, Fayette County Building Code Officer requesting that they allow him some time to travel to Berkley County to observe their Building Code Enforcement Office so that he can be better informed as to how to set-up and operate Fayette County's Building Code Office. The dates that were convenient for Bucky Teach are November 17 and 18. Mr. Ballard told the Commissioners he would leave the afternoon of November 16.

Commissioner Lopez offered a motion for Allen Ballard, Building Code Officer to go to Berkley County on November 16, 17 and 18, 2004 to observe their Building Code Enforcement Office. Commissioner Eskew seconded. Unanimous.

Floyd McKnight appeared before the Commission asking that the Commission send a letter to the Southern Appalachian labor School to inform them of their meeting with the Fayette County Board of Education regarding the acquisition of the Beards Fork School and property.

Mr. McKnight told the Commissioners that he thought Southern Appalachian Labor School was to be responsible for the utilities and maintenance of the building.

Commissioner Lopez told Mr. McKnight they would send a letter to Southern Appalachian Labor School (SALS) regarding this matter.

Ms. Holly told the Commissioners they would have to enter an order notifying the Executive Committee of the special levy election.

Ms. Holly told the Commissioners the Special Election will be held on February 5, 2005.

Ms. Holly told the Commissioners she received a memorandum from Paul Blake, Prosecuting Attorney regarding putting all three (3) levies on the same ballot.

Steve Cruikshank, OES Director told the Commissioners he was against putting the three (3) levies together would prefer individual ballots.

Commissioner Lopez suggested that the Commission go with three (3) separate levy issues.

Commissioner Lopez offered a motion to rescind the motion of October 26, 2004 regarding the Levy Rates, Levy Rates to be changed to three (3) separate issues. Commissioner Eskew seconded. Unanimous.

The Commissioners signed an Order to use paper ballots in lieu of electronic voting equipment for special election to be held on February 5, 2005.

The Commissioners signed an Order setting forth the number of counting boards for the special election.

The Commissioners signed Professional Service Contract for Literal E, Inc., Administrative Assistant to Dave Pollard, County Resource Coordinator.

The Commissioner signed an Order appointing a Special Fiduciary Commissioner and Curator of the Estate of Estes Whitaker.

The Commissioners signed minutes from Tim Richardson, Zoning Officer for the Zoning hearing held October 26, 2004.

The Commissioners received and signed from the West Virginia



Development Office Grant Agreement in the amount of \$2,000 to the Fayette County Commission to purchase and install exterior lights to illuminate the front of the Fayette County Memorial Building. Ms. Holly told the Commissioners this replaced the Danese Community Center Grant.

Ms. Holly informed the Commissioners that the Fiscal year 2005 Legislative Digest Information Sheets for the Fayette County Sheriff's Department and Gauneka-Ruritan Club has been completed.

Commissioner Lopez offered a motion that President Eskew be authorized to execute agreement for the Fayette County Sheriff's Department. Commissioner Eskew seconded. Resolution signed.

Commissioner Lopez offered a motion that President Eskew be authorized to execute agreement for the Gauneka-Ruritan Club.

Commissioner Eskew seconded. Resolution signed.

The Commissioners signed Customer Support Agreement for budgeting and accounting.

Ms. Holly informed the Commissioners that the Governor has designated Friday, November 26, 2004 as an additional day off for State employees.

Commissioner Lopez offered a motion to designate Friday, November 26, 2004 as an additional day off for County employees without charge against accrued annual leave. Commissioner Eskew seconded. Unanimous.

The Commissioners signed a letter designating Friday, November 26, 2004 as an additional day off for County employees.

Ms. Holly presented on behalf of Region 4 Planning and

Development Council a request for a drawdown on the New Haven Public Service District Water Extension Project, Paint Creek/Plum Orchard Water Extension-Contract 13, amount \$17,410.09 and the Saturday Road/Horseshoe Creek Water Extension, amount \$2,557.85.

Commissioner Lopez offered a motion to approve and authorize the request for a drawdown for the New Haven Public Service District-Saturday Road/Horseshoe Creek Water Extension, amount \$2,557.85 for payment of services. Commissioner Eskew seconded. Unanimous.

Commissioner Lopez offered a motion to approve and authorize the request for a drawdown for the New Haven Public Service District-Paint Creek/Plum Orchards Water Extension-Contract 13, amount \$17,410.09 for payment of services. Commissioner Eskew seconded. Unanimous.

The Commissioners received and reviewed a Revision of the Financial Report from Region 4 Planning and Development Council for the October 12, 2004 drawdown for the New Haven Public Service District paint Creek/Plum Orchard Water Extension, amount \$90,646.12.

Ms. Holly informed the Commissioners that she received a grant agreement for the Oak Hill Rail Trail, but have not heard anything back from Beth Gardner. The Commissioners asked to hold and let Carl Harris, Assistant Prosecuting Attorney review.

The Commissioners recessed the County Commission meeting at 10:58 a.m.

The Commissioners reconvened the Commission meeting at 11:10 a.m.

Commissioner Eskew informed the Commissioners that Senator Shirley Love, Delegates David Perry and John Pino are here to present and inform the Commissioners of the grants Fayette County has

received.

Delegate Pino expressed his appreciation for the time the Commission has given them. Mr. Pino presented a list of the grants that were presented: Minden Community Center (\$5,000), Oak Hill Rail to Trails (\$5,000), Mount Hope Fire Department (\$5,000), Oak Hill Fire Department (\$5,150), City of Oak Hill (\$10,000), Visitors Bureau and Convention Center (\$10,000), the Town of Fayetteville (\$17,500), Fayetteville Police Department (\$850), Mount View Church of God (\$5,000) and the Fayette County Memorial Building (\$2,000).

Senator Love told the Commissioners there was more than \$100,000 grants that have not be expedited yet.

Commissioner Lopez presented to Senator Shirley Love and Delegates David Perry and John Pino a letter stating that the Commission wish to acknowledge the efforts of our legislative delegation and the leadership of Senator Shirley Love. Commissioner Lopez told the delegates the Commission appreciate and put to good use the financial resources they have made available to us for use on county facilities.

The Commissioners received and reviewed a letter from Saints Peter and Paul Catholic School requesting the use of the Memorial Building for basketball games for their school.

Commissioner Lopez offered a motion to approve Saints Peter and Paul Catholic School the use of the Fayette County Memorial Building for their upcoming basketball games on December 13, 2004, January 10, 2005, February 17, 2005 and February 26, 2005. Commissioner Eskew seconded. Unanimous.

The Commissioners received and reviewed Certificate of Liability Insurance for the Fayette County Board of Education.

Ms. Holly told the Commissioners that the Board of Education will pay rent for the memorial building at the old rates.

Commissioner Lopez asked to hold and discuss on November 19, 2004.

The Commissioners received and reviewed an estimate from James Perdue, Maintenance for the cost of the LaFayette Statute lights.

Commissioner Lopez offered a motion to approve lighting for the LaFayette Statue, amount \$722.20. Commissioner Eskew seconded. Unanimous.

Ms. Holly presented to the Commissioners an invoice from Ben Franklin for the cost of framing a Certificate for Daniel Wright, Chairman, Fayette County Historic Landmark Commission, amount \$60.46.

Commissioner Lopez offered a motion to approve the invoice from Ben Franklin, amount \$60.46. Commissioner Eskew seconded. Unanimous.

The Commissioners received and reviewed an e-mail from the Fayette County Park regarding the Lacy's Lights and Maples Display.

Commissioner Lopez offered a motion to endorse the Resolution in support of the Horizon Natural Resources Employees and Retirees. Commissioner Eskew seconded. Unanimous.

Ms. Holly suggested to the Commissioners to have Carl Harris, Assistant Prosecuting Attorney review.

The Commissioners received and reviewed a letter from the Kanawha Falls Public Service District requesting funding to install a fence at their Adena property.

The Commissioners received and reviewed a complaint from William Stanley regarding Precinct 74-Clifftop/Nallen/Corliss. Mr. Stanley told the Commissioners that there's no phone service, have to travel six to seven miles to use a phone. Mr. Stanley told the Commissioners they need to get a new polling place.

J. Dan Snead told the Commissioners that since the bid of \$127,620.00 exceeded the available funds of \$100,000.00 he was authorized to negotiate bid price to accommodate the funds available by reducing the work scope.

The Commissioners received and reviewed a letter from J. Dan Snead Associates informing that the Commission has agreed to accept the bid for the replacement of the courthouse windows.

The Commissioners received and reviewed a letter from Dan Snead recommending and enclosing a copy of the proposal from Talbott Glass to reduce the original bid price of \$127,620.00 to an amount closer to the budget.

Mr. Snead told the Commissioners that Talbott Glass has excluded twenty (20) of the original 87 windows for a deduction of \$17,944.00, which brings their proposal to \$109,675.00.

Commissioner Lopez offered a motion to accept the recommendation of J. Dan Snead Associates to accept the proposal of Talbott Glass, amount \$109,675.00 for the courthouse window replacement project. Commissioner Eskew seconded. Unanimous.

The Commissioners received and reviewed a letter from J. Dan Snead confirming that the Fayette County Commission has directed him to proceed with Architectural/Engineering documentation relating to

the completion of the Courthouse Elevator Project.

The Commissioners received and reviewed a letter from the Kanawha Valley Chapter Trout Unlimited informing they participated in a very successful cleanup with the Fayette County Solid Waste Authority and Dominion Resources on Rich Creek at Jodie. On behalf of both Dominion Resources and the Kanawha Valley Chapter Trout Unlimited they enclosed a check for \$350,000 to be used by the Fayette County Solid Waste Authority as seen fit for a clean up. A copy of the check was given to Debbie Berry, Secretary Fayette County solid Waste Authority.

The Commissioners received and reviewed a letter from Allegheny Power informing they have been made aware that the Commission plans to conduct a public meeting to address the concerns of the Adena Village residents with respect to ATV traffic.

The Commissioners received and reviewed a letter from Allen Ballard, Fayette County Building Code Officer requesting that four (4) telephone lines is hooked up-one for internet for the Building Code Officer's desk, internet for Chris Dyer, Fayette County Housing Consultant desk and two lines for phone and internet for the West Virginia State University Extension Officer.

Commissioner Eskew and Ms. Holly to get with Allen Ballard to verify what they want.

The Commissioners received and reviewed a lawsuit from James N. Braxton.

The Commission recessed for lunch at 12:40 p.m.

The Commission reconvened the County Commission meeting at 2:35 p.m.

Commissioner Lopez offered a motion to approve and sign the Notice of Special Election for Renewal of Existing Additional County Levy. Commissioner Eskew seconded. Unanimous. Order signed. A copy forwarded to the Secretary of State Office.

Ms. Holly presented a Petition to Combine or Divide and Segregate Land as submitted by the Assessor's Office. The Commission approved and signed the petition to Combine or Divide and Segregate Land for Dimmi Ann Warden and Joyce Lynn Bragg as submitted by the Assessor's Office.

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

The Commissioners received and reviewed several correspondences from the Workers' Compensation Division and the Unemployment Compensation Division.

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

The Commissioners received and reviewed from the Fayette County Animal Control Center/C-PAC the Activity Report, Monthly Revenue Report and C-PAC Allotment, amount \$11,560.17 for the month of October and Weekly Fees Collected for the week of October 22 to October 28, 2004, amount \$160.00, the week of October 29 to October 31, 2004, amount \$280.00 and the week of November 1 to November 4, 2004, amount \$115.00.

The Commissioners received and reviewed checks for 911 Fees from CityNet Holding, LLC, amount \$3.92, Business Telecon, Inc, amount \$3.92, Verizon, amount \$35,516.11, Z-Tel Communications, Inc., amount

\$36.00, Nos Communication, amount \$.00; Reimbursement amount \$10,000; Soldiers and Sailors, amount \$1,575.00; FLM rent, amount \$2,025.00; Jail Fees-City of Mount Hope, amount \$97.00, Town of Fayetteville, amount \$97.00; Alarm Fees, amount \$2,920.00, rent Memorial Building, amount \$201.67; Franchise Fee-Bradley Communications, Inc. amount \$537.92; Emergency Services Homeland Security, amount \$58,824.00; WV Development Office-Paint Creek/Plum Orchard, amount \$90,646.12.

The Commissioners received and reviewed a copy of the Fire Management Plan Environmental Assessment for the New River Gorge National River, Gauley River National Recreational Area, and Bluestone National Scenic River.

The Commissioners received and reviewed Audit Report of the Fayette County Magistrate Court for the period ended December 31, 2003.

The Commissioners received and reviewed Orders from the Division of Highways ordering the addition of Dogwood Lane to the State Local Service System and an order ordering the addition of Lois Lane to the State Local Services System.

The Commissioners received and reviewed an invoice from the Southern Appalachian Labor School of the Workcamp expenses.

The Commissioners received and reviewed a copy of a letter from the Page-Kincaid Public Service District thanking the residents of Loup Creek area for their support of the Page-Kincaid Public Service District Phase I wastewater extension projects and to inform them about Phase II which serves families from Page to Robson.

The Commissioners received and reviewed a letter from the Social



Security Administration informing of the changes to its employer reporting process.

The Commissioners received and reviewed a letter from the West Virginia Development Office informing that the Fayette County Urban Renewal Authority is required to complete an Employment Report to the West Virginia Economic Development Authority.

The Commissioners received and reviewed a request for leave from Dave Pollard, County Resource Coordinator for 32 hours annual leave and 8 hours sick leave.

The Commissioners received and reviewed a reimbursement from the Federal Emergency Management Agency for \$7,874.64.

The Commissioners received and reviewed remittance from the Assessor's Office to the State Treasurer's Office for \$132.00 for the Courthouse Facilities Improvement Fund.

The Commissioners received and reviewed a letter from the West Virginia Development Office regarding Fiscal Year 2005 Land and Water Conservation Fund Notice: Invitation to Submit Applications.

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

The Commissioners received and reviewed a letter from Sheriff William Laird informing that Deputy Sheriff Walter S. Casey has been promoted to the rank of Corporal within the department.

The Commissioners received and reviewed a letter from Harvey "Eddie" Young informing that effective November 1, 2004 Seth Thomas Woodrum will be working on a part-time bases in his office. The rate of pay would be \$7.00 per hour from the PVC Fund.

The Commissioners received and reviewed a letter from the American Red Cross thanking the Commission for allowing them to have their 11<sup>th</sup> Annual Fundraiser the Christmas Festival Arts and Craft Show at the Soldiers and Sailors Memorial Building.

The Commissioners received and reviewed a notice informing them of the Second Annual West Virginia Policy Forum being held November 14-15, 2004 at Stonewall Resort.

The Commissioners received and reviewed a letter from the State Tax Department informing they reviewed the natural resource account on Bessie Fox and their review indicates that a clerical error was made and they have provided the recommended mineral appraisal changes.

The Commissioners received and reviewed an Accident Report (Peggy Bennett).

The Commissioners received and reviewed a letter from Region 4 Planning and Development Council informing the next scheduled project meeting for the City of Mount Hope/Kilsyth Sewer Extension/Plant Upgrade Project is Monday, November 15, 2004 at 10:30 a.m. at the Mount Hope Housing Authority.

The Commissioners received and reviewed Status Report from the 911 Center for January through October 2004.

The Commissioners received and reviewed a list of securities pledged from the SunTrust Bank as of October 29, 2004.

The Commissioners received and reviewed a letter from the Branch Banking and Trust Company informing of the securities that were held by Branch Banking and Trust s collateral to secure the deposits of Fayette County Commission as of October 31, 2004.

The Commissioners received and reviewed a letter from Sheriff William Laird requesting that checks be written to Kustom Signals, Inc. (\$46,830.00) and WV Trailer Sales (\$11,994.00) from the Homeland Security Grant Fund.

The Fayette County Commission passed a Resolution that Stephen M. Cruikshank shall hereby be legally authorized to enter into an agreement with the West Virginia Office of Emergency Services for the Emergency management Performance Grant.

The Commissioners received and reviewed a Judgment from the Circuit Court regarding West Virginia Workers' Compensation Commission v. Pete Lopez, amount \$43,851.11.

The Commissioners received and reviewed a letter from St. Paul Fire and Marine Insurance Company informing that Claim #GP09312807-09T004 has been assigned to Regina Laughery for handling.

The Commissioners received and reviewed from the County Commissioners' Association an Unofficial 2004 General Election Results.

The Commissioners received and reviewed a letter from the Office of Emergency Services regarding FEMA-DR-1558-WV Hazard Mitigation Grant Program (HMGP) Notice of Intent. Original forwarded to Steve Cruikshank, OES Director.

The Commissioners received and reviewed a notice from Philip Perone, Sanitarian Officer at the Fayette County Health Department informing of his accident on County Route 8 from Beckwith on Route 16 toward Fayette County Park.

The Commissioners received and reviewed a notice to advertise for

the public hearing on the proposed ordinance regarding all terrain vehicles in Adena Village.

The Commissioners received and reviewed a letter from ESRI- inviting the Commission to attend the West Virginia GIS Day being held November 17 and November 18, 2004.

The meeting was adjourned at 2:57 p.m. The next scheduled meeting is November 30, 2004.

---

FAYETTE COUNTY COMMISSION  
SPECIAL SESSION  
COURTHOUSE

NOVEMBER 8, 2004

FAYETTEVILLE, WV 25840


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

The Fayette County Commission met in a regular session on this 14<sup>th</sup> day of May 2004 at 8:55 a.m. to conduct the canvass for the Presidential Primary Election held on May 11, 2204.

The Commissioners reconvened the County Commission meeting at 1:00 p.m.

Commissioner Eskew informed they are here for the Public Hearing for the relocation of the Beckwith Precinct 51 from Fayette County Park to Evangel Fellowship Outreach Ministry former Beckwith Elementary School.

The meeting was adjourned. The next scheduled meeting is November 12, 2004.

  
\_\_\_\_\_

FAYETTE COUNTY COMMISSION  
SPECIAL SESSION  
NOVEMBER 19, 2004  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS Present: Kenneth L. Eskew, Matthew D. Wender

The Fayette County Commission met in a special session on this 19<sup>th</sup> day of November 2004.

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

Commissioner Eskew informed the Commission is here to hear the rezoning scheduled for James H. and Mava I. Whitlock.

Commissioner Wender informed that due to the absence of Commissioner John Lopez this hearing may be tabled before the Commission make a decision on this matter.

Tim Richardson, Zoning Officer presented a list of the citizens who wish to speak at this hearing to the Commissioners.

Commissioner Eskew asked that Al Gannon, Steve Louisos, Leon Cooper, Tom Oxley, Attorney James Blankenship speaking on behalf of James H. & Mava I. Whitlock the property owners, and Gene Kistler all came forward to be sworn in.

Tim Richardson presented case Z-498-04-1: Request of James H. Whitlock and Mava I. Whitlock owners, for a change in land classification from B-2 (Business, Local District) to B-4 (Business, Major District) on 75 acres more or less of Surf. 239.70 acre near Courthouse, off Route 19 and Maple Lane, New Haven District (See attached).

Attorney William Stover appeared before the Commission on behalf of Thomas Troitino for re-evaluation of the property assessments for

# **Fayette County Commission**

## **Minutes**

**November 19, 2004**

The Fayette County Commission met in regular session, November 19, 2004, at 9:30 am. The zoning portion of this meeting as follows:

Members present: Ken Eskew, President  
Mathew D. Wender, Commissioner

Also present, Tim Richardson, Zoning Officer.

First order of business request:

**Z-498-04-1:**Request of James H. Whitlock and Mava I. Whitlock, owners, for a change in land classification from B-2 (Business, Local District) to B-4 (Business, Major District) on 75 acres more or less of Surf 239.70 AC NR Court hse, off Rt. 19 and Maple Lane, New Haven District.

List of public wishing to speak presented to President Eskew.

Recommendation of the Planning Commission is to rezone as requested by a vote of 7 for and 3 and against, one abstension for this request.

James Blankenship , representing the Whitlocks's, questioned could this be tabled and represented since all commission members are not present ? Whatever the commission's desire is we are ready to proceed.

Carl Harris, Assistant Prosecuting Attorney, the public has the right to speak if desired at this time. Matt Wender, we desire to table because of the absence of one commissioner, but we will be willing to hear the public comment on this case.

James Blankenship, this request will not affect any residential property owners and presented a map of the intended request of 75 acres. Discussion of B-2 zoning and B-4 zoning, buffers, description of property from a topographical map standpoint. B-2 to B-4 comparisons. There is no contracts existing on this property and no negotiations in development.

Ken Eskew, with the Lilly property being advertised as future home of Lowe's and Walmart is this overlooking this for future development ?

Matt Wender, in the regional market is it feasible this area could be served by two locations. Is this a hindrance because of B-4 not being available ?

Ken Eskew, question for Tom Oxley, City of Oak Hill, is Oak Hill considering providing sewage service to this project ? Oxley, Oak Hill has not been approached to do so.

Tom Louisos, Jr. is the county commission trying to move this project to the Whitlock property for B&O taxes ?

Carl Harris, the county commission cannot impose B&O taxes. The proposal being considered on derived revenue would have to be on a volunteer basis by the development.

Al Gannon, the newspaper interpretation, which could be inaccurate states a turf war and we don't want this. The county commission has to have communication with the Urban Redevelopment Authority. Have concerns about stoplights on



Route 19, four lights. Question of Mike Basille, who retained him for the URA development plan ?

Matt Wender, last summer when the question of B-4 zoning was discussed, the question of a mechanism of revenue stream for locations outside of municipalities was discussed. The county commission retained Mike Basille to present an opinion on development matters on behalf of the URA. David Pollard did not initiate communications with Mr. Basille, the county commission did on behalf of the URA. David Pollard was asked to provide information concerning the Route 19 guideline and the UDC for Fayette County.

The URA meets next on December 1, 2004 at 7:00 pm at the courthouse.

Gene Kistler, will this request be readdressed ? Ken Eskew, yes this will be.

I am member of the planning commission, and have helped with the development of the guidelines the county now uses. At the last County commission meeting, the public signed up to speak, they weren't given the opportunity and the county commission remanded this request back to planning commission without reason, why ?

Matt Wender, the county commission remanded because they couldn't understand why this was recommended to not approve, but didn't have any opposition.

Gene Kistler, felt it was recommended for denial because there was no plan presented. The content of B-4 needs to be recognized or what is the benefit ? This concern is in the best interest of the UDC that a document of sewage for review and an economic survey.

Matt Wender, these are valid concerns, but not necessarily an economic impact. B-4 being speculative this is addressed in the UDC. Not open ended.

James Blankenship, speculative zoning is not addressed in the UDC. No requirement for plan submission.

**Disposition :** Motion to table this request until the December 17, 2004 meeting at 9:30 am with the condition that this be readvertised in the local newspaper and all parties that were notified originally be again notified of this issue to be addressed on this date and time, by Matt Wender. Second by Ken Eskew. Vote 2-0.

No other business. Zoning portion of this meeting. Adjourned.

---

Kenneth Eskew, President

---

John H. Lopez, Commissioner

---

Mathew D. Wender, Commissioner

# FAYETTE COUNTY COMMISSION

## ZONING HEARING

Nov. 19, 2004

### SIGN IN SHEET

(WISH TO SPEAK)

- |                           |   |
|---------------------------|---|
| 1. <u>Barbara Parker</u>  | YES <input checked="" type="radio"/> NO |
| 2. <u>AL GANNON</u>       | <input checked="" type="radio"/> YES NO |
| 3. <u>W. Snagg</u>        | YES <input checked="" type="radio"/> NO |
| 4. <u>Charlie Jones</u>   | YES <input checked="" type="radio"/> NO |
| 5. <u>Steve Lewis</u>     | <input checked="" type="radio"/> YES NO |
| 6. <u>STEVE KEENAN</u>    | YES <input checked="" type="radio"/> NO |
| 7. <u>Myrtle Ayersman</u> | YES <input checked="" type="radio"/> NO |
| 8. <u>Juan Williams</u>   | YES <input checked="" type="radio"/> NO |
| 9. <u>Morgan Bracker</u>  | YES <input checked="" type="radio"/> NO |
| 10. <u>John Cooper</u>    | <input checked="" type="radio"/> YES NO |

# FAYETTE COUNTY COMMISSION

## ZONING HEARING

Nov. 19, 2004

### SIGN IN SHEET

- |                             | (WISH TO SPEAK) |
|-----------------------------|-----------------|
| 1. <u>Tom Oxley</u>         | YES NO          |
| 2. <u>Jane W. [unclear]</u> | YES NO          |
| 3. <u>Mara Whitecock</u>    | YES NO          |
| 4. <u>[unclear]</u>         | YES NO          |
| 5. <u>Agnes Casto</u>       | YES NO          |
| 6. <u>[unclear]</u>         | YES NO          |
| 7. <u>[unclear]</u>         | YES NO          |
| 8. _____                    | YES NO          |
| 9. _____                    | YES NO          |
| 10. _____                   | YES NO          |

the tax periods and real estate encompassed by the subject civil suit filed in the Circuit Clerk's Office.

Eddie Young, Assessor told the Commissioners that this property has been sold to the State.

After a brief discussion, the Commission asked Carl Harris, Assistant Prosecuting Attorney to review and get back with the Commission with his recommendation at 1:00 p.m.

Ms. Holly presented a letter to the Commissioners from the State Tax Department informing that Thomas Aiello, former Assessor and Harvey Young, present Assessor has substantially complied with the "assessor's additional duties" as delineated in WV Code §7-7-6a and is entitled to the Assessor's Supplement Salary of \$15,000.00

Ms. Holly told the Commissioners that this entitles the estate of the deceased Assessor Thomas Aiello an additional compensation of 43.99% of \$15,000, amount of \$6,598.50 and Harvey E. Young present Assessor an additional compensation of 56.01% of \$15,000, amount of \$8,401.50.

Commissioner Wender offered a motion to accept recommendation by the State Tax Department to pro-rate the fees for the supplemental salary of former Assessor Thomas Aiello at 43.99% and for present Assessor Harvey Young at 56.01%, payee for Thomas Aiello shall be determined by the Prosecuting Attorney Office. Commissioner Eskew seconded. All approved.

Commissioner Wender offered a motion to approve payrolls for the second half of November, payroll to be released on November 24, 2004. Commissioner Eskew seconded. Unanimous.

Commissioner Wender offered a motion to approve vouchers and invoices as presented. Commissioner Eskew seconded. Unanimous.

Kelvin Holliday, County Clerk appeared before the Commission to present his demands on what the Commission needs to do for the Special Levy Election (See attached).

Commissioner Wender asked Mr. Holliday to submit a budget expense for the part-time election workers.

Ms. Holly presented overtime to be approved by the Commissioners for Debbie Berry (45 hrs), Jackie Hickman (31 hrs), and Debbie Aliff (20½ hrs.).

Commissioner Wender offered a motion to approve overtime for Debbie Aliff (20½ hrs.). Commissioner Eskew seconded. All approved.

Commissioner Wender offered a motion to approve overtime for Debbie Berry (45 hrs.). Commissioner Eskew seconded. All approved.

Commissioner Wender offered a motion to approve overtime for Jackie Hickman (31 hrs.). Commissioner Eskew seconded. All approved.

Commissioner Wender offered a motion that due to the death of Howard Tyree that David Duncan fills the unexpired term as a member of the Arbuckle Public Service District. Commissioner Eskew seconded. All approved.

The Commissioners signed the holiday list for the upcoming 2005 year.

The Commissioners signed a letter to Alison Chambers, Director, Family Law Master requesting reimbursement for rent in the amount of \$2,025.00 for the month of December 2004.

The Commissioners signed invoices for the City of Oak Hill,

COUNTY CLERK TIMETABLES, 2/5, 3-LEVY ELECTION

XXX

FAYETTE COUNTY CLERK STIPULATES TO FAYETTE COUNTY COMMISSION

- 1) VOTOMATIC DOORS ARE TO REMAIN FREE OF COMMISSION LOCKS (REVERSING OF DEVICES TO VOTE PAPER BALLOT MAY BEGIN 11/25)
- 2) COUNTY COMMISSIONERS' ROOM IS NEEDED FOR VOTING 1/18/05
- 3) COUNTY COMM.STIPULATES ABSENTEE NEEDS FOR CANVASS (INTERIM)
- 4) COUNTY COMMISSION ROOM NEEDED TO ISSUE SUPPLIES 2/2-3/05
- 5) SAVE CARRIERS, NO EXTRA ELECTION NIGHT AID NEEDED 2/5/05

YYY

COMMISSION SHALL MAKE POLL WORKER APPOINTMENT PROVISIONS:

12/13 DEADLINE TO RECEIVE LISTS FROM EXECUTIVE COMMITTEES

12/20 DEADLINE TO APPOINT OFFICIALS BY COMMISSION

JANUARY 18, 20, 25, 27 - - POLL OFFICIAL CLASSES. TWO HRS OT/NIGHT MIN

ZZZ

SPECIAL NOTES REGARDING ABSENTEE PART-TIMERS, \$7/HR, 7 HRS/DAY:

TINA DEQUASIE BEGINS 60-DAY REGULAR ASSIGNMENT 12/6/04 TO AID

DAVID BENNETT & DEM TO BEGIN 40-DAY ABSENTEE MAIL JOB 12/28(28PD)

TWO NEWCOMERS BEGIN 20-DAY EARLY VOTING JOBS 1/18 (15 PD DAYS)

\*\*\*

STRIKE THROUGH LINE(S) IF DISAGREEMENT BY FCC-KEH, COUNTY CLERK

\*\*\*

P.S.: WILLIAM (BILLY GOAT) MCGRAW HASN'T BEEN PAID \$65/DAY-EM ABS.  
POLL OFFICIALS NEED PAID MORE PROMPTLY IN FUTURE: MANY CALLS  
I'VE BEEN ASSURED BY ADMINISTRATOR #51 SPOT CHANGED. DESIRE:

- 1) WALLET CARDS TO ALL VOTERS IN PRECINCT 51 AND/OR
- 2) LETTER EXPLAINING SITE CHANGE TO ALL IN PRECINCT 51.

*C. Holly to  
Paying roll  
re: Election  
mailed Wed*

amount \$921.50 and the City of Mount Hope, amount \$145.00 for the confinement of inmates at the Southern Regional Jail for the month of October.

The Commissioners received and reviewed request from SS Peter and Paul Catholic School requesting the use of the Memorial Building for the purpose of having a Winter Carnival.

Commissioner Wender offered a motion to approve for SS Peter and Paul Catholic School the use of the Memorial Building for Winter Carnival being held December 11, 2004. Commissioner Eskew seconded. Unanimous.

The Commissioners received and reviewed a letter from Sheriff Bill Laird informing that their department has been given authorization to expend \$3,000 for the purchase of camera equipment and supplies from the STOP Grant 02-VAW-030 awarded to the Women's Resource Center.

The Commissioners received and reviewed a fax from Judy Radford, 4-C Economic Development Authority regarding the Longacre property.

The Commissioners received and reviewed a letter from Mountain Transit Authority informing that their next scheduled meeting is Wednesday, December 8, 2004 at 7:00 p.m.

The Commissioners received and reviewed a letter from the Martin Luther King, Jr., WV Holiday Commission seeking nominees for the "Living the Dream" award.

The Commissioners received and reviewed a check from the Supreme Court reimbursement for rent amount \$2,025.00; 911 Fees checks from VarTar Telecom, Inc., amount \$7.76 and Citizens Communications Co.,



amount \$64.02.

The Commissioners received and reviewed Weekly Fees collected by the Fayette County Animal Control Center/C-PAC for the week of November 5 to November 11, 2004, amount \$400.00.

The Commissioners received and reviewed faxes from the County Commissioners' Association.

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

The Commissioners received and reviewed letters from the St. Paul Fire and Marine Insurance Company acknowledging the new claims they have received (Peggy Bennett, Phillip Perone).

The Commissioners received and reviewed a notice informing that the Local Government Leadership Academy Spring 2005 Session is being held April 9 and April 10 at the Radisson Hotel in Morgantown.

The Commissioners received and reviewed letters from Schumacher, Frances and Nelson-Attorney at Law regarding Braxton v. Fayette County Commission etal lawsuit (claim #GP0930854609T005).

The Commissioners received a request from Kelvin Holliday, County Clerk to unlock votamatic room and keep unlocked in interim.

Commissioner Wender offered a motion to apply with the request of the County Clerk to unlock only the votomatic room for the pending confirmation of the election. Commissioner Eskew seconded.  
Unanimous.

Commissioner Wender asked Ms. Holly if she would do a follow-up on the Personnel Book.

Ms. Holly informed the Commissioners that she had sent the proposed contract between the Division of Highways/Oak Hill Rail Trail to Carl Harris, Assistant Prosecuting Attorney and a copy to Bev Oxley, Jim Lively Insurance to review, but have not received any response.

Ms. Holly told the Commissioners that Okey Sizemore, Manager of the Memorial Building called to inform her that the Junior Women's Club wants to decorate the tree in front of the Memorial Building. The Commissioners asked Ms. Holly to check with the Fayette County Board of Education to see if anyone else has requested.

Ms. Holly told the Commissioners she received notice of a Courthouse utility Workshop and she will try to attend. The Commission approved.

Ms. Holly presented a check from FEMA in the amount of \$29,629.78 for clean-up after the 2004 Flood to the Commissioners.

Commissioner Wender offered a motion that the County distributes the proceeds received from FEMA (\$29,629.78) to companies that provided services. Commissioner Eskew seconded.

Ms. Holly presented an invoice for \$800.00 from Tim Haynie for plaques for the Memorial Building.

Commissioner Wender offered a motion to pay Tim Haynie \$800.00 for plaques at the Memorial Building. Commissioner Eskew seconded. Unanimous.

Commissioner Wender offered a motion to authorize purchase and payment of the two cruisers for Law Enforcement, amount \$40,302.00. Commissioner Eskew seconded. Unanimous.

The Commissioners received a requisition from David Neal, E911 Coordinator requesting purchase of one Emerson 27" TV/VCR/DVD Combo to replace the existing TV, cost \$298.00.

Commissioner Wender offered a motion to approve purchase of TV for the 911 Center from Wal-Mart, amount \$298.00 to be paid out of the 911 Fund. Commissioner Eskew seconded. All approved.

Commissioner Wender asked Ms. Holly to schedule David Neal, E911 Coordinator on the next County Commission meeting to present an update on the status of the Fayette County Mapping and Addressing project.

The Commissioners received and reviewed the incident regarding Anna Thomas fall at the front door of the Courthouse.

The Commissioners received and reviewed from Thelma Kincaid, Circuit Clerk request for direction signs for the Circuit Clerk Office. The Commission approved.

Commissioner Wender asked Ms. Holly about the status of the steps.

The Commission planned a presentation of the plaques for the recognition for the Lacy's Lights at the Fayette County Park on November 30, 2004 at 10:00 a.m.

The Commissioners received and reviewed Court Security Fund General Grant Information and Requirements Booklets and Grant Application. Application for this program must be submitted no later than 4:30 p.m. on Thursday, March 24, 2005.

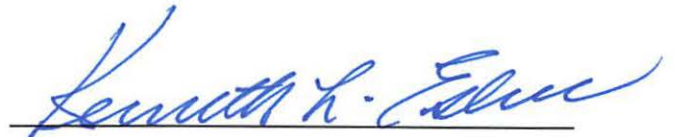
The Commissioners recessed for lunch at 12:34 p.m.

Commissioner Eskew reconvened the County Commission meeting at 1:15 p.m..

Carl Harris, Assistant Prosecuting Attorney appeared before the Commission to give his recommendation regarding the Thomas Troitino property.

Commissioner Wender offered a motion that the Commission believes that the previous tax assessments on the property of Thomas R. Troitino etal were excessive and in the event that the Circuit Court of Fayette County, WV directs this Commission to accept the taxes due as \$138,165.73 plus all attendant expenses and cost to the Deputy Commissioner of Forfeiture and Delinquent Property, the same would be acceptable to the Commission and the Commission agrees that this amount is appropriate. Commissioner Eskew seconded. Unanimous.

The meeting was adjourned at 1:18 p.m. The next scheduled meeting is November 30, 2004.

  
Kenneth L. Eskew

FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
NOVEMBER 30, 2004  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS Present: Kenneth L. Eskew, John H. Lopez

The Fayette County Commission met in a regular session on this 30<sup>th</sup> day of November 2004.

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

Beth Gardner, Chairman Oak Hill Rail Trail Committee appeared before the Commission to request that the Commission contribute the match amount (\$2,300) for their application for their grant and asked that the Commission sign a letter of support for the funding of the Oak Hill Rail Trail Committee Grant to allow for the acquisitions to fund construction of a 6-mile of rail trail in Oak Hill.

Ms. Gardner told the Commissioners she felt that this project will greatly enhance the tourism industry in Fayette County by complementing the popular rafting and rock climbing industries currently in existence. The trail would also provide an alternate means of transportation to the local community.

Commissioner Lopez offered a motion that the Commission approves the \$2,300 match for the grant. Commissioner Eskew seconded.  
Unanimous.

Ms. Gardner told the Commissioners the benefits of the trail: It will create a greenspace area that will beautify the community, provide alternate transportation for citizens, it will get more people active and promote healthier lifestyles, it will make a huge impact on

tourism in the area and give rafters a reason to stay longer, it will connect neighborhoods and schools in the community and provide a safe route to school for students, it will increase property values in the area, and it will spur economic development in Oak Hill.

Commissioner Lopez offered a motion to approve exonerations as submitted by the Assessor. Commissioner Eskew seconded. Unanimous.

Commissioner Lopez offered a motion to approve vouchers and invoices and approve first half payrolls for December, payrolls to be released on December 12<sup>th</sup>. Commissioner Eskew seconded. Unanimous.

The Commissioners signed a letter to the West Virginia Development Office requesting second drawdown for the Christians Helping Others Food Pantry, amount \$1,835.52.

The Commissioners signed a letter to Southern Appalachian Labor School enclosing a copy of minutes of the August 7, 1995 meeting of the Fayette County Board of Education regarding the acquisition of the Beards Fork School and property.

The Commissioner signed a letter to Kenneth Roop informing they have been advised of the decision by the Public Defender Corporation requesting his removal as a director of the Board.

The Commissioners informed Mr. Roop that they will name a replacement to fill the vacancy created by his removal.

Lynn Pollard, attorney for the Deepwater Public Service District appeared before the Commission to request approval for the merger of Deepwater Public Service District with and into Armstrong Public

Service District pursuant to the aforesaid Petition. Also present were Leon Newman and Donald White.

Ms. Pollard told the Commissioners a petition previously filed and an Order setting the date for a public hearing was published in the Montgomery Herald on November 10, 2004, a copy of said Notice and the Certificate of Publication having been tendered to the Commission on this date, and five notices have been posted within the area of each Public Service District.

Leon Newman and Donald White informed the Commissioners that the Deepwater Public Service District no longer sufficient to provide fire protection for the Deepwater area.

Commissioner Lopez asked if there was anyone here to oppose this merger.

William Bee a resident in the area told the Commissioners he opposed the merger.

Mr. Bee told the Commissioners that Armstrong Public Service District don't have the lines to include Deepwater. Mr. Bee told the Commissioners that Deepwater Public Service District is about paid for they would have to go back in debt and there will be an increase in the water bills.

Commissioner Lopez informed this would benefit both the Public Service Districts feels this is an excellent move.

Commissioner Eskew informed this would be economical and feasible.

Commissioner Eskew told Mr. Bee he appreciate his comments.

Commissioner Lopez offered a motion that President Eskew sign off on the merger of the Deepwater Public Service District with and into the Armstrong Public Service District. Commissioner Eskew seconded. Unanimous. Order signed.

The Commissioners signed a letter to the Public Service Commission filing for their review and approval a certified copy of the order entered on November 30, 2004, merging Deepwater Public Service District with and into Armstrong Public Service District.

Ms. Holly informed the Commissioners she has prepared three (3) Resolutions but have not received the paperwork back for the Legislative Digest Grant for the Upper Kanawha Valley Chamber of Commerce, the Fayette County Horseshoe Club, and Multi-Cap, Inc.

Commissioner Lopez offered a motion to approve and sign Resolutions for the Fayette County Horseshoe Club, Multi-Cap, Inc. and the Upper Kanawha Valley Chamber of Commerce. Commissioner Eskew seconded. Unanimous.

Commissioner Lopez offered a motion to approve Page-Kincaid Public Service District Ingram Branch Wastewater Extension for the extension of public water service to the Wriston and Ingram Branch areas of the Page-Kincaid Public Service District. Commissioner Eskew seconded. All approved.

The Commissioners signed invoices to the Fayette County Board of Education for rent for the Memorial Building for the months of November and December.



Commissioner Lopez offered a motion to support the employees adversely affected by the action of the U. S. Bankruptcy Court for the Eastern District of Kentucky and joins in the request that the Congress of the United States conduct Congressional Hearings regarding the action of the said Court and investigate and implement laws protecting employees in this and similar situation. Commissioner Eskew seconded. All approved. Resolution signed.

Ms. Holly informed the Commissioners that Sheriff William Laird sent over a letter informing that two (2) new police cruisers funded for purchase from the Fiscal Year 2005 Budget are available.

Sheriff Laird sent over invoices to proceed with the purchase of equipment required for the two vehicles, cost for equipping the two vehicles will be \$6,617.40

Sheriff Laird informed the Commissioners this including installation would be additional money for his budget.

Commissioner Lopez offered a motion to approve the additional money for the Sheriff's vehicles, amount \$6,617.40. Commissioner Eskew seconded. All approved.

The Commissioners approved 40 hours overtime for James Perdue, Maintenance Supervisor.

The Commissioners approved request from Judge Charles Vickers for three (3) chairs for the Probation Office.

The Commissioners received an invoice from Michael Basile for \$2,848.75 for professional services.

Commissioner Lopez offered a motion to approve invoice from Spilman, Thomas, and Battle (Michael Basile) for \$2,848.75.

Commissioner Eskew seconded. All approved.

Ms. Holly informed the Commissioners she talked with Dan Snead about getting Talbott Glass Company to reduce the proposal for the replacement of the Courthouse windows for Phase I project.

Ms. Holly told the Commissioners she received a letter from Talbott Glass Company changes to the original basic bid for installation of replacement windows on Phase I, front left partial and right partial for the Fayette County Courthouse.

Ms. Holly told the Commissioners the cost would be \$103,675.00.

Commissioner Lopez offered a motion to approve the deduction of the original bid from \$127,620.00 to \$103,675.00 for Phase I of the installation of replacement of the Courthouse windows.

The Commissioners presented to Earl Pauley, Elwood and Betty Maples and the Smith Family plaques for a small token of their appreciation for the lights and work at the Fayette County Park on the Christmas Lights.

Attorney James Blankenship presented to the Commissioners a petition of Dallas H. Duncan, Sr. Judith D. Duncan and Michele M. Russell to abandon an unnamed and unused street.

Commissioner Lopez offered a motion to approve the Order to abandon the unnamed and unused street. Commissioner Eskew seconded. All approved.

Attorney Myron Amick appeared before the Commission concerning the water system extensions and upgrades including Fire Protection, proposed by the Danese Public Service District.

Mr. Amick told the Commissioners that the Danese Public Service District would like to move forward with Phase One of the project.

Mr. Amick told the Commissioners that this phase would serve residents in the communities of Clifftop, Ravens Eye, Western Shelton Road, Hilton Village, Big Bend and Beelick Knob.

Mr. Amick told the Commissioners that the Danese Public Service District is requesting that the Commission sponsor an application for a Small Cities Block Grant funding to be applied towards that phase of the project.

David Pollard, County Resource Coordinator told the Commissioners that the last Small Cities Block Grant was with Page-Kincaid Public Service District.

Mr. Pollard told the Commissioners they had told the New Haven Public Service District that they would sponsor their Small Cities Block Grant.

Ms. Holly told the Commissioners they would have to have a public hearing on the decision.

Mr. Pollard told the Commissioners that Danese Public Service District is ready to file infrastructure.

The Commissioners asked that a letter be sent to the New Haven Public Service District to inform them that they have another Public

Service District ready with information to apply for a Small Cities Block Grant.

The Commissioners asked Mr. Pollard to write a letter to New Haven Public Service District and provide them data and to inform them that the Commission will act on December 17 to decide the priority of the projects.

Commissioner Lopez offered a motion that Gary E. Harding fills the position as a member of the Fayette County Planning Commission to replace James "Puck" Painter. Commissioner Eskew seconded. All approved. Order and appointment to serve letter was signed.

Denise Light, Vice President Fayette County National Bank appeared before the Commission to discuss partnering with the Fayette County Commission to offer the employees an opportunity to open a Christmas club and have it deducted from their pay.

Ms. Light told the Commissioners the club sizes that are offered.

Commissioner Lopez offered a motion that the Commission partner with the Fayette County National bank and offer to the employees an opportunity to open a Christmas club and have it deducted from their pay. Commissioner Eskew seconded. Unanimous.

Commissioner Lopez rescinded his motion to release payrolls on December 12 instead release on December 10. Commissioner Eskew seconded. Unanimous.

Commissioner Lopez offered a motion to approve Commissioner Eskew's travel expenses. Commissioner Eskew seconded. Unanimous.

The Commissioners recessed the County Commission meeting at 1:00 p.m.

Commissioner Eskew called the Commission meeting to order at 1:10 p.m.

The Commissioners signed orders and appointment letters to serve for Gary E. Harding member of the Fayette County Planning Commission and David Duncan member of the Arbuckle Public Service District.

Commissioner Lopez offered a motion to approve Petitions to Combine or Divide and Segregate Land for Ray L. and Patricia Neal, Marcella T. Manning, Fred and Maria Teresa Akerburg, Linda L. Araujo, David and Erin Runyon, Michael S. and Debbie Webb, and Karen and Otis Barker as submitted by the Assessors' Office. Commissioner Eskew seconded. Unanimous.

David Neal, E911 Coordinator, Becky Pollastrini, and Neil Cadle, Addressing Liaison appeared before the Commission to give an update on the Fayette County Mapping/Addressing project.

Mr. Neal told the Commissioners that as of today they have identified 1,507 named roads, 342 roads are still unnamed, 198 driveways have been identified, 110 road named by petition.

Mr. Neal told the Commissioners that this information can benefit the Fire Departments in case of disasters.

Neil Cadle told the Commissioners they have a field tech to go out and verify address.

Mr. Cadle told the Commissioners that Jodie, Gauley Bridge, Kanawha Falls and Kincaid have been completed. The field tech is in the Danese area today.

Commissioner Lopez asked who would be responsible for placing the numbers on the houses.

Mr. Neal replied it's up to the Commission to do an Ordinance stating that numbers have to be added to each house and each individual would be responsible for the purchase.

Mr. Neal told the Commissioners he will send each of the municipalities a letter asking that they join in the process of the mapping/addressing project.

Commissioner Eskew asked about the time line.

Mr. Cadle told the Commissioners that the Field Tech would be done by March, conversion process could be completed by early fall.

Commissioner Lopez offered a motion to go into Executive Session to discuss 911 personnel matter. Commissioner Eskew seconded. All approved.

The Commissioners reconvened the County Commission meeting at 3:00 p.m.

Commissioner Eskew informed the personnel issue has been resolved.

The Commissioners received and reviewed a letter from the New Haven Public Service District informing that they are nearing the completion of Phase II of the Fayette County Regional Water Project.

The Commissioners received and reviewed a notice from the Circuit Clerk's Office asking that they join them in saying goodbye to Thelma Kincaid, Circuit Clerk on Friday, December 10, 2004 between 11:00 a.m. to 2:00 p.m.

The Commissioners received and reviewed a copy of a letter to Janet Zamiela Fayette County Senior Program from Attorney Jennifer N. Taylor regarding their driveway agreement.

The Commissioners received and reviewed from Kelvin Holliday, County Clerk budget for the special election in February 2005.

The Commissioners received and reviewed a letter from Congressman Nick J. Rahall thanking the commission for their recent correspondence concerning their efforts to move forward with Phase One of the water extension project to the areas of Clifftop, Ravens Eye, Western Shelton Road, Hilton Village, Big Bend, and Beelick Knob in Fayette County.

The Commissioners received and reviewed several correspondences from the Workers' Compensation Commission.

The Commissioners received and reviewed checks for the 911 Fees from AT&T Communications of WV, amount \$1,500.00, IDT Corporation, amount \$402.00, Granite Telecommunication, LLC, amount \$78.00, Metro Teleconnect Company, amount \$21.56, and Mountain Communications, LLC, amount \$46.54; Franchise Fees from Charter Communciations, amount \$24,179.15; a rebate check, amount \$40.00, TRIDENT overtime, amount \$1,894.00; FEMA Emergency Services, amount \$29,610.78, Governor's

Office, Oak Hill Rail Trail, amount \$5,000.00, refund, amount \$80.26 and St. Paul Travelers, amount \$901.72.

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

The Commissioners received and reviewed a copy of a letter to Debbie Aliff, Payroll Clerk from Thelma Kincaid, Circuit Clerk informing that Judy Learmonth will be retiring on December 31, 2004.

The Commissioners received and reviewed a letter from Sheriff William Laird attaching information he recently received from the West Virginia Association of Counties regarding the new audit laws.

The Commissioners received and reviewed a letter from Chief Deputy Steve Kessler informing that Jess McMullen has been released from active military duty and he can return to work on December 1, 2004.

The Commissioners received and reviewed a letter from Sheriff William Laird enclosing his quarterly reports for review and signature by County Commission President Ken Eskew for the Law Enforcement Terrorism Prevention Program (Fiscal Year 2004 Homeland Security Grant).

The Commissioners received and reviewed a copy of a letter to the Department of Military Affairs and Public Safety regarding Quarterly Report Fiscal Year 2004 Homeland Security Grant, Citizen Corps Program.



The Commissioners received and reviewed a letter from Steptoe and Johnson regarding Charles Canterbury v. William Laird, IV, etal Civil Action #04-C-293-H.

The Commissioners received and reviewed several correspondences from St. Paul Fire and Marine Insurance Company.

The Commissioners received and reviewed from the Fayette County Animal Control Center/C-PAC Weekly Fees Collected for the week of November 12 to November 18, 2004, amount \$90.00 and the week of November 19 to November 25, 2004, amount \$170.00.

The Commissioners received and reviewed several correspondences from the United States Bankruptcy Court.

The meeting was adjourned at 3:15 p.m. The next scheduled meeting is December 17, 2004.

  
\_\_\_\_\_

FAYETTE COUNTY COMMISSION  
SPECIAL SESSION  
NOVEMBER 19, 2004  
COURTHOUSE

FAYETTEVILLE, WV 25840  
MEMBERS Present: Kenneth L. Eskew, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in special session on this 19<sup>th</sup> day of November 2004.

Attorney William Stover appeared before the Commission on behalf of Thomas Troitino for re-evaluation of the property assessments for the tax periods and real estate encompassed by the subject civil suit filed in the Circuit Clerk's Office.

Eddie Young, Assessor told the Commissioners that this property has been sold to the State.

After a brief discussion, the Commission asked Carl Harris, Assistant Prosecuting Attorney to review and get back with the Commission with his recommendation at 1:00 p.m.

At 1:00 p.m. Mr. Harris appeared before the Commission to give his recommendation regarding the Thomas Troitino property.

Commissioner Wender offered a motion that the Commission believes that the previous tax assessments on the property of Thomas R. Troitino etal were excessive and in the event that the Circuit Court of Fayette, WV directs this Commission to accept the taxes due as \$138,165.73 plus all attendant expenses and cost to the Deputy Commissioner of Forfeiture and Delinquent Property, the same would be acceptable to the Commission and the Commission agrees that this amount is appropriate. Commissioner Eskew seconded. Unanimous.

This is an excerpt from the minutes of November 19, 2004.

*Kenneth L. Eskew*  
APPROVED  
12-17-04 3/0

FAYETTE COUNTY COMMISSION  
SPECIAL SESSION  
OCTOBER 6, 2004  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS Present: Matthew D. Wender, John H. Lopez

The Fayette County Commission met in a special session on this 6<sup>th</sup> day of October 2004.

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

The Commissioners adjourned the County Commission meeting to go to the third floor to test absentee votamatics.

Commissioner Lopez presented a petition from the Adena Village residents petitioning the Commission to pass an ordinance that bans all motorized vehicles from being operated on paved roads unless the driver has a valid operator's license.

Commissioner Lopez asked that this be presented on October 12, 2004 at the next County Commission meeting.

Commissioner Wender suggested to Commissioner Lopez to have Carl Harris, Assistant Prosecuting Attorney review.

Commissioner Wender suggested that Sheriff William Laird attend the meeting to listen in on the discussion.

Commissioner Lopez offered a motion to approve invoices and vouchers, checks to be released today. Commissioner Wender seconded. Unanimous.

Commissioner Lopez informed the Commissioners that the AFL-CIO wants to use the Fayette County Memorial Building for a political rally.

Commissioner Wender suggested setting a fee of \$500.00 for rental

of the building and all other rules are applicable.

Discussion was held regarding the Regional Jail cost.

Ms. Holly presented a copy of the vendor list for publication to the Commissioners.

Commissioner Wender offered a motion to accept the annual financial statement for Fiscal Year 2003-2004 and also approve to release and approve for publication. Commissioner Lopez seconded. Unanimous.

Ms. Holly told the Commissioners she received a letter from the Division of Engineer and Facilities informing that the Oak Hill Armory will be available for use as a polling place location as long as the State Armory Board retains facility ownership. Ms. Holly told the Commissioners she has had Debbie Berry, Bookkeeper to prepare the check.

The Commissioners received and reviewed an e-mail from Lucinda Potter, Coordinator for the Local Government Leadership Academy attaching a file that contains the complete Fall 2004 Local Government Leadership Academy Registration Booklet being held October 22-23, 2004.

The Commissioners received and reviewed a memorandum from Chief Deputy Steve Kessler requesting a purchase order to send to Steve's Auto for the purchase of two cruisers. The price per car is \$20,366.00, total cost for the two vehicles would be \$40,732.00. The Commissioners approved to issue purchase order.

The Commissioners approved to pay an invoice from the Division of Highways for the stone stabilization of the roadway from the end of

Fayette County Route 19/36, Old Sun Hill Road to the gate entering the construction site for the New Armory at Glen Jean, cost \$531.67.

Commissioner Wender informed the Commission that Region 4 Planning and Development Council withdrew their request regarding the increase in local assessments.

Ms. Holly told the Commissioners that REIC Consultants has done the air quality testing on the ground floor of the Courthouse Annex. Ms. Holly told the Commissioners she has not received their written report.

The Commissioners received and reviewed an e-mail from David Neal, 911 Coordinator regarding employees donating their sick leave to another employee.

Ms. Holly told the Commissioners that she told Mr. Neal that the Commission previously approved. County employees are allowed to donate accumulated sick leave to another county employee.

Ms. Holly told the Commissioners that she told Mr. Neal that this needs to be in writing, the total accumulated day's employee donating and the number of days to whom and the balance of days remaining.

The Commissioners received and reviewed an invoice from Larry Richards for dismantling and moving of the conveyor belt, amount \$1,200.00.

Commissioner Wender offered a motion to approve the cost of dismantling and moving of the conveyor belt at Arbuckle Public Service District and asked that a two party check be written to Larry Richards and Arbuckle Public Service District, amount \$1,200.00. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed from the Fayette County Animal Control Center Activity Report, Monthly Revenue Report for the month of September, C-PAC allotment, amount \$10,331.82 for the month of October, and Weekly Fees Collected for the week of September 24 to September 30, 2004, amount \$75.00.

The Commissioners received and reviewed checks for Franchise Fees from Bradley Communications, Inc., amount \$542.62; 911 Fees from Nos Communication, Inc., amount \$4.00; Soldiers and Sailors, amount \$574.00; Family Law Master rent, amount \$2,205.00; WV Development Office for Legislative Digest Grant-SALS, amount \$5,000, and Legislative Digest Grant-UKV Community Center, amount \$1,593.16.

The Commissioners received and reviewed several correspondences from Steptoe and Johnson regarding law suits.

The Commissioners received and reviewed several correspondences from the Workers' Compensation Commission.

The Commissioners received and reviewed Quarterly Report from the Boomer Volunteer Fire Department for the period July 1, 2004 to September 30, 2004.

The Commissioners received and reviewed Status Report from the 911 Center for the period January to September 2004.

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

The Commissioners received and reviewed 2003-2004 Audit Report for White Oak Public Service District.

The Commissioners received and reviewed a letter from the Pipeline Group-Midwest, Inc. Inviting the Commission to a

complimentary dinner and brief safety program on damage prevention related to excavation activities' October 20, 2004.

The Commissioners received and reviewed a letter from the West Virginia Development Office informing that the CAEZ of West Virginia has contacted their office and request that the Fiscal Year 2005 Legislative Digest Local Economic Development Assistance (LEDA) Fayette County Commission-CAEZ of WV/Economic Development Plan, Project #05LEDA0040 be administered by the Clay County Commission.

The Commissioners received and reviewed a letter from the West Virginia Development Office requesting a status narrative on the SALS project and to provide some reference information in regard to volunteer labor and force account labor when used for SCBG-funded projects for SCBG Fayette County Commission Courthouse 504 Compliance and SALS Project, Project #03SCBG0102.

The Commissioners received and reviewed a letter from Chevrolet Motor Division regarding a recall that a defect relating to motor vehicle safety exists in certain 2000 model year Chevrolet Silverado vehicles.

The Commissioners received and reviewed letters from the State Tax Department informing they reviewed the Tax Year 2002 and the Tax Year 2003 appraisal(s) for the Greenbrier Development for property located in the Valley District and attached the recommended appraisal change and the circumstances requiring the change.

The Commissioners received and reviewed a letter from Nick J. Rahall, Jr. to Jim Akers, Mayor, Town of Fayetteville thanking the Mayor for advising him of the Town of Fayetteville's interest in

possibly purchasing the former Department of Health and Human Resources building in Fayetteville and renovating the city hall and the American Legion buildings.

The Commissioners received and reviewed a letter from Eddie Young, Assessor informing that effective October 1, 2004 Joan Louise Mills will be working on a part-time basis in his office at a rate of \$7.00 per hour to be paid out of the PVC Fund.

The Commissioners received and reviewed a letter from Louis R. Tabit, member of the Committee regarding the upgrade of U. S. Route 60.

The Commissioners received and reviewed a letter from SunTrust Bank notifying the Commission of the new pledged security effective September 27, 2004.

The Commissioners received and reviewed Statement of Expenditures as of September 2004 for the Fayette County Park and the Central Garage.

The Commissioners received and reviewed a letter from Multi-Cap, Inc. inviting the Commission to a Focus Group that Multi-Cap will be sponsoring on Wednesday, October 13, 2004. The purpose of this meeting is to get ideas and input on how Multi-Cap can better serve the community.

The Commissioners received and reviewed a letter from the State Auditor's Office informing they are in the process of updating their file to reflect any renewed special excess levies and that their records indicate that the special excess levy presently in effect for Fayette County will expire at the end of this fiscal year, June 30,



2005.

The Commissioners received and reviewed an e-mail from Commissioner Wender regarding a meeting with Dr. Jo Harris to discuss the hospitality training center.

Commissioner Lopez offered a motion to adjourn the County Commission meeting. Commissioner Wender seconded. Unanimous.

The meeting was adjourned at 10:30 a.m. The next scheduled meeting is October 12, 2004.

  
\_\_\_\_\_

FAYETTE COUNTY COMMISSION  
OCTOBER 12, 2004  
COURTHOUSE  
FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 12<sup>th</sup> day of October 2004.

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

Commissioner Wender offered a motion to approve and sign exonerations as presented by the Assessor's Office. Commissioner Lopez seconded. Unanimous.

Carl Harris, Assistant Prosecuting Attorney informed the Commissioners that the error on the Hamer Pellet Fuel Company was made by the State Tax Department. Documents were not properly filled out.

Commissioner Wender offered a motion to turn back over to the Assessor Office. The Assessor will make the adjustments of the clerical errors. Commissioner Lopez seconded. Unanimous. The Commission asked that the Resolution be prepared by Carl Harris.

Carl Harris told the Commissioners that on the bases of the testimonial and documentary evidence discussed in the Lowell Thomas and Virginia Thomas, his wife and Anna Margaret Bracy regarding abandonment of a street, road or way, Section 5, Kimberly, Fayette County, West Virginia the applicants have failed to meet their burden to prove under West Virginia Code 7-1-3h that "the use and right of no person or persons in such road, street or other travel way will be impaired or lost by the closing and vacation thereof..." Mr. Harris told the Commissioners the Amended Application must be denied.

Commissioner Wender offered a motion that based on the finds of

Assistant Prosecuting Attorney Carl Harris the Amended Application by Lowell and Virginia Thomas and Anna Margaret Bracy to the abandonment of a street, road or way, Section 5, Kimberly, West Virginia be denied. Commissioner Lopez seconded. Unanimous. The Commissioners asked Mr. Harris to prepare an Order.

Commissioner Wender offered a motion to approve the Contract with Literal E, Inc. (Mark S. Ehrnschwender) subject to the approval of the Contract reviewed by Carl Harris and authorize Commissioner Eskew to sign on behalf of the Commission. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve vouchers and payrolls, payrolls to be released on October 15, 2004. Commissioner Wender seconded. Unanimous.

Ms. Holly presented Petitions to Combine or Divide and Segregate land as submitted by the Assessor's Office.

Commissioner Lopez offered a motion to approve petitions to Combine or Divide and Segregate land as submitted by the Assessor's Office. Commissioner Wender seconded. Unanimous.

Commissioner Lopez asked the Commission if they were going to respond to the letter from Judge John Hatcher, Jr. Regarding his list of names he submitted to be considered for the appointment of a Board of Director for the Public Defender Corporation.

Commissioner Wender asked Carl Harris to check and see what position Judge Hatcher have regarding appointing a Board of Director.

Commissioner Lopez offered a motion to approve overtime for Jackie Hickman. Commissioner Wender seconded. Unanimous.

Carl Harris appeared before the Commission to give them an overview of H. B. 4002, West Virginia Code 17F-All-Terrian Vehicles.

Mr. Harris told the Commissioners the Code 17F 1-3 Local Homer Association gives the authority to adopt an ordinance to set the rules for the County but there is no control on the interstate highways.

Mr. Harris told the Commissioners they would have to prepare an Ordinance abandoning the use of ATV vehicles in Adena Village.

Commissioner Wender offered a motion to request that Carl Harris prepare an Ordinance abandoning the use of all ATV vehicles in Adena Village and set a public hearing. Commissioner Lopez seconded. Unanimous.

Diane Meadows, WVU Extension Agent appeared before the Commission to discuss the internet for the WVU Extension Office.

Ms. Meadows told the Commissioners she had talked with Bill Frye, WV Net System and he informed her that there would be no risk that the security could be breached if their office was connected to the courthouse system.

Ms. Meadows told the Commissioners that the WVU Extension Office would be responsible for the payment of the hook up.

Ms. Meadows told the Commissioners that there are twenty-two (22) other counties hooked up to the WV Net System.

Ms. Meadows told the Commissioners that according to their technician, Software System is asking an extraordinary amount to do this (\$7,079).

The Commissioners asked to schedule WV Net System and Software System to come in to discuss the hooking up with the AS400 System.

The Commissioners schedule the meeting for 1:15 p.m. on October 26, 2004.

Ms. Meadows asked the Commission if they would consider making an adjustment in their budget to pay the Charter Communications bill through the end of the calendar year until the internet problem is solved.

Commissioner Wender offered a motion to make an adjustment to the WVU Extension Office budget for Charter Communications through the end of the calendar year until the internet problem is sold this includes charges currently through the calendar year. Commissioner Lopez seconded. Unanimous.

Steve Cruikshank, OES Director and Margaret Staggers, Medical Director appeared before the Commission to request that the Commission send a letter of support for the proposal to place rural A. E. D.'s in Fayette County.

Ms. Staggers told the Commissioners that sixteen (16) fire departments have agreed to participate in a year long project investigating early access defibrillation. The medical director would develop forms to be filled out each time the A. E. D. was used or accessed. The medical director would be in charge of education and updates. The fire departments agree to do community education about the use and benefit of the A. E. D.'s. the Jan Care regional training center, with Paul Seaman as coordinator and Margaret Staggers as Regional faculty and medical director would coordinate the project.

Mr. Cruikshank told the Commissioners that all the fire departments have signed off on committing to do this.

Commissioner Wender offered a motion to go on record as endorsing the application for the AED grant. Commissioner Lopez seconded. Unanimous.

Commissioner Wender asked Ms. Staggers if she could include the Fayette County Memorial Building and the Fayette County Park in the grant.

Commissioner Eskew signed Certificate certifying the Financial State for Fiscal Year 2003-2004.

Ms. Holly presented applications and Resolutions for Legislative Digest Grants for the Fayette County Weatherization Program and the Southern Appalachian Labor School for Fiscal Year 2005 to the Commissioners.

Commissioner Lopez offered a motion to approve and authorize the adoption of said Resolution for the Fayette County Weatherization Program. Commissioner Wender seconded. Unanimous. Application and Resolution signed.

Commissioner Lopez offered a motion to approve and authorize the adoption of said Resolution for the Southern Appalachian Labor School. Commissioner Wender seconded. Unanimous. Application and Resolution signed.

Ms. Holly presented a drawdown for the New Haven Public Service District-Paint Creek/Plum Orchard Water Extension-Contract 13, amount \$163,156.12 to the Commissioners.

Commissioner Lopez offered a motion to approve and authorize the payment of said services, amount \$163,156.12. Commissioner Wender seconded. Unanimous. Resolution signed.

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 October 2004.

The Commissioners received and reviewed a letter from the Department of Agriculture informing that Harvey "Eddie" Young has completed the Farm Census of 2004 and has satisfactorily complied with the requirements of the Farm Statistics Law.

Commissioner Wender offered a motion to authorize payment to Harvey "Eddie" Young to receive compensation for the Farm Census of 2004k amount \$3,630.00. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to approve minutes of May 10, May 14, May 17, May 24 and June 14, 2004. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez asked the Commission if they had any problem with getting a different vending machine for the courthouse. Commissioner Wender and Commissioner Eskew replied they had no problem with getting a different vending machine for the courthouse.

The Commissioner received and reviewed a letter from the Courthouse Facilities Improvement Authority approving the request to extend the Courthouse Facility Improvement Authority Grant, project completion date to April 30, 2005.

The Commissioners signed the Sales Tax Report for the Fayette County Park for the month of September 2004.

Commissioner Wender offered a motion to recess for lunch at 11:15 a.m. Commissioner Lopez seconded. Unanimous.

The Commission reconvened the County Commission meeting at 1:20

p.m.

Patti Payne, C-PAC, Sheriff William Laird, and Stacy Workman appeared before the Commission to discuss animal control issues

Commissioner Wender informed that this meeting is to discuss not having adequate coverage to pick up stray animals and to discuss C-PAC acknowledging that communication with municipalities should be done through the Commission first.

Sheriff Laird told the Commissioners one person cannot handle all of Fayette County 24/7. Sheriff Laird told the Commissioners they need a back up coverage.

Commissioner Eskew asked Patti Payne if someone from C-PAC staff could assist. Ms. Payne replied that C-PAC is under staff.

Commissioner Wender asked Sheriff Laird to check on getting a bite stick, pepper spray and dart gun for Stacy Workman to use while she's out in the field.

Commissioner Wender asked about talking with Mark Campbell about assisting.

Sheriff Laird told the Commissioners that the 911 Center needs another call out number.

Ms. Payne told the Commissioners that mark Campbell doesn't have the mentality for the job.

Commissioner Wender suggested giving Mark Campbell a try.

Commissioner Wender suggested to Ms. Payne to come back in December to see how things are going.

Commissioner Wender asked Sheriff Laird to coordinate with Earl Pauley, Park Superintendent on the hours and schedule arrangements for



Mr. Campbell.

Commissioner Wender suggested getting David Neal, E911 Coordinator up here to discuss emergency procedures for picking up calls.

Commissioner Wender asked to schedule David Neal and Patti Payne to attend the November 12 County Commission meeting to discuss further.

Patti Payne asked the Commission if they would consider contributing to the spay/neuter program again.

Ms. Payne presented the total animals admitted to the Fayette County Animal Control Center since April 16, 2001 to September 30, 2004 for each municipality and county and a copy of Raleigh County Spay/Neuter Ordinance to the Commissioners.

Commissioner Eskew asked that a copy of the Raleigh County Spay/Neuter Ordinance be sent to Carl Harris, Assistant Prosecuting Attorney to review.

Sheriff William Laird discussed with the Commissioners the cost of the Regional Jail Expenditures and the Community Corrections Program for prisoners.

Commissioner Wender suggested to the Sheriff to set down with the Judges and discuss getting a Community Correction Program in Fayette County.

Ms. Holly told the Commissioners she received the written report from REIC Consultants, Inc. for the Indoor Air Quality Investigation on the ground floor of the Fayette County Courthouse Annex Building.

The Commissioners asked Ms. Holly to have James Perdue,

Maintenance Supervisor get estimates on replacing the carpet with a tile and getting Casto Technical to come in and check air conditioning. The Commission informed they will discuss at the next County Commission meeting.

Ms. Holly informed the Commissioners that as a follow-up on the letter from Judge John Hatcher, Jr. regarding appointing a lay member to the Board of Directors on the Public Defender Corporation.

Ms. Holly told the Commissioners that currently there are two (2) lay members and two (2) attorneys that are appointed by the Commission.

The Commissioners signed a letter to Judge John Hatcher, Jr. informing him that the Commission is waiting for a copy of the Board's minutes which reflect the vote for or against the removal of the current director. The Commission thanked the Judge for his list of recommendation replacements for the Public Defenders Corporation position.

Ms. Holly told the Commissioners she received a call from Laura O'Neal from the Fayette County Board of Education informing she was calling on behalf of Helen Whitehair, Superintendent.

The Fayette County Board of Education is willing to pay at the old rates for July, August, and September. The Board hasn't taken any action on the higher amounts at this time.

Ms. Holly told the Commissioners she has received several checks for the plaques at the memorial Building. Ms. Holly told the Commission they should crate a new account or put in the Building Fund.

Ms. Holly told the Commissioners she will call and talk with the State Tax Department regarding this matter. Ms. Holly told the Commissioners she feels a new account should be set up.

Allen Ballard appeared before the Commission to inform them that four (4) Bluegrass Bands will be performing at the Fayette County Memorial Building.

Mr. Ballard told the Commissioners that the band has four sponsors-the Fayette County National Bank (\$500), the American Legion (\$500), Gino's and Turdor's (\$500), and the Town of Fayetteville (\$500). The Library will be running the concession stand.

Mr. Ballard asked that the check be made to the Fayette County Sailor and Soldiers Building Fund.

Mr. Ballard told the Commissioners that the Fayette County Soldiers and Sailors need a separate account.

Commissioner Wender offered a motion that the Fayette County Commission set up a temporary account in the General County Fund in which they will deposit proceeds from the Memorial plaques and the Bluegrass concert and authorize to issue checks for \$500.00 for the concert separate bank account for the Sailors and Soldiers Memorial Building Fund. Commissioner Lopez seconded. Unanimous. The checks are to be given to Allen Ballard.

The Commissioners approved to get stamps for absentee ballots, amount \$200.00.

The Commissioners received and reviewed an e-mail from Judy Radford, 4-C Economic Development Authority requesting \$10,000 up front allocation to a joint effort with WVUIT Community College, West

Virginia Development Office, 4-C Economic Development Authority and West Virginia Department of Education to fund a 9-month contract to develop a tourism training program to be administered and taught through WVUIT.

Ms. Holly told the Commissioners that no action is going on with the Record Management Grant.

Ms. Holly told the Commissioners that the desk chairs for the Probation Office have not been received.

The Commissioners received and reviewed a letter from TMC Technologies, Inc. informing the Commission of their interest in speaking to the Commission about providing Computer Support Services for all of the computers in the Courthouse. The Commission informed no change and stay with Software Systems, Inc.

Ms. Holly informed the Commissioners that the J & J Construction check should be written out of the Building Improvement Fund.

The Commissioners received and reviewed several correspondences from the Workers' Compensation Division and the Unemployment Compensation Division.

The Commissioners signed a letter to the West Virginia Office of Emergency Medical Services in support for the grant proposal by the Fayette County Firefighters Association to participate in a pilot program to plan A. E. D.'s in each fire department serving Fayette County.

The Commissioners received and reviewed a letter from Stafford Consultants, Inc. enclosing the original Definitive Certificate of Substantial Completion for the New Haven Public Service District

Contract 13 Jenkins Fork.

The Commissioners received and reviewed a remittance by the County Clerk's Office to the State Treasurer's Office for Courthouse Facilities Improvement Fund, amount \$250.00 for the month of September.

Ms. Holly informed the Commissioners that she received an invoice from Ansted Floral Gift for \$350.00 for a Luau at the Fayette County Park. Ms. Holly told the Commissioners she sent a copy of the invoice to Mr. Pauley questioning the charge.

The Commissioners received and reviewed a Jail Fee check from the City of Oak Hill, amount \$1,600.50.

The Commissioners received and reviewed Weekly Fees from the Fayette County Animal Control Center/C-PAC for the week of October 1, 2004 to October 7, 2004, amount \$230.00.

The Commissioner received and reviewed a notice from West Virginia Association of Counties informing the Governor's Commission on Governing in the 21<sup>st</sup> Century-Commission Activity Update meeting is scheduled for Tuesday, October 12, 2004 from 1:00 p.m. to 3:00 p.m. at the Clarion Hotel and Conference Center.

The Commissioner received and reviewed an e-mail from John David informing that Christian Endeavor has decided not to use the Fayetteville Middle School/Fayetteville Elementary School and the Memorial Building combination next summer.

The meeting was adjourned at 3:50 p.m. The next schedule meeting is October 26, 2004.

  
\_\_\_\_\_

FAYETTE COUNTY COMMISSION

REGULAR SESSION

OCTOBER 26, 2004

COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 26<sup>th</sup> day of October 2004.

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

Commissioner Wender offered a motion to approve exonerations as presented by the Assessor's Office. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve vouchers and payrolls, payrolls to be released today. Commissioner Wender seconded. Unanimous.

Commissioner Wender offered a motion to approve two (2) refunds for Robert Sloan \$118.74 and \$117.98 as submitted by the Assessor's Office. Commissioner Lopez seconded. Unanimous.

Dan Snead with J. Dan Snead Associates appeared before the Commission to open bids for the replacement of the Courthouse windows.

Mr. Snead told the Commissioners he negotiated with the contractor, the base bid includes all work relating to the installation of new windows, disposal of existing sash and trim and all required trim and finish work for a complete installation.

Mr. Snead told the Commissioners that the bid is from Builders Group, amount \$127,620.00.

Mr. Snead informed the Commissioners that the final date for application by County applicants to be received by the West Virginia

Courthouse Facility Improvement Authority is December 31, 2004.

Commissioner Wender offered a motion to accept the Builders Group bid subject to a cope of work discussion with the architect and the contractor. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion requesting that Dan Snead prepare the documents that would be necessary for application amendment to authorize Dan Snead to earmark \$25,000.00. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to move the County Commission meeting from November 29<sup>th</sup> to November 30<sup>th</sup>. Commissioner Lopez seconded. Unanimous.

Ms. Holly presented to the Commissioners a Petition on behalf of Deepwater Public Service District and Armstrong Public Service District to merge the two Public Service Districts. The merger shall be known as Deepwater Public Service District with and into Armstrong Public Service District.

Commissioner Wender offered a motion that the Commission accept the Petition for a request to merge Deepwater Public Service District with and into Armstrong Public Service District and that a public hearing is set for November 30, 2005 at 9:30 a.m. The Commission will run the legal ads. Commissioner Lopez seconded. Unanimous.

The Commission signed a letter to the Public Service Commission enclosing a copy of the Resolution and Order entered on October 26, 2004, informing of the date of the hearing for the merger of the Deepwater Public Service District with and into Armstrong Public Service District to be held at 9:30, November 30, 2004.

Discussion was held regarding the proposed ATV Ordinance prepared by the Prosecuting Attorney's Office.

Commissioner Wender offered a motion that the Commission accept the proposed ATV Ordinance as prepared by the Prosecuting Attorney's Office and to set a public hearing to be held at the Upper Kanawha Valley Community Center in Kimberly on November 15, 2004 at 6:30 p.m. Commissioner Lopez seconded.

The Commissioners recessed at 10:08 a.m. to test votamatics on the third floor.

The Commissioners reconvened the Commission meeting at 10:30 a.m.

Commissioner Wender offered a motion to authorize Commissioner Eskew to sign and execute documents necessary to the application for the West Virginia Court Records Management and Preservation Grants Program. Commissioner Lopez seconded. Unanimous. Application signed.

Thomas Steele, Assistant Prosecuting Attorney appeared before the Commission to present a Petition for Removal of Administrator and Appointment of a Curator regarding the Estate of Estes Whitaker.

Commissioner Lopez offered a motion that Lynn Pollard be appointed Curator in the Estate of Estes Whitaker. Commissioner Wender seconded. Unanimous.

Commissioner Wender offered a motion that the Fayette County Commission approves up to \$6,500 in consideration of a \$10,000 allocation to a joint effort with WVUIT Community College, WV Development Office, 4-C Economic Development Authority and WV Department of Education to fund a 9-month contract to develop a



tourism training program to be administered and taught through WVUIT. Commissioner Lopez seconded. Unanimous. These funds would come from the \$140,000 economic development allocation for Wolf Creek Park.

Commissioner Wender informed that Dave Pollard, County Resource Coordinator has earmarked \$1,500 of the Flex-E-Grant and the Community and Technical College at WVU Tech will provide \$2,000 in funding to assist in payment of the consultant contract.

The Commissioners received and reviewed a letter of commitment in support of the Wolf Creek Park Hospitality Training Center Project from the Community and Technical College at Institute of Technology West Virginia University.

The Commissioners recessed at 10:35 a.m. to go upstairs to test the tabulator.

The Commissioners reconvened the County Commission meeting at 11:07 a.m.

Tim Richardson, Zoning Officer appeared before the Commission to present a zoning hearing for disposition: Case #Z-498-04-2-Request of James H. Whitlock and Mava I. Whitlock, owners, for a change in land classification from B-2 (Business, Local District) to B-4 (Business, Major District) on 75 acres, more or less of Surf. 239.70 acres near the courthouse, off Route 19 and maple Lane, New Haven District.

Mr. Richardson informed the Commission that the Fayette County Planning Commission denied the request by a vote of 2-4-1. Mr. Richardson informed the Commissioners that the two (2) was for the request, four (4) was against the request and one (1) abstained.

Commissioner Wender offered a motion that the Fayette County

Commission does not accept the Fayette County Planning recommendation and to send back to the Planning Commission to reconsider and asked that this be done as soon as possible. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion that the Commission schedule a special meeting for November 19, 2005 at 9:30 a.m. to discuss the James H. and Mava I. Whitlock zoning hearing. Commissioner Lopez seconded. Unanimous.

Ms. Holly presented an order assigning the number of vote recording devices to be sent to each Polling Place to the Commissioners.

Commissioner Wender offered a motion to approve the order assigning the number of vote recording devices to be sent to each polling place. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to go into Executive Session to discuss a personnel matter. Commissioner Wender seconded. All approved.

The Commissioners reconvened the Commission meeting at 11:35 a.m.

Myron Amick, L. A. Gates Engineer, Arnold Martin, Dale Preast with the Joint Community Water Committee appeared before the Commission to give them an upgrade on their plans to conduct a water system study for Hilton Village, Corliss, Russellville, Clifftop and the Raveneye areas.

Mr. Amick told the Commissioners that the study is to be completed around the end of the month.

The project would be divided in three (3) phases, the Clifftop,

Raveneye, Beelick Knob areas total cost 3.9 million dollars.

Commissioner Wender asked how many customers would be in Phase I. Mr. Amick replied approximately 150 customers, Phase II would have 72 customers, and Phase III approximately 95 customers.

Mr. Amick told the Commissioners that their purpose today is to bring them an update on the project.

Mr. Amick told the Commissioners he would talk with W. D. Smith, Executive Director, Region 4 Planning and Development Council regarding this project.

Mr. Amick told the Commissioners they would be putting an application into AML, and informed the Commissioners that some of the areas are small enough to get a USDA grant approval.

Commissioner Eskew told the Committee if any letters of support are needed the Commission will send.

Commissioner Wender informed whatever roll the Commission can participant in let them know.

Commissioner Wender told the Commission that Senator Shirley Love and Delegate David Perry will be at the Page-Kincaid Public Service District tomorrow to present Small Cities Block Grants for the Fayetteville Unity Apartments, Southern Appalachian Labor School, the City of Montgomery and the Page-Kincaid Public Service District wastewater upgrade.

Commissioner Lopez offered a motion to adjourn at 1:00 p.m. Commissioner Wender seconded.

The Commissioners reconvened the County Commission meeting at 1:17 p.m.

Commissioner Wender offered a motion to accept the policy regarding overtime for the election. Commissioner Eskew seconded. Unanimous.

Diane Meadows, WVU Extension Agent appeared before the Commission to discuss hooking their computer system to the AS400.

Ms. Meadows suggested that WV Net hook the system to the AS400.

Bill Frye, with WV Net told the Commissioners it would cost \$600.000 a year to hook the system into the Courthouse AS400 and WV Net would be responsible for maintaining.

Ms. Holly informed the Commissioners that she has concerns about the security of our systems.

Gary Wine with Software Systems explained to the Commissioners his concerns.

Mr. Wine told the Commissioners the cost for Software System hardware would be \$3,900 and the installation cost would be \$3,200.

Commissioner Wender informed the Commission is willing to pay half of the installation for Software System but not to exceed \$1,600 with the understanding that WV Net use Sysco equipment and in addition they would pay other half of the cost subject to the approval of the WVU Extension Service.

Ms. Meadows told the Commissioners she would get back with an answer.

Tom Oxley, City Manager with the City of Oak Hill appeared before the Commission to discuss the \$4,000 that the Council had approved for the animal shelter. Mr. Oxley told the Commissioners that he was not present at this meeting and he really did not know the details of this

matter.

Mr. Oxley told the Commissioners that he would propose to the Council that they put the \$4,000 in the budget and would get back with the Commission on the Council's decision.

Linda Johnson, Chief Deputy Clerk and Kelvin Holliday, County Clerk appeared before the Commission to ask permission to sort early absentee ballots on Saturday.

Ms. Holly informed the Commission that she doesn't think this could be done and suggested they call the Secretary of State Office regarding this request.

Commissioner Wender suggested sending a certified letter to the executive committee's to make them aware of their request.

The Commissioners informed Mr. Holliday if they get the green light from the Secretary of State Office they will approve.

Commissioner Lopez offered a motion to approve a refund to Charles "Shad" Dummitt in the amount of \$100.000 for zoning application. Commissioner Wender seconded. Unanimous.

Commissioner Wender asked the Commission if they took the levy up to the maximum of \$290,000, Law Enforcement would receive \$173,000, sheriff Department \$17,000 and increase the Library Levy, extend the levy to five (5) years.

Commissioner Wender offered a motion that the Commission will pass Excess Levy to increase current rates, Class I- \$7.15, Class II- \$14.03, and Class III-\$28.06 and Class IV-\$28.06 allocation shall be the same as the current Excess Levy with approximately \$100,000 additional for Library Levy and the balance going to Law Enforcement.

Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to extend the Excess Levy to five (5) years. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to hold the excess levy on February 5, 2005. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to enable the Commission to generate the funds for Excess Levy five (5) years henceforth that each of the levy participants will pay a portion of that fund based on the amount of the cost of the election to be held on February 5, 2005. Commissioner Lopez seconded. Unanimous.

Sheriff William Laird suggested that each participant in the levy send out an informational fact sheet.

Commissioner Lopez offered a motion to sign Fiscal Year 2005 Legislative Digest Information Sheet for Multi-Cap Watch Me Grow. Commissioner Wender seconded.

Commissioner Lopez offered a motion to sign Fiscal Year 2005 Legislative Digest Information Sheet for the Fayette County Park. Commissioner Wender seconded. Unanimous.

Commissioner Lopez offered a motion to sign Fiscal Year 2005 Legislative Digest Information Sheet for the Oak Hill Rail Trail. Commissioner Wender seconded. Unanimous.

The Commissioners approved to pay \$350.00 to Ansted Floral for Summer Splash Party at the Fayette County Park. Unanimous

Commissioner Wender offered a motion to approve to pay AAA DeeJays for video, amount \$395.00. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered to approve payment to paper Optics in the amount of \$256.00 with the understanding the Fayette County Park will reimburse us from the sell of the glasses. Commissioner Eskew seconded. Unanimous.

The Commissioners signed a letter to Chris Slaughter with Steptoe and Johnson enclosing a sample of the personnel handbook and copies of various existing Fayette County personnel policies. The Commissioners request that these existing policies be integrated into his model handbook and forward a draft to be distributed to the elected county officials for review and comment prior to his on-site visit.

Commissioner Wender offered a motion to approve James Perdue, Maintenance Supervisor 52 hours overtime. Commissioner Eskew seconded. All approved.

Commissioner Wender offered a motion to approve Debbie Aliff, Payroll Clerk 18½ hours overtime. Commissioner Eskew seconded. All approved.

The Commissioners received and reviewed a letter from St. Peters and Paul Catholic School requesting the use of the Memorial Building for their upcoming basketball games on December 13, 2004, January 10, February 17, and February 26, 2005.

The Commissioners asked to hold this request until the next meeting.

The Commissioners signed a letter to Okey Sizemore approving the request to waive the rental fee of the Oak Hill Midget Football League to use the Memorial Building to host the New River Conference Cheerleading Competition and the Oak Hill Midget League Awards

Banquet.

Commissioner Wender suggested that a letter be written to Kenneth Roop to inform him that the Public Defender Corporation is requesting that he be removed as a director of the Public Defender Corporation.

Commissioner Wender offered a motion to approve purchase of batteries from Bay Batteries, Inc., cost \$2,028.00 for the 911 Center to be paid out of the 911 Fund. Commissioner Eskew seconded. All approved.

Commissioner Wender offered a motion that J. Dan Snead Associates develop specs and drawings for the access ramp for the Small Cities Block Grant. Commissioner Eskew seconded. All approved.

Commissioner Wender offered a motion to approve Petitions to Combine or Divide and Segregate Land for Robert D. and Dinah Bailey, Don and Yvette Barnett, Tina E. Jessup and Jerry Neal and Paul W. Boyd etux as submitted by the Assessor's Office. Commissioner Eskew seconded. Unanimous.

The Commissioners received and reviewed a letter from the Fayette County Health Department informing that a notice regarding the shortage of the flu vaccine has been forwarded to seniors centers in Oak Hill, Meadow Bridge, Gauley Bridge, Ansted and Smithers.

The Commissioners approve first half and second half payrolls for November.

The Commissioners signed a letter to Alison Chambers, Director, Family Law Masters requesting reimbursements for rent in the amount of \$2,025 for the month of November 2005.

Commissioner Lopez asked that a thank-you letter be sent to the



Kanawha Falls Public Service District and Billy Preast for consideration of the press selling to Arbuckle Public Service District.

The Commissioners received and reviewed an invitation from Eddie Young, Assessor inviting the Commission and their staff to attend a brief ceremony at 12:00 noon on Tuesday, October 26, 2004 at the Courthouse Annex Building commemorating the life and service of former Assessor Thomas E. Aiello.

The Commissioners received and reviewed a letter from St. Paul Fire and Marine Insurance Company acknowledging receipt of a new claim, Claim #GPO9312807-09T003 and informing the claim has been assigned to Valerie Paulin for handling.

The Commissioners received and reviewed a letter from Governor Bob Wise, thanking the Commission for their application to the Small Cities Block Grant Program and informing the Commission that the request has been approved in the amount of \$130,000. These funds will enable the Commission to assist in the construction of the Fayette Hills Unity Apartments.

Ms. Holly informed the Commissioners that Julie Lewis tripped on the rug entering the courthouse

The Commissioners received and reviewed a notice of the Opening of the Regional Recycling Center being held Wednesday, October 27, 2004 at 12:00 noon.

The Commissioners received and reviewed a notice from the West Virginia School Boards Association announcing their fourth annual training program for county, municipal and board of education/county

schools superintendents will be held Monday, November 15, 2004 in Embassy Suites Hotel in Charleston.

The Commissioners received and reviewed several correspondences from the Unemployment Compensation Division and the Workers' Compensation Commission.

The Commissioners received and reviewed checks for 911 Fees-Mountain Communications, LLC, amount \$112.22, Metro Teleconnect Companies, amount \$23.52, AT&T Communications of WV, amount \$1,554.00, Granite Telecommunications LLC, amount \$74.00, Z-Tel Communication, Inc., amount \$40.00, Operating Account, amount \$1,4123.96, Verizon, amount \$35,277.15, Var-Telecom, Inc., amount \$7.76, Public Service Commission, amount \$59,686.39, Citizens Communications, Co., amount \$63.99; WV Development Office-Gauley Bridge Colts Midget League, amount \$3,000.00; Jail Fees-City of Oak Hill, amount \$776.00, and the City of Mount Hope, amount \$145.50; Board of Education rent, amount \$18,333.32; reimbursement for Bridge Day Blue Grass Concert, amount \$2,000.00; Commission (Coca-cola), amount \$122.08; Refund FY 2004 gasoline excise tax, amount \$16,457.41; and Reimbursement TRIDENT (overtime), amount \$1,701.00.

The Commissioners received and reviewed from the Fayette County Animal Control/C-PAC Weekly Fees Collected for the week of October 8 to October 14, 2004, amount \$560.00 and the week of October 15 to October 21, 2004, amount \$260.00.

The Commissioners received and reviewed a letter from Jackson and Kelly regarding the application of Lowell Thomas etal to Abandon a certain Public Road.

The Commissioners received and reviewed a letter from Stafford Consultants, Inc. regarding New Haven Public Service District Contract #13 Paint Creek/Jenkins Fork/Sunday Road on-site visit October 11, 2004.

The Commissioners received and reviewed a letter from the Group Workcamps Foundation thanking the Commission and the staff of the Southern Appalachian Labor School for joining them in a partnership to serve the home repair needs of elderly, disabled, and low-income residents.

The Commissioners received and reviewed an invitation from the Fayette County Probation Department to join them for refreshments October 27, from 9:00 -11:00 as they say goodbye to John (Willie) Parrish, Probation Officer.

The Commissioners received and reviewed a notice from the American Legion LaFayette Post 149 asking that they attend the Veterans' Appreciation Night, Thursday, November 11, 2004.

The Commissioners received and reviewed a letter from the African American Heritage Family Tree Museum informing the Commission they will be conducting its Thirteenth Annual Community Program on Thursday, October 21, 2004 at 5:00 p.m.

The Commissioners received and reviewed a letter from John David, Chairman, with the Department of Social Science informing about the B. S. Degree in Public Service Administration (PSA).

The Commissioners received and reviewed a letter from Branch Banking and Trust Company informing that as of September 30, 2004 the securities held as collateral to secure the deposits of the Fayette

County Commission.

The Commissioners received and reviewed from the SunTrust Bank a Pledge Statement of the list of securities pledged as of September 30, 2004.

The Commissioners received and reviewed a letter from the Fayette County Weatherization Program informing of the Fayette County Weatherization Policy Advisory Council meeting on Monday, October 25, 2004.

The Commissioners received and reviewed letters from the Secretary of State regarding campaigning during early voting, early voting and exist polling.

The Commissioners received and reviewed a letter from the Department of Revenue State Tax Department informing they reviewed the natural resource account of Bright William for possible appraisal error(s) for TY 2004. Their review indicates that a clerical error was made and they have provided the recommended mineral appraisal changes.

The Commissioners received and reviewed a remittance by the Assessor's Office to the State Treasurer's Office for the Courthouse Facilities Improvement for the month of September, amount \$169.50.

The Commissioners received and reviewed a letter from the U. S. Department of Commerce informing that the Economic Development Administration (EDA) has approved a Financial Assistance Award in the amount not to exceed \$1,477,000 in response to the application for Federal Assistance. The investment will consist of infrastructural improvements for development of Fayette County's approximately 300

acre mixed-use Business Park.

The Commissioners received and reviewed the minutes of the Route 60 Upgrade Committee for October 18, 2004.

The Commissioners received and reviewed a letter from Grigg Hewitt regarding the recall of Vioxx.

The Commissioners received and reviewed a letter from the Department of Military Affairs informing that the EMPG Grant for Fiscal Year 2005 was incomplete. A copy of the Grant was forwarded to Steve Cruikshank, OES Director too correct.

The Commissioners received and reviewed a letter from the Southern Conservation District thanking the Natural Resources Conservation Service for the meeting their field crew held with the Dunloup Watershed Association on September 22, 2004.

The Commissioners received and reviewed from Region 4 Planning and Development Council a list of the Town and County per Capita Assessment for Fiscal Year 2004-2005.

The Commissioners received and reviewed a Certificate of Membership from the County Commissioners' Association of West Virginia for Fiscal Year 2004-2005.

The Commissioners received and reviewed a letter from Sheriff William Laird informing that Deputy John Kauff will return to work October 6, 2004.

The Commissioners received and reviewed a letter from Sheriff William Laird regarding expenditures of Local Law Enforcement Block Grant Funds (Project #03LL-06).

The Commissioners received and reviewed a copy of a letter to the

Division of Criminal Justice Service from Sheriff William Laird requesting extension of Local Law Enforcement Block Grant Funds (Project #03LL-06).

The Commissioners received and reviewed a letter from Gauneka-Ruritan Club requesting the \$500.00 allocation for the Fiscal Year 2005 to supplement other funding to purchase a new scoreboard for the Gymnasium at the Falls View Community Center Building. The Commission approved.

The Commissioners received and reviewed a fax from the County Commissioners Association informing of their schedule for the 10 Regional 2004 CCA Legislative Roundtable meeting.

The Commissioners received and reviewed a letter from the State Tax Department regarding permits that are being worked on a parcel belonging to Pocahontas Land Corporation (10-03-34-0001-0000-0000).

The Commissioners received and reviewed a letter from Anthony M. Salvatore declining to serve as a member of the Route 19 Future land Use Planning Committee.

The Commissioners received and reviewed a notice of the Spring 2005 Local Government Leadership Academy being held Saturday, April 9 and Sunday, April 10, 2005 at the Radisson Hotel at Waterfront Place in Morgantown.

The Commissioners received and reviewed an e-mail from the State Treasurer's Office informing the Commission that the funds due for the 75% of the coal severance tax will be directly deposit into the bank account on October 19, 2004, amount \$33,772.83. A copy forwarded to Tom Woodrum, Chief Tax Deputy.

The Commissioners received and reviewed an e-mail Chris Dyer, Housing Consultant announcing that the Fayette County Housing and Economic Opportunity Council are launching a Partnership with Mountain State University to Train Social Work Interns.

The Commissioners received and reviewed an e-mail from Beth Epperson, 4-C Economic Development Authority asking that an invoice be sent to collect the 4-C money for Mark Ehrnschwender, FC/WVUSE position.

The meeting was adjourned at 4:20 p.m. The next scheduled meeting is November 8, 2004.

  
\_\_\_\_\_

FAYETTE COUNTY COMMISSION  
SEPTEMBER 13, 2004  
COURTHOUSE  
FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 13<sup>th</sup> day of September 2004.

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

Commissioner Wender offered a motion to approve exonerations as submitted by the Assessor's Office. Commissioner Eskew seconded.

Unanimous.

Commissioner Wender offered a motion to approve refunds to Steve Teets (\$217.88), Tim Browning (\$74.56), and Beldon Lafferty (\$78.60) as submitted by the Assessors' office. Commissioner Lopez seconded.

Unanimous.

Eddie Young, Assessor asked the Commissioners what the procedure in getting someone to clean the County vehicles.

Commissioner Lopez told Mr. Young that the Sheriff Department cleans their own vehicles.

Mr. Young informed the Commissioners that former Assessor Tom Aiello had hired someone to clean the Assessor's vehicles at \$25.00 each.

Commissioner Lopez asked what account would this be paid out of. Mr. Young replied the PVC account.

Commissioner Wender offered a motion to approve for the Assessor to have an individual clean his vehicles at \$25.00 each every other month, to be paid out of the PVC account. Commissioner Lopez



seconded. Unanimous.

Commissioner Lopez offered a motion to approve payrolls and vouchers, payrolls to be released today. Commissioner Wender seconded. Unanimous.

Allen Ballard, Manager of the Fayette County Memorial Building appeared before the Commission to present a proposal for the Fayette County Wall of Honor at the Memorial Building.

Mr. Ballard told the Commissioners the plaques would be about 2"x4".

Commissioner Lopez asked Mr. Ballard if he feels it would be beneficial to get more made up than just the one for this price. Mr. Ballard yes.

Commissioner thinks this is a wonderful ideal would like to see something done for the veterans who died.

Commissioner Eskew suggested that this be done on volunteer bases.

Commissioner Wender offered a motion that the Commission give permission for the Soldiers and Sailors Committee to install plaques inside the Fayette County Memorial Building honoring all military veterans from World War I and II until today. The plaques would cost \$25.00. Family members would pay for the plaques. However, at the end of the two-year period all excess funds collected the County will subsidize the cost applying a plaque for every veteran whose name has not been submitted. Commissioner Lopez seconded. Unanimous.

Ms. Holly asked Carl Harris, Assistant prosecuting Attorney to check with the Ethic Commission to see if they would consider this.

Carl Harris told the Commissioners that none of the applicants who applied for the manager position has all the skills they are requesting. Mr. Harris presented the recommendation of the Committee for the Manager position to the Commissioners.

Commissioner Lopez offered a motion to take the recommendation of the Memorial Building Committee and hire Okey Skidmore as Manager/Custodian of the Fayette county Memorial Building, salary \$22,500.00 effective October 1, 2004. Commissioner Wender seconded. Unanimous.

Ms. Holly presented a petition to consolidate the Deepwater Public Service District with and into Armstrong Public Service District extending water distribution lines from Armstrong to the Commissioners.

Ms. Holly asked the Commissioners to take the petition as presented.

Carl Harris, Assistant Prosecuting Attorney told the Commissioners he feels more comfortable if the Commission had a signed petition.

The Commissioners asked that this be rescheduled for September 27, 2004 unless Lynn Pollard, attorney for the Public Service District can come up today.

Ms. Holly presented to the Commissioners, an Order appointing the Election Officials for the 2004 Presidential General Election being held November 2, 2004.

Commissioner Wender offered a motion to approve and sign Order appointing the Election Officials to work the 2004 Presidential

General Election. Commissioner Lopez seconded. Unanimous.

Commissioner Wender asked Kelvin Holliday, County Clerk to give dates that he wants doors unlocked to the election room.

Angie Sleeth, Region 4 Planning and Development Council appeared before the Commission to present a drawdown for the New Haven Public Service District Water Extension-Paint Creek/Plum Orchard Water Extension-Contract 13, Project #01SCBG0041X in the amount of \$125,404.85.

Commissioner Wender offered a motion to approve and authorize the payment of services for a drawdown for the New Haven Public Service District paint Creek/Plum Orchard Water Extension Project, amount \$125,404.85. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from Region 4 Planning and Development Council to be signed to Paul Raetsch Chief Economic Development Administration notifying him that Fayette County Commission is actively involved in the planning process of the Region 4 Planning and Development Council.

Commissioner Wender offered a motion to approve signing the letter to the Economic Development Administration. Commissioner Lopez seconded. Unanimous.

Ms. Holly informed the Commissioners that back during the budget session Paul Blake, Prosecuting Attorney had requested replacing his office computer's system.

Mas. Holly told the Commissioners that Mr. Blake had a vendor to come down and look at. Mr. Blake has advertised for bids. The bids are due Tuesday, September 21, 2004.

The Commissioners recessed the Commission meeting at 10:50 a.m.

Attorney James Blankenship presented an Order vacating final settlement in the Estate of R. Elizabeth Morrison, Ronald G. Morrison, Administrator cta, btn.

Commissioner Wender offered a motion that the final settlement approved by the Commission on February 9, 2004 is hereby vacated, and Carl L. Harris, Fiduciary Commissioner, shall rule upon the claim or claims filed herein and conduct further proceedings herein as may be required. Commissioner Lopez seconded. Unanimous.

Attorney Phil Tissue appeared before the Commission to present a petition for the abandonment of a street, road or way, Section 5, Kimberly, Fayette County, West Virginia.

Present for this hearing were Lowell and Virginia Thomas, David Divita, Pardee and Curtin Realty, LLC, Walter Stroud, attorney John Philip Melick, Carl Harris, Assistant Prosecuting Attorney.

The Commissioners informed everyone present that this hearing is being recorded and asked that everyone who wishes to speak stand and be sworn in. (See tape filed with the folder).

After reviewing the application and amended application and the objections, and the sworn testimony of Lowell Thomas, Walter Stroud and David Divita and several Exhibits A through E and the records as a whole. There were no objections to the receipt of any of this evidence all of which has been considered as noted.

Carl Harris, Assistant Prosecuting Attorney asked that both parties submit their findings of fact to the Commission before the next Commission meeting. The Commission will make a decision at their

next meeting.

Commissioner Eskew informed if there's nothing further this hearing is adjourned.

The Commission recessed for lunch at 12:50 p.m.

Discussion was held regarding paving the parking lot at the animal shelter.

Ms. Holly told the Commissioners she feels other things have priority over paying the parking lot.

Commissioner Lopez suggested that the Commission take Earl Pauley, Park Superintendent recommendation to patch the parking lot for approximately \$500.00.

Commissioner Lopez offered a motion to approve payment of the animal shelter parking lot and whatever other expenses for the parking lot. Commissioner Wender seconded. Unanimous.

The Commissioners signed a letter to the Mountain Transit Authority asking that they provide to the Commission the areas of Fayette County that are served by Mountain Transit Authority before they appoint a new representative to replace Galen Horrocks.

The Commissioners signed a letter to the City of Oak Hill requesting their approved allocation for Fiscal Year 2004 and Fiscal Year 2005 (\$4,000) that the Oak Hill Council approved on October 7, 2003 to improve animal control services through the 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 September 2004.

The Commissioners signed Fayette County Fire Levy Protection

Agreement for Loop Creek Volunteer Fire Department and Fayette County Fire Levy Replacement Agreement for Pax Volunteer Fire Department for the period July 1, 2004 to June 30, 2005.

Ms. Holly presented the petitions to combine or divide and segregate land as submitted by the Assessor's Office.

Commissioner Wender offered a motion to approve and sign petitions to combine or divide and segregate land for Margaret Critchley, John and Melissa Wickline, Janet W. Sutphin, Beldon L. and Melanie Lafferty, Jr., Doris C. Stover, William K. Arbaugh, Clinton and Ann M. Ferris, and Betty L. Milton. Commissioner Lopez seconded. Unanimous.

Commissioner Wender asked to write a thank-you letter to the people who made application for the position of Courthouse Custodian.

Ms. Holly informed the Commissioners that Carl Harris, Assistant Prosecuting Attorney brought in the Amended Ordinance for the Fayette County Dilapidated Building and Beautification Ordinance on August 6, 2004. Ms. Holly presented the Amended Ordinance to the Commissioners to sign. The Commissioners signed the Ordinance.

Ms. Holly informed the Commissioners that in C-PAC August Expenditures there was a reimbursement of \$160.62 late filing fee to the Internal Revenue Service and there was an expenditure for \$202.00 to L & S. Designs for uniforms but she did not receive an invoice.

The Commissioners approved releasing the check for \$3,500.00 to Pannell and Sons.

Ms. Holly asked the Commission if they were going to respond to a letter they received from Delegate Tom Louisos regarding the

intersection at Glen Jean on U S. Route 19. The Commissioners replied no.

Ms. Holly informed the Commissioners that the West Virginia County Records Management and Preservation Grants application are due by November 1, 2004.

Ms. Holly told the Commissioners that she has tried to get in touch with Christ Slaughter, regarding the personnel handbook for Fayette County.

Ms. Holly told the Commissioners that Mr. Slaughter had left a copy of a handbook he had prepared for Harrison County.

Ms. Holly told the Commissioners she needs to get estimates and would need to meet with the Commission and the elected officials to get their input. The estimated cost for the handbooks is \$5,000.00

Commissioner Wender suggested getting Chris Slaughter scheduled to come down and discuss. Commissioner Wender suggested submitting a draft of the Harrison County handbook to the elected officials to review.

Commissioner Wender offered a motion to hire Chris Slaughter with Steptoe and Johnson to prepare personnel handbook for Fayette County, cost not to exceed \$6,000.00. Commissioner Lopez seconded.

Unanimous.

The Commissioners received and reviewed an e-mail from David Neal, E911 coordinator to Ms. Holly informing that he has selected two additional part-time employers (James Bennett and Brandi Rizo) for the 911 Center effective upon their respective availabilities. Mr. Neal told the Commissioners he will hire both by September 16, 2004.

Commissioner Lopez offered a motion to approve coloring books for the 911 Center, amount \$2,000 to be paid out of the 911 Fund.

Commissioner Wender seconded. Unanimous.

Discussion was held regarding David Neal's request for a copy of the pay wage survey hours.

Commissioner Wender suggested e-mailing Mr. Neal and inform him that he can review the Fayette County Job Descriptions and Pay Clarification System in the County Commission Office.

Commissioner Wender suggested letting Mr. Neal know that the Commission is still waiting for his written proposal for a salary step increase for the 911 employees as was discussed with them on July 19, 2004 and a written summary explaining the CAD System.

Mr. Neal informed the Commissioners he still needs approval of the addition of a generator at the Valley Tower site.

The Commissioners received and reviewed an e-mail from John David requesting a drawdown for allocation for the Group Workcamp and the Energy Express and the Beards Fork Community Center, amount \$1,500.00.

Ms. Holly told the Commissioners that Mr. David needs to provide the County with a letter requesting the allocations. This is needed to insert in the voucher.

The Commissioners signed a letter to General Allen Tackett, requesting permission to use the Oak Hill Armory as a polling place for the Presidential General Election being held November 2, 2004 and future elections.

The Commissioners received and reviewed a letter from the Reverend Leon Johnson requesting permission to hold a Religious



Service on the Courthouse lawn on October 1 to hand out Bible tracts.

The Commissioners asked that this be forwarded to Carl Harris, Assistant Prosecuting Attorney and ask him to write a response.

The Commissioners received and reviewed a letter from the West Virginia Development Office thanking the Commission for their letter of support regarding an Appalachian Regional Commission (ARC) application from the National Capital Investment Fund (NCIF). The Commissioners asked that a copy of this letter be forwarded to Dave Pollard, County Resource Coordinator.

Dave Pollard, County Resource Coordinator to come down and give a status update on the grant for Adena Village.

Ms. Holly informed the Commissioners that there are a couple of seminars coming up that she would like to attend. The Commission approved.

Ms. Holly told the Commissioners that she needed sometime to work on the financial statement.

The Commissioners received and reviewed a notice from the Adjutant General's Department informing that Stephen M. Gray has been ordered to active duty for special work.

The Commissioners asked Ms. Holly to hold the check for the computer repairs for the Voter's Registration Office.

Ms. Holly asked the Commissioners if they wanted to appoint the same committee they had for the West Virginia Records management Preservation Grants program.

Commissioner Wender offered a motion to appoint the same committee to pursue the grant under the Records Management

Preservation Grant, Charlotte Holly, Bill Laird, Thelma Kincaid, Kelvin Holliday, Danny Wright, Dave Pollard, and Paul Blake.

Commissioner Lopez seconded. Unanimous.

Commissioner Wender asked that Kelvin Holliday be Chairman and have him to call a meeting.

Ms. Holly told the Commissioners that she checked on dates to publish moving Beckwith polling place.

Ms. Holly told the Commissioners she would publish the notice in the Fayette Tribune on September 20 and September 27 and in the Montgomery Herald on September 22 and September 29. The hearing would be set for October 26, 2004 and the move would be effective January 24, 2005.

The Commissioners approved to pay Leon Spencer, Surveyor to prepare three precinct maps at \$25.00 each plus a charge of \$40.00 to update any changes.

The Commissioners signed a letter to the Reverend Leon Johnson denying his request to hold a Religious Service on the Courthouse lawn to hand out Bible tracts.

The Commissioners received and reviewed from the Fayette County Animal Control Center/C-PAC Monthly Revenue Report, Activity Report for the month of August, C-PAC allotment amount, \$10,087.30 for the month of September and Weekly Fees Collected for the week of August 27 to August 31, 2004, amount \$75.00 and the week of September 3 to September 9, 2004, amount \$1,120.00.

The Commissioners signed letters to Helen Milam, Carl Jones, and Andrew Miller informing they appreciate their interest in serving the

citizens of Fayette County, and thanked them for their time and effort in seeking the Courthouse Custodian position.

The Commissioners signed letters to Cecil Gibson, Dan Potter, Mark Shott, Raymond St. Clair, Jr. and Donna Jo Hambrick informing they appreciate their interest in serving the citizens of Fayette County, and thanked them for their time and effort in seeking the Memorial Building Manager/Custodian position.

The Commissioners signed letters to CAEZ of West Virginia, Southern Appalachian Labor School, Fayette County Horseshoe Club, Fayette County Weatherization Program, Fayette County Park, Sheriff William Laird, Judge John Hatcher, Jr., Gauneka-Ruritans, and Watch Me Grow attaching a Legislative Digest Information Sheet for Fiscal Year 2005 for their project. They are to complete and return to the Fayette County Commission Office no later than October 15, 2004.

The Commissioners signed a letter to Dr. Galen Janeksela, Interim President, WVU Institute of Tech informing that they have been notified of an interest from the "Watch Me Grow" Starting Point program to expand services into the Upper Kanawha Valley Montgomery Community and that it is the hope of the Commission that both WVU Tech and Starting Points can achieve an agreement that will be mutually beneficial as you both strive to provide very important services to the citizens of southern West Virginia.

Carl Harris, Assistant Prosecuting Attorney informed the Commissioners that they had no leverage with Equitable Gas Company, cannot force a written assurance or attendance at a meeting.

The Commissioners signed a letter to the Fayette County Board of

Education regarding their renewal of a lease for the Memorial Building.

The Commissioners received and reviewed several correspondences from the Workers' Compensation Commission.

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

The Commissioners received and reviewed letters from the Secretary of State enclosing the updated version of the Special Elections for the Excess Levies and Bond Issues Guide for 2004 and regarding the inspection for punch card voting systems and the Electoral College Reference Guide.

The Commissioners received and reviewed a letter from the Natural Resources Conservation Services informing they are in the process of updating a watershed protection and flood prevention plan for the Dunloup Creek Watershed.

The Commissioners received and reviewed a letter from Judy Gunsualis, Director Fayette County Public Libraries requesting that the Commission increase the level of support that they currently receive through the Fayette County Levy.

The Commissioners received and reviewed a letter from Jim C. Hamer Company requesting that the Commission abate the personal property tax assessment of Hamer Pellet Fuel Company of Mount Hope, West Virginia.

The Commissioners received and reviewed a letter from Charter Communications informing of their upcoming price rate adjustments.

The Commissioners received and reviewed letters from Stepte and

Johnson and Schumacher, Frances and Nelson regarding pending lawsuits.

The Commissioners received and reviewed a letter from the Greater Kanawha Valley Foundation informing that a Community Dialogue meeting has been scheduled for Thursday, September 23, 2004 at 7:00 p.m. at the Charleston Marriott Town Center.

The Commissioners received and reviewed an estimate of repairs from Sam's Body Shop for County vehicle at the Animal Shelter.

Ms. Holly asked Patti Payne to forward a copy of the estimated repairs to her insurance for repair of the County truck that she backed into.

The Commissioners received and reviewed from the U S Bankruptcy court a Corrective Order concerning sale of unimproved Nitro Residential Lots regarding Multi-Cap Community Action Against Poverty, Inc.

The Commissioners signed a letter to the Governor requesting that he issue a requisition on the Governor of the State of Florida for the extradition of Jose Robert Ortiz.

The Commissioners received and reviewed minutes from the members of the Committee regarding the Upgrade of U S Route 60.

The Commissioners received and reviewed a letter from the Branch Banking and Trust informing that as of August 31, 2004 the securities were held by Branch Banking and Trust as collateral to secure the deposits of Fayette County Commission.

The Commissioners received and reviewed Pledge Statement from SunTrust Bank giving a list that represents securities pledged to the Fayette County Commission as of August 31, 2004.

The Commissioners signed the Motor Fuel Excise Tax Government Refund Application.

The Commissioners received and reviewed a letter from St. Paul Fire and marine Insurance Company regarding claim #GP0931280709T001 Billy J. Rakes.

The Commissioners received and reviewed a copy of a letter from the Office of the Attorney General to William W. Sutton regarding his speeding ticket he received in Gauley Bridge.

The Commissioners received and reviewed a letter from the U S department of Justice informing that the COPS Office is in receipt of Sheriff William Laird's MORE 2001 Progress Report and the agency has now remedied the Notice of Noncompliance issued on August 6, 2004 for failing to provide such documentation.

The Commissioners received and reviewed a memo from Kelvin Holliday, County Clerk requesting that Polly Neely and Joan parsons be paid \$65.00 each for cleaning and preparation of the ballot and votomatics room for the upcoming election.

The Commissioners received and reviewed a letter from West Virginia Coal informing that all increases in coal prices have helped raise severance taxes, and put West Virginia on a pace to receive 264.4 million in tax collections during August 2004.

The Commissioners received and reviewed from Earl Pauley, Park Superintendent, an estimate cost of asphalt for the Sheriff Department parking lot (\$9,195.88) and the animal Control parking lot (\$6,325.00).

The Commissioners received and reviewed a status report from the

911 Center for the period January to August 2004.

The Commissioners received and reviewed from the Upper Kanawha Valley Enterprise Community a notice announcing the opening of the Upper Kanawha Valley Adult Learning Center.

The Commissioners received and reviewed minutes from Page-Kincaid Public Service District for the months of July and August.

The Commissioners received and reviewed a letter from Stafford Consultants enclosing five (5) copies of Estimate No. ^ for the New Haven Public Service District Contract 13 for service and approval by the Owner.

The Commissioners received and reviewed a letter from the Division of Highways requesting assistance in making available (to anyone who wishes to review) the Division of Highways projects.

The Commissioners received and reviewed a remittance from the Assessor's Office (\$105.00) and the County Clerk's Office (\$380.00) to the State Treasurer for the Courthouse Facilities Improvement Fund for the month of August.

The Commissioners received and reviewed checks for the 911 Fees from Mountain Communications, amount \$57.09, VarTec, amount \$7.76, Nos Communications, Inc., amount \$4.00 and Z-Tel Communications, amount \$40.00; Jail Fees from the City of Mount Hope, amount \$145.50 and the City of Oak Hill, amount \$1,115.50; Franchise Fee from Bradley Communication, Inc., amount \$545.74; WV Development office-Flex E Grant, amount \$170.00 and check from St. Paul Travelers, amount \$465.00.

Commissioner Lopez offered a motion to adjourn the County

Commission meeting. Commissioner Wender seconded.

The meeting was adjourned at 4:20 p.m. The next scheduled meeting is September 27, 2004.

  
\_\_\_\_\_