

FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
APRIL 15, 2005  
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 15<sup>th</sup> day of April 2005

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

Steve Cruikshank, OES Director appeared before the Commission to submit further information relating to his budget request for fiscal year 2005-2006.

Commissioner Wender asked Mr. Cruikshank to read request. (See attached).

Mr. Cruikshank asked the Commission if he could get a figure for his budget so he can submit for grant funding.

Commissioner Wender asked Mr. Cruikshank to submit last years budget and include PEIA increase and dental vision insurance coverage.

Commissioner Wender asked to entertain a motion to approve Mr. Curikshank budget for Fiscal Year 2005-2006.

Commissioner Eskew offered a motion to approve Mr. Cruikshank Fire Levy Budget based on last year with the exception of including PEIA increase and the Dental/Vision coverage. Commissioner Lopez seconded.

Mary K. Weatherford submitted to the Commissioners' exonerations and refunds to be approved and signed.

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

# FAYETTE COUNTY OFFICE OF EMERGENCY SERVICES

WEST MAPLE AVENUE  
P.O. BOX 307  
FAYETTEVILLE, WV 25840

STEPHEN M. CRUIKSHANK

DAVID R. NEAL

DIRECTOR / FIRE COORDINATOR

DEPUTY DIRECTOR/E 9-1-1 DIRECTOR

April 15, 2005

Fayette County Commission

Sirs:

I am submitting for your consideration further information relating to my budget request for fiscal year 2005-2006.

The Office of Homeland Security has delivered funding for FFY 05 to the State. Once again guidance has been changed. While some changes will hurt our funding other changes may bring new opportunities. Basically funding for allowable management and administrative costs will be capped at 2.5% of the total budget. This means how much funding for items under this heading are directly related to the amount of funding I receive. However, I may be able to receive more funding for personnel costs. FFY 06 is half over and I am being required to submit a new budget request to the State for the entire year. This includes nine months of our current county fiscal year. I will be requesting 50% reimbursement for Thresa White's position which if granted, will give me four and one-half months of additional funds in our county fiscal year 05-06. As the grant continues through September, there is another one and one-half months for reimbursement. If this funding request is granted by the State, and Federal funding is not decreased in FFY 07, I should continue to get 50% reimbursement in that grant period. I also intend to apply for reimbursement of 20% of David Neal's salary at 50% (equaling 10% of his salary). What this equals if granted, would amount to funds to fund fully Thresa's position for six months of our FY 05-06 and 50% funding for the remaining six months. This funding includes all benefits paid by the County. What this boils down to, if funded by the State, is the County only paying 25% of the position costs for FFY 05-06 and 50% funding in future years if the funding stream continues.

I believe that we also have a balance in the DMA2K SECTION 322 ALL HAZARDS MITIGATION PLAN. My records show expenditures of \$11,981.16. Since our plan was approved, the balance of this fund in discretionary and obviously should be dedicated to plan maintenance. This task would be part of Thresa's duties also.

In conclusion, if my EMPG funding is approved, we will have practically covered the entire amount necessary for this position and at the same time increased the further amount gained through the 2.5% M & A costs.

I believed I have made good on my pledge of March 9<sup>th</sup> to pursue any and all funding streams to relieve you of the financial burden of your commitment, even without a commitment. The matter now rests in your capable hands.

  
Stephen M. Cruikshank  
Director OES

OFFICE: 304-574-1610 / 304-574-3590

FAX: 304-574-3287

E-MAIL: [fayetteoes@verizon.net](mailto:fayetteoes@verizon.net)

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FAYETTEVILLE, WV 25840

STEPHEN M. CRUIKSHANK

DAVID R. NEAL

DIRECTOR / FIRE COORDINATOR

DEPUTY DIRECTOR/E 9-1-1 DIRECTOR

March 1, 2005

Fayette County Commission

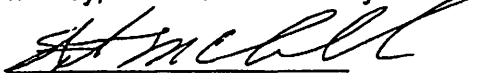
Sirs:

I am submitting for your approval my budget request for fiscal year 2005-2006. You will find enclosed my worksheet for the Fayette County Fire Levy account. I have included in the budget a raise for Lynn Holstine and myself. I was not given any guidance as to raises, however there have not been raises received in this office for three years, so it is included if you are planning such an action. I am still operating without access to the WVU wage study, so I am basing my request on Raleigh County.

As you are aware all of the wages for the Office of Emergency Services come out of the Fire Levy and Federal grants. My grant for Federal Fiscal year 2004 covered reimbursement for one half of my salary and all benefits for my position, plus related administrative costs paid from the levy and also reimbursed the general fund for allowable expenses. Although no county has been approved for FFY 05 the State has indicated they will fund one half of salary and benefits for the directors from all eligible counties, and then distribute any remaining funds. The only expenses to the general fund for the program are in the County Commission budget, traditionally under \$5,000 per year. I am requesting that the County Commission fund a full time position under Emergency Services with an annual salary of \$17,680. Benefits would amount to an additional \$3,209. Thresa White would fill this slot and already has health insurance coverage under her spouse.

I am also requesting the annual amount of \$5,000 as an emergency fund. This money has traditionally come from the Coal Severance Account. If no money is used during the year, up to \$2,000 is to be available to buy emergency supplies for the county in June.

There are a lot of opportunities for grants right now, with the emphasis on Homeland Security. Right now I am working on at least \$30,000 in equipment for the EOC to increase interoperability and coordination. I fear we will lose opportunities for additional grant monies simply due to a lack of time with all the increased demands. I will also have responsibilities on any Homeland Security funding for Law Enforcement and Fire Services, certifying training, keeping databases on the equipment and getting MOU's. Losing a position will not save us money; it will cost us money I fear



Stephen M. Cruikshank  
Director OES

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STEPHEN M. CRUIKSHANK

DAVID R. NEAL

DIRECTOR / FIRE COORDINATOR

DEPUTY DIRECTOR/E 9-1-1 DIRECTOR

March 9, 2005

Fayette County Commission

Sirs:

Per your request I am submitting additional information relating to my budget request for fiscal year 2005-2006. In reviewing my request for funding a position in Emergency Services out of the General Fund, I am asking you to consider the following.

Twenty years ago the County Commission agreed to the proposal to abolish the volunteer position of Emergency Services Director and create a paid, full-time position of Emergency Services Director/Fire Coordinator. This position was funded fully by the Fire Levy. Since that time many additional duties have come under this office. Hazardous Materials have grown greatly, necessitating the development of a response capability, including the federally mandated Local Emergency Planning Committee. Disasters have come at a greater impact and frequency than ever imagined when this program was instituted. Now, we face the additional burdens of Homeland Security with the chemical, biological, radiological and explosive preparedness requirements. With these challenges come opportunities with new funding streams. In order to meet these challenges, a great deal of time must be dedicated to meeting the ever increasing Federal mandates of planning, preparedness and mitigation. All these demands require time and effort unimagined previously. In the interest of Public Safety we must make every effort to be prepared, to respond and to capture funding opportunities as they present themselves.

I have become increasingly frustrated since 2001 with my inability to meet all the demands of this office. I could not spend my time on either fire or emergency services and not meet every need or respond to every request. This has affected my health and caused me to look to the future. If I were to suddenly become unable to function as before, have I created an organization that could quickly move on? The time has come in Fayette County to take the next step and respond to the demands of the times.

I fully appreciate the demands upon you as County Commissioners and the constraints of the budget. However I am also fully confident that the importance of this request will compare favorably with others you receive. Public Safety must be at the forefront of our responsibilities.

In closing, I pledge to pursue any and all funding streams to assist in providing relief from this financial obligation. I have several ideas which I would be more than willing to share at your convenience



Stephen M. Cruikshank  
Director OES

OFFICE: 304-574-1610 / 304-574-3590 FAX: 304-574-3287 E-MAIL: [fayetteoes@verizon.net](mailto:fayetteoes@verizon.net)

January 2002 I started volunteering with Fayette County Flood Recovery, doing casework, follow up calls, making appointments for home visits and creating a database for all flood victims in the computer. I continued volunteering until April at which time I was hired full time. I then assisted in taking loan applications for the WV Housing & Development Fund for volunteer groups to do work on flooded homes. I also was acting treasurer handling purchase orders disbursing orders and what money we received from the WV Gives funds. I helped compile estimates on each home for flood related damages, find out the amount of money received by each household, and see how they had used their money if not for repairs.

I was offered a job with Steve Cruikshank and the Office of Emergency Services in August 2002. The position would be Hazard Mitigation Officer, working with residents who have been flooded continually and were interested in selling their home to the county in the Buyout program. The grant-based program was already in motion when I began work for Steve. The application had been approved already but notification had not been given to the recipients yet. I worked getting appraisals of properties with homes still located on the property and tax records of the ones that had been destroyed. After this, I sent out offer letters to each property owner. There were contractor meetings that had to be held along with detailed files including pictures and directions to be given out for bid consideration. I then had to take prospective contractors to each site for review. I then had to oversee the work that was done demolishing, grading and inspecting the sites along with FEMA and Steve. While this process was happening, we were still having disasters. The application that we were granted was Disaster Number 1378, FEMA uses numbers to recognize each disaster as a separate event instead of dates. We then had flooding events and winter storms that caused major damages in each of the next 3 years. During each disaster I worked as the liaison for the American Red Cross within the OES expressing where and when shelters would be needed along with water needs, basic hygiene needs, clothing or housing need, as they became known to us.

I have completed grant applications for the HMGP (Buyout Program) for disaster number 1410, 1455, 1474, 1500, and most recently 1522. We received approval for the 1455 grant but await paperwork from FEMA and the State to move forward. While working on the grant process the Fayette County Firefighters Association needed Identification tags to go along with their Accountability System they use on fire calls. I designed and enacted the tags for each of the departments in the county along with Rainelle for a total of over 300 firefighters. The tags also were needed for the equipment that each department uses. I made tags for each truck, boat, engine, and squad vehicle located at each department totaling over 80 vehicles.

The assessor's office contacted me about ID badges for their field workers. I created a badge for their need and distributed them. Larry Parsons contacted me about an ID badge for himself; I made him one for litter control officer.

I have within the past year gotten back into the flood recovery scene by request of specific VOAD organizations. They felt there was no other contact person with which they could contact about Fayette county residents needs. I have been part of a coordinated effort with FEMA, Project Recovery II - IV, Catholic Community Services and other faith based organizations to get help to people suffering in Fayette County. We meet in Princeton once a month to look at cases of individuals who have been dropped by the

system for one reason or another, or missed the deadline for application and are now having serious problems. There have been 50 cases who have received help from the groups since my involvement. I have been able to develop a line of communication with FEMA representatives sent to aid in the disaster registration to be able to find information that we normally would not receive. I try to follow up with each of the registrants to find out if their needs have been taken care of or if they are still in need of assistance.

I do information gathering for Steve when needed. I help with the Fire School held in June and with Fire Prevention week in October. When needed, I fill in at the 911 center answering administrative calls and courthouse transfers. I handle all of the mail for the 911 center and Emergency Services on a daily basis. I request all supplies needed for both offices.

I have been working with Tim Richardson, Region 1 Planning and Development Council and FEMA representatives for the National Flood Insurance Program throughout the county on updated Flood Maps. I work with all Public Service Districts along with Mayors and Town Councils providing help with Public assistance paperwork, preliminary damage assessments, and invoicing of the State OES. I also helped coordinate and oversee debris removal for the last two disasters. I have held interviews sent out press releases and fielded reporter's questions on Disaster Response. I have done group events with the local and regional Girl Scout Troops for "What to do in an emergency" and "How to pack an emergency kit".

Unanimous.

Commissioner Eskew offered a motion to approve the refunds for George L. Shuck, George Salmons dba Steve's Excavating and Linda Grimmett Aguilar. Commissioner Lopez seconded. Unanimous.

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

Discussion was held with James Perdue, Maintenance Supervisor regarding the duties of the employees in the maintenance Department.

Commissioner Wender proposed to Mr. Perdue that he make weekly visits to each office and see if anyone has problems. Commissioner Wender suggested to Mr. Perdue to prepare a form.

Commissioner Eskew asked Mr. Perdue to give the Commissioners feedback on what's going on.

The Commissioners asked Mr. Perdue to come back at 11:30 a.m. to discuss.

Floyd McKnight appeared before the Commission with a complaint that John David, member of the Page-Kincaid Public Service District is no longer a resident in this district and asked the Commission if they would check into.

Discussion was held, the Commissioners told Mr. McKnight that they cannot make a decision today they would check into this matter and get back with him.

Arnold Whitlow appeared before the Commission to discuss the Gauley Mountain Fire Tower.

Commissioner Eskew informed the Commissioners that Mr. Whitlow

paid the \$50.00 lease to the West Virginia Division of Natural Resources.

Mr. Whitlow requested that the Commission do a lease for the tower, County pay the \$50.00 and give the Radio Amateur Civil Emergency Service (RACES) permission to use the tower and the camera.

Mr. Whitlow told the Commissioners he would purchase the concrete.

Commissioner Eskew offered a motion that the Commission enters into an agreement with RACES to lease the Gauley Mountain Fire Tower. Commissioner Lopez seconded. Unanimous.

Commissioner Eskew offered a motion that the County reimbursement Mr. Whitlow the \$50.00 he paid to the WV Division of Natural Resources. Commissioner Lopez asked to include concrete payment with reimbursement. Commissioner Lopez seconded. Unanimous.

Carl Harris, Assistant Prosecuting Attorney informed the Commissioners that John David owns property in Page-Kincaid and South Hill in Oak Hill.

Commissioner Wender informed the Commissioners they need to write a letter to Mr. David requesting he declare what his residency is.

Tara McDonald, Mountain Cap appeared before the Commissioners to discuss a Business Loan Program.

Ms. McDonald told the Commissioners that this Program has a 75% relending fund, but \$150,000 is the limit.

Commissioner Wender asked Ms. McDonald if she had contacted 4-C Economic Development Authority regarding this program. Commissioner Wender also told Ms. McDonald she should contact Ben Newhouse, Rob



Neal and Anne Cavalier. Ms. McDonald told the Commissioner she would get in touch with them to discuss the Program.

Sheriff William Laird delivered to the Commissioners copies of the Fayette County Community Criminal Justice Program.

Sheriff Laird told the Commissioners he was going to try and set up a meeting on Monday, May 2, 2005.

The Commissioners informed the Sheriff that they had appointed R. A. "Pete" Hobbs and Selena Vickers to fill the two vacancies.

Commissioner Wender asked Sheriff Laird about By-Laws for the Fayette County Community Criminal Justice Program. Sheriff Laird told the Commissioners he would check.

Ms. Holly told the Commissioners she has prepared an Order establishing and appointing members to the Fayette County Community Criminal Justice Board.

Commissioner Eskew read the Order.

Commissioner Eskew offered a motion to sign Order establishing and appointing members to the Fayette County Community Criminal Justice Board. Commissioner Lopez seconded. Unanimous.

The Commissioners signed letters to Selena Vickers and R. A. "Pete" Hobbs requesting that they accept an appointment to serve as members of the Fayette County Community Criminal Justice Board.

The Commissioners signed thank-you letters to Sheriff William Laird, Paul M. Blake, Jr. Prosecuting, J. B. Rees, Public Defender Corporation, Helen Whitehair, Board of Education, Phillip Sundstrom, Mental Health Care, Kathy Jones and Selena Vickers, Advocate from Organization for Right of Victims of Crimes, Michael Martin, At Large-

Member Plateau, Judson, At Large-Member Valley, R. A. "Pete" Hobbs, At Large-Member New Haven, Judge John Hatcher, Michael parson, Magistrate, and Tim Erwin, Probation Officer for accepting their appointment to serve as members of the Fayette County Community Criminal Justice Board.

Ms. Holly presented application to the Commissioners for Request for Inmate Labor beginning April 1, 2005.

Commissioner Lopez offered a motion that Joseph Carelli, Litter Control Officer is approved to supervise inmate labor from the Southern Regional Jail. Commissioner Eskew seconded. Unanimous.

Ms. Holly informed the Commissioners she received from Charter Communication VI, LLC application for assignment of three Franchises from Charter Communications VI, LLC (formerly Helicon Group) to Rapid Communications, LLC serving the unincorporated areas contiguous to Ansted, Page, and Scarbro, West Virginia. The Commissioners accepted the transfer application for filing.

The Commissioners will conduct a public hearing on the transfer application at 10:00 a.m. on Monday, May 16, 2005. Decision will be made on or before May 24, 2005.

The Commissioners changed the County Commission meeting from May 13<sup>th</sup> to May 16<sup>th</sup> and asked that the Payroll Clerk prepare payrolls for first half of May on April 29 to be approved.

The Commissioners changed the County Commission meeting from May 27<sup>th</sup> to May 31<sup>st</sup> and asked that the Payroll Clerk prepare payrolls for second half of May on May 16 to be approved.

Angie Groves, Region 4 Planning and Development Council appeared

before the Commission to present a drawdown for the Page-Kincaid-Ingram Branch Wastewater project-#04SCBG0057 in the amount of \$13,206.00.

Commissioner Lopez offered a motion to approve and authorize the payment of services for a drawdown for the Page-Kincaid Public Service District-Ingram Branch Wastewater Project, amount \$13,206.00.

Commissioner Eskew seconded. Unanimous.

Attorney Philip Tissue appeared before the Commission with a Petition of Pauline Davidson to close the Estate of Richard E. Wingrove.

Mr. Tissue told the Commissioners that J. C. Penney filed a claim in said estate in the amount of \$2,003.92. Mr. Tissue told the Commissioners that there are insufficient assets in the estate to pay this claim.

Mr. Tissue told the Commissioners that the Administratrix has attempted to make contact with J. C. Penney to settle the claim by using her own funds but J. C. Penney has been unresponsive.

Mr. Tissue is requesting that a Final Settlement be published again and the claim of J. C. Penney be dismissed.

Carl Harris, Assistant Prosecuting Attorney told Mr. Tissue that he would have to prepare an Order.

Commissioner Eskew offered a motion to dismiss the claim against the Estate of Richard Wingrove and publish the Final Settlement again. Commissioner Lopez seconded. The County Clerk Office will publish Final Settlement. Mr. Tissue to prepare order.

The Commissioners recessed the County Commission meeting for five

minutes.

The Commission reconvened the County Commission meeting.

Commissioner Wender informed the Commissioners he will call Selena Vickers to see if she would like to be appointed a member of the Fayette County Community Criminal Justice Board.

Commissioner Eskew informed he would call R. A. "Pete" Hobbs to see if he would like to be appointed a member of the Fayette County Community Criminal Justice Board.

James Perdue, Maintenance Supervisor appeared before the Commission to give a summary of REIC, Inc. Mold sampling/inspection of the Courthouse Annex Ground Floor (See attached)

Commissioner Wender asked Ms. Holly to check with the insurance to see if they will cover the problem. Commissioner Wender asked if the Commission should get a contractor or have Mr. Perdue do the job.

Ms. Holly suggested to the Commissioners to get a couple of estimates and include the estimates in the insurance claim.

The Commissioners received and reviewed a response from Jesse Bane, III regarding the petition filed by Fayetteville in the year 1990.

The Commissioners signed letter enclosing the information Mr. Bane requested and informed Mr. Bane that this is being provided on a one time only basis at no charge. The Commissioners informed Mr. Bane that the established fee of the County Clerk's Office for copies is \$1.50 for the first two pages and \$1.00 for each additional page.

The Commissioners signed a letter to the West Virginia Development Office requesting that Legislative Digest project



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The Solid Waste  
Association of  
North America

West Virginia  
Manufacturers  
Association

Association of  
West Virginia  
Solid Waste  
Authorities

West Virginia  
Oil Marketers &  
Grocers Association

April 8, 2005

Ms. Charlotte Holly  
Fayette County Commission  
100 North Court Street  
Fayetteville, WV 25840

RE: Results of April 1, 2005 Follow-up Mold Sampling/Inspection,  
Courthouse Annex Ground Floor

Dear Ms. Holly;

This letter and the enclosed laboratory report present the findings of the follow-up mold sampling and inspection on the ground floor of the Fayette County Courthouse Annex Building, performed by REI Consultants, Inc. (REIC) on April 1, 2005. The additional mold sampling and inspection was requested by the Fayette County Commission on March 25, 2005 due to potential issues requiring additional investigation as identified during the original mold sampling event of February 28, 2005, and by concerns from employees on the ground floor of the Annex Building. Specifically, three areas were requested to be investigated: the office of Eddie Young, due to elevated mold spore levels in the air sample collected in this area; the rear emergency stairwell, which employees suspected had visible mold growth; and carpet that had been removed from the ground floor.

In Eddie Young's office, the wood baseboard, paneling, and chair rail were removed from the area to the right of the door inside the office. Visible mold growth was observed on the drywall near the floor behind the paneling/baseboard. Outside Eddie Young's office, the drywall was inspected behind the rubber baseboard along the hallway. Visible mold was noted on the drywall behind the baseboard. Subsequently, areas behind the rubber baseboards were spot-checked throughout the ground floor. In many areas, no

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visible mold was observed; however, mold growth was noted sporadically throughout the ground floor behind the baseboards. No samples were collected from any of the areas of visible mold growth, since the presence of mold was obvious. All visible mold that was observed appeared to be historical, i.e., the growth appeared dry and inactive. Note, however, that inactive mold material still has the potential to release spores.

The rear emergency stairwell was inspected for evidence of visible mold growth. One area of the concrete block wall, on the wall left of the door, was discolored from peeling paint that had been scraped down to primer; however, no visible mold growth was observed. One discolored area on the back wall of the stairwell, a gray spot on a mortar joint, was sampled via tape lift; this sample is identified as T-1 on the attached results. No mold was identified in this sample.

REIC obtained carpet that had been removed from under a shelf in the tax office and from areas in the assessor's office. Bulk samples of this carpet from each office were analyzed for the presence of mold. These samples are identified as C-1 and C-2 on the attached results. Note that only trace ascospores and basidiospores were identified in the two carpet samples. These types and levels of spores are not an indication of mold growth on the carpet, but of residual spores from the air.

In conclusion, visible mold was observed behind the wood paneling in Eddie Young's office, and in several areas throughout the ground floor on drywall behind the rubber baseboards. No mold was identified in the rear stairwell. No mold growth was identified in the samples of carpet that were analyzed.

It is recommended that all of the wood paneling, chair rail, and baseboards be removed from the office of Eddie Young. Mold impacted drywall behind the paneled area should be replaced. REIC does not recommend reinstalling paneling in this office due to the potential for future mold growth.

In addition, it is recommended that all rubber baseboards in contact with drywall throughout the ground floor be removed. This does not include rubber baseboard that has recently been installed due to tile replacement, provided that no visible mold was observed during the installation. Mold impacted drywall behind the removed baseboards should be cleaned with a detergent/water solution (containing bleach, if desired). After cleaning, the drywall should be allowed to dry thoroughly prior to installing new baseboard.

Letter to Ms. Holly, Page 3

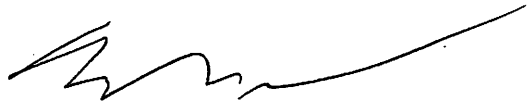
Please note that handling of mold-impacted material can cause adverse health effects; the U.S. EPA document, "Mold Remediation in Schools and Commercial Buildings", available at:

[www.epa.gov/mold/images/moldremediation.pdf](http://www.epa.gov/mold/images/moldremediation.pdf)

should be consulted prior to handling mold-impacted material or attempting to clean up areas of visible mold.

Should you have any questions or need additional information, please feel free to contact me at 255-2500.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Hofe", with a long horizontal flourish extending to the right.

Michael Hofe  
REI Consultants, Inc.

Enclosure



**ANALYTICS CORPORATION**  
 8040 VILLA PARK DRIVE, SUITE 250  
 RICHMOND, VIRGINIA 23228  
 804-264-7100 PHONE  
 800-888-8061 PHONE  
 804-264-8873 FAX  
 WWW.ANALYTICSCORP.COM

REI CONSULTANTS, INC  
 PO BOX 286  
 BEAVER, WV 25813

Group No: J 094-055  
 Acct. No: 47101005  
 Date: 4/5/2005

CONTACT: M. HOFE  
 PROJECT: ANNEX GROUND FLOOR

**FUNGAL SPORE IDENTIFICATION IN BULK MATERIALS**

Client No:	T-1	C-1	C-2	
Analytics No:	J 94-55-01	J 94-55-02	J 94-55-03	
Sample Description:	Tape lift	Carpet	Carpet	
Spore ID	Spores Observed	Spores Observed	Spores Observed	Spores Observed
<i>Alternaria sp.</i>	nd	nd	nd	
Ascospores	nd	Trace	Trace	
<i>Acremonium sp.</i>	nd	nd	nd	
<i>Aspergillus sp.</i>	nd	nd	nd	
Basidiospores	nd	Trace	Trace	
<i>Cladosporium sp.</i>	nd	nd	nd	
<i>Chaetomium sp.</i>	nd	nd	nd	
<i>Curvularia sp.</i>	nd	nd	nd	
<i>Drechslera sp.</i>	nd	nd	nd	
<i>Epicoccum sp.</i>	nd	nd	nd	
<i>Oidium sp.</i>	nd	nd	nd	
<i>Penicillium sp.</i>	nd	nd	nd	
<i>Pithomyces sp.</i>	nd	nd	nd	
Rusts	nd	nd	nd	
<i>Stemphyllium sp.</i>	nd	nd	nd	
Smuts	nd	nd	nd	
<i>Stachybotrys sp.</i>	nd	nd	nd	
<i>Torula sp.</i>	nd	nd	nd	
<i>Ulocladium sp.</i>	nd	nd	nd	
Unidentified spores	nd	nd	nd	
Fungal Hyphae	nd	nd	nd	
Pollen	nd	nd	nd	


Fungal hyphae = Fungal vegetative growth material

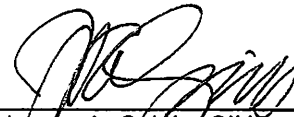
nd = Spores not detected

Appx. % Present: Trace = <1% coverage      1 = 1 - 10%      2 = 10 - 25%  
 3 = 25 - 50%      4 = 50 - 75%      5 = 75 - 100%

**NOTE:**

Sample T-1: non-sporulating fungal hyphae were present, but fungal spores were absent.

  
 Lynne Overman, MS  
 Microscopy Department

  
 James A. Calpin, CIH  
 Director, Analytics Laboratory



# LABORATORY TEST REQUEST

ACCOUNT NAME AND ADDRESS

REI Consultants  
225 Industrial Park Rd.  
Beaver WV 25813

ACCOUNT NUMBER



8040 Villa Park Drive, Suite 250  
Richmond, Va 23228  
(804) 264-7100  
TOLL FREE (800) 888-8061  
FAX (804) 264-8873

DATE SHIPPED 4-1-05	# OF SAMPLES 3	SAMPLE TYPE/MEDIA TAPE & BULK	PROJECT NAME OR NUMBER ANNEX GROUND FLOOR	
PURCHASE ORDER NO. REI CONSULTANTS, ENCL.		CONTACT MIKE HOFE	TELEPHONE NUMBER (304) 255-2500	
TURN AROUND TIME <input type="checkbox"/> SAME DAY <input type="checkbox"/> 1 DAY <input type="checkbox"/> CALL FOR AVAILABILITY		SPECIAL INSTRUCTIONS AND/OR UNUSUAL CONDITIONS:		<input checked="" type="checkbox"/> FAX RESULTS FAX NUMBER: 304, 255-2572
FOR LABORATORY USE ONLY	SAMPLE # OR SAMPLE AREA	SAMPLE DATE	SAMPLE VOLUME/LITERS	ANALYSIS REQUESTED - PLEASE USE SEPARATE LABORATORY TEST REQUEST FOR EACH SAMPLE TYPE
	T-1	4-1-05	NA	MOLD
	C-1	4-1-05	"	BULK MOLD
	C-2	4-1-05	"	BULK MOLD

## CHAIN OF CUSTODY RECORD

SAMPLES HAVE BEEN SEALED FOR TRANSPORT AND DELIVERED TO LABORATORY VIA:

UPS  
CARRIER

1276X 7131343068718  
IF "ANALYTICS COURIER" SIGN HERE

SIGN HERE TO INITIATE CHAIN OF CUSTODY  
4-1-05 1230  
DATE

DATE/TIME	CONDITION OF SAMPLE	SAMPLES RECEIVED BY:		SAMPLES RELEASED BY:	
4/1/05 1100	intact	SIGNATURE(SAMPLE RECEIVING): 		SIGNATURE(SAMPLE RECEIVING):	
		SIGNATURE(SAMPLE ADMINISTRATION):		SIGNATURE(SAMPLE ADMINISTRATION):	
		SIGNATURE(LAB):		SIGNATURE(LAB):	
		SIGNATURE(LAB):		SIGNATURE(LAB):	

#05LEDA0124 be changed from the Fayette County Horseshoe Club to the Fayette County Park.

The Commissioners signed a letter to the Secretary of State submitting their request for the advance payment for various costs to be reimbursed for the June 25, 2005 Pension Bond Amendment Special Statewide Election.

Ms. Holly presented Audit Report for Fiscal Year ended June 30, 2004. Ms. Holly informed the Commissioners that there were no findings.

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

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

Attorney James Blankenship and Attorney Tom Fast appeared before the Commission.

Attorney Blankenship told the Commissioners he is here on behalf of the widower in the Estate of Henry Randall Bowling to present a Petition for Elective Share against the Estate. Attorney Blankenship asked the Commission if they would appointment a Fiduciary Commissioner.

Attorney Fast informed the Commissioners he is also requesting that the Commission appointment a Fiduciary Commissioner to settle this matter.

Commissioner Eskew offered a motion to appoint Phil Tissue as Fiduciary Commissioner over the Estate of Henry Randall Bowling. Commissioner Lopez seconded. Attorney Blankenship to prepare Order.

Commissioner Wender offered a motion to approve minutes of

January 31, February 9, February 14, February 18 and March 16, 2005.  
Commissioner Eskew seconded. Unanimous.

Commissioner Eskew offered a motion to hire a part-time secretary at the WVU Extension Office while Linda Casey is on medical leave at \$6.00 an hour. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez asked David Neal, E911 Coordinator to give an update on the mapping/addressing and signs for the streets.

Commissioner Lopez asked Mr. Neal to call Bob Barker, Division of Highways again regarding the sign for Glen Jean.

Commissioner Lopez offered a motion to reappoint Thomas Bowen, a member of the Armstrong Public Service District Board. Commissioner Eskew seconded. Unanimous. Order an appointment letter to serve signed.

Commissioner Lopez offered a motion to appoint Donald Navarro to replace Charles Walker (deceased) on the Armstrong Public Service District Board. Commissioner Eskew seconded. Unanimous. Order an appointment letter to serve signed.

Commissioner Eskew offered a motion to approve the request of the H.O.P.E. Foster Care Subcommittee of the Raleigh/Fayette Collaborative to use the Memorial Building for the purpose of having a free gospel sing on April 29, 2005. Commissioner Lopez seconded. Unanimous.

Ms. Holly informed the Commissioners that the Town of Fayetteville asked her if the contractor that's doing the courthouse windows need a building permit.

Ms. Holly told the Commissioners she called Dan Snead regarding the building permit, Mr. Snead to follow-up and call her back.

David Neal, E911 Coordinator appeared before the Commission to discuss his Fiscal Year 2005-2006 Budget.

Mr. Neal asked the Commissioners to approve step raises for his 911 workers.

After a brief discussion, Commissioner Lopez offered a motion to approve step raises for the 911 workers effective July 1, to be paid out of the 911 Fund. Commissioner Eskew seconded. Unanimous.

Commissioner Eskew offered a motion to give permission for Mr. Neal to move forward and get cost estimates to upgrade the radio consoles at the 911 Center and get back with the Commission. Commissioner Lopez seconded. Unanimous.

Ms. Holly asked Mr. Neal if he sent out the letters to the municipalities regarding the mapping and addressing project. Mr. Neal replied yes he sent letters out, Montgomery, Fayetteville, Pax and Gauley Bridge 100 percent on board, waiting on response from the City of Mount Hope, the Town of Ansted and the City of Oak Hill.

Commissioner Wender asked Mr. Neal to write an editorial in the paper regarding the status of the mapping and addressing project.

Commissioner Wender asked Ms. Holly the status of the overtime in the new policy regarding working through lunch hours.

Commissioner asked Ms. Holly to ask Earl Pauley, Park Superintendent to review the vehicles that can be deleted from our insurance coverage.

Commissioner Lopez offered a motion to approve overtime for Debbie Aliff (25½ hrs.), and Debbie Berry (28 hrs.). Commissioner Eskew seconded. Unanimous.

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

Commissioner Lope offered a motion to approve the transfer of \$62,544.23 reimbursement from the Fayette County Excess Levy Election Expense Fund to the Fayette County General Fund for expenditures for the Special Election for the Renewal of Existing Additional County Levy. Commissioner Eskew seconded. Unanimous. Order signed.

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

The Commissioners signed a letter to the Vision Service Plan to serve as their official notice to terminate the coverage for the Fayette County Commission Policy #12700931 effective 12:00 midnight on June 30, 2005.

Ms. Holly told the Commissioners she sent an e-mail to Kathy Yates with the West Virginia Association of Counties informing that effective July 1, 2005 the Commission will provide dental and vision insurance to the employees through their plan.

The Commissioners signed the titles to two 1999 SUV Chevrolet Tahoes.

The Commissioners signed a Proclamation, proclaiming April 2005 Fair Housing Month.

The Commissioners signed a letter to Joseph D. Carelli informing

they have been advised of his retirement from employment as a Fayette County Deputy Sheriff effective March 31, 2005 and offer their sincere appreciation to him for his 30 years of service to Fayette County and our citizens.

The Commissioners signed a letter to Alison Chambers, Director, Family Law Masters requesting reimbursement for rent in the amount of \$2,025.00 for the month of May 2005.

Ms. Holly informed the Commissioners she received from the Assessor's Office two request for Tax Refund from S. Eric Teets and Tony and Paula Walton.

Commissioner Eskew offered a motion that subject to the approval of the Assessor, S. Eric Teets be afforded tax relief for tax year 2001 and 2002 in the total amount of \$437.18 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.

Commissioner Eskew offered a motion that subject to the approval of the Assessor, Tony and Paula Walton be afforded tax relief for tax year 2001 and 2002 in the total amount of \$364.47 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.

The Commissioners received a request from Cranberry Lumber Company to correct 2003 Tax Ticket 3003363 Industrial Account #01884347.

Ms. Holly informed the Commissioners that based upon the

information received from Assessor Eddie Young he did not find the request was a clerical error or mistake as set forth in WV Code 11-3-27 for relief in County Commission from erroneous assessments.

Commissioner Lopez offered a motion to deny the request to correct the tax ticket based on the information received from the Assessor. Commissioner Eskew seconded. Unanimous.

The Commissioners signed a letter to the Cranberry Lumber Company denying their request.

Ms. Holly reminded the Commissioners that April 19, 2005 at 9:30 they are to Lay the Levy.

Ms. Holly informed the Commissioners she received an e-mail from Jim Lively Insurance informing that if the County becomes a party to the right-of-way at the Oak Hill Senior Center coverage will be automatic under the county insurance program and considering the size of the area it will not increase the liability premium.

Ms. Holly told the Commissioners she had contacted Linda Casey to inform her that she cannot get paid her salary and Workers' Compensation while she was on medical leave. Ms. Holly told Ms. Casey she needed to reimburse the County from February 16 through March 20, 2005 for Workers' Compensation check she received, amount \$979.11. Ms. Casey has another reimbursement due for 11 days (March 21 to March 31, 2005), amount \$326.37. Ms. Holly told the Commissioners that Ms. Casey is in the process of taking care of this matter.

Ms. Holly told the Commissioners that Ms. Casey had a doctor's appointment on April 11, 2005 and in May she is scheduled to see the Workers' Compensation doctor.

Ms. Holly informed the Commissioners Mark Talbott has submitted request for reimbursement for the courthouse windows, amount \$50,000.00. The commissioners told Ms. Holly okay to release check to the contractor if funds are available.

Ms. Holly asked the Commissioners if they though about replacements for Kenneth Roop on the Public Defenders Board and Lee Massey on the Fayette County Planning Commission. The Commissioners asked Ms. Holly to hold.

The Commissioners asked to hold and discuss Gene Watkins telephone surveys for next County Commission meeting.

Ms. Holly told the Commissioners that Know Your County Government Day is May6, 2005.

Ms. Holly told the Commissioners that there are several seminars that are coming up and she would like to attend: April 20-Employment Discrimination Update, April 29-Workers' Comp., May 3-5-Government Financial Manager's Training, June 14-15 GASB34-Financial Statements Regional Workshop and June 20-Employment Law.

The Commissioners approve to reimburse Amber Jones for her long distance calls. Ms. Jones works out of the WVU Extension Office.

Commissioner Wender asked Ms. Holly if they had advertised for the elevator. Ms. Holly told the Commissioners that this was up to Region 4 Planning and Development Council, she would check with W. D. Smith.

Commissioner Wender asked about the status of the animal shelter incineration, Danese Fire Department stairway, and if the press transfer every took place. Ms. Holly told the Commissioners she would



check.

The Commissioners signed Agreement between the Soldiers and Sailors Memorial Building and the Fayette-Nicholas Chapter of the American Red Cross Disaster Plan.

The Commissioners received and reviewed a letter from Region 4 Planning and Development Council informing they received the application and acknowledge their concurrence with Danese Public Service District Water Extension and to certify that the requirements of the Intergovernmental Review Process, pursuant to Executive Order 12372, have been met.

The Commissioners received and reviewed a letter from the WV Water Development Authority informing they received request for approval of sale of Deepwater Public Service District to Armstrong Public Service District.

The Commissioners received and reviewed a letter from the Public Service Commission enclosing a Final Internal Memorandum approving contingent on bond holder approval, of the petition to merge Deepwater Public Service District into Armstrong Public Service District in order to provide water service to Deepwater Public Service District customers and recommend approval of Armstrong Public Service District boundary adjustment to construct, maintain, operate, improve and extend water services within the territory and to serve additional customers more efficiently in the merged area.

The Commissioners received and reviewed a letter from Congressman Nick Rahall enclosing a copy of the response he received from the Governor's Office regarding his letter of support on behalf of the

Fayette County Commission's Small Cities Block Grant application they submitted for Danese Public Service District water extension project.

The Commissioners received and reviewed from the U S Department of the Interior, National Park Services copies of letters to Senator Robert Byrd and Todd Ellis informing that Land Resource Companies has withdrew their application to rezone Rush Creek Land Company property, they plan to resubmit after making revisions.

The Commissioners received and reviewed an article in the Charleston Gazette regarding jail reimbursements.

The Commissioners received and reviewed an Order from the Division of Highways, ordering the addition of Edge Hill Drive to the State Local Service System. A copy forwarded to David Neal, E911 Coordinator.

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

The Commissioners received and reviewed from the Fayette County Animal Control Center/C-PAC Weekly Fees Collected for the week of April 1 to April 7, 2005, amount \$265.00, March Monthly Revenue Report, march Activity Report and C-PAC reimbursement for the month of April, amount \$9,981.05.

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

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

The Commissioners received and reviewed Audit Reports from the Mount Hope Volunteer Fire Department for Fiscal Year ended June 30, 2004 and from the Fayette County Health Department for Fiscal Year ended June 30, 2004.

The Commissioners received and reviewed several lawsuits from Steptoe and Johnson, Twyman Law Offices and Schumacher, Francis and Nelson.

The Commissioners received and reviewed a letter from Stafford Consultants, Inc. regarding the New Haven Public Service District, Contract 13-Periodic pay Estimates No. 13.

The Commissioners received and reviewed the Boomer Volunteer Fire Department Quarterly Report Operating Expenses for the period January 1, 2005 to March 31, 2005.

The Commissioners received and reviewed a letter from the West Virginia Housing Institute, Inc. regarding Alphabetic Listing of Factory-Built Rental Communities. A copy forwarded to Tim Richardson, Zoning Officer.

The Commissioners received and reviewed Certificate of Liability Insurance for Black Diamond Girl Scout Council, Inc.

The Commissioners received and reviewed a letter from the Secretary of State Office informing that the June 25, 2005-statewide special election ballot will be paper.

The Commissioners received and reviewed a letter from the New Land Leasing Company, Inc. enclosing the required information for the Community Impact Statement for the New Land Leasing Company, Inc. Patience #4-Surface Mine SMA#3001-05. A copy forwarded to Tim

Richardson, Zoning Officer.

The Commissioners received and reviewed a letter from the internal Revenue Service regarding overdue taxes.

Ms. Holly told the Commissioners that Debbie Aliff, Payroll Clerk deposited in the bank as required, the bank did not wire the deposit. Ms. Holly told the Commissioners that Ms. Aliff is going to call the Internal Revenue Service.

The Commissioners received and reviewed a letter from the Public Service District to Senator John Rockefeller regarding Connie slaughter request for new water service on Edmond Road near Lookout, West Virginia.

The Commissioners received and reviewed a letter from White Oak Lumber Company to James Blankenship declining Mr. Blankenship's request to have a 15-foot alley next to the property Stephanie Davenstott Gouge in Whipple abandoned.

The Commissioners received and reviewed a letter from the Division of Criminal Justice Services acknowledging the receipt of the Fayette County Commission request for the amount of \$110,052.00 in Community Correction Grants funds.

The Commissioners received and reviewed the 50% allocation to the New River Convention and Visitor Bureau for Hotel Occupancy Tax, amount \$4,173.31 for the period January through March 2005 and 50% allocation for the period October through December 2004, amount \$7,965.77.

The Commissioners received and reviewed a letter from the Office of the Secretary of State enclosing a chart of the supplies and costs

that will be provided or reimbursed for the Special Election.

The Commissioners received and reviewed two Applications of Employment from Tilman Edward Cole and Thomas Edward Skaggs.

The Commissioners received and reviewed from the 911 Center a Status Report of calls made during the period of January through March.

The Commissioners received and reviewed a letter from the Department of Military Affairs and Public Safety regarding a National Incident management System (NIMS) Implementation.

The Commissioners received and reviewed a letter from the West Virginia Development Office informing that th month of April is Fair Housing Month.

The Commissioners received and reviewed a letter from the West Virginia Development Office informing of the balance of \$1,500 in the Local Economic Development Assistance Grant Program-Fayette County Commission-Sheriff's Department, Project #02LEDA0069 project will expire on June 30, 2005.

The Commissioners received and reviewed a letter from the Department of Military Affairs and Public Safety informing West Virginia county and municipal government agencies that they may be able to receive low-cost, federally subsidized flood insurance through the National Flood Insurance Program (NFIP).

The Commissioners received and reviewed a letter from the West Virginia Parkways Economic Development and Tourism Authority regarding a transponder speeding through the E-Z Pass toll. A copy of the letter forwarded to Sheriff Bill Laird.

The Commissioners received and reviewed a fax from the State Office of Emergency Services informing they will be hosting two regional meetings regarding the emergency planning aspects of implementing the national Incident Management System (NIMS) into Local Emergency Operations Plans (EOPs).

The Commissioners received and reviewed a U. S. Bankruptcy Orders regarding Comm. South Companies, Inc., Altair Communications, Inc., E-Z Tel, Inc. and Comm. South Companies of VA.

The Commissioners received and reviewed a U. S. Bankruptcy Order regarding Horizon Mortgage Services, Inc.

The Commissioners received and reviewed a letter from Branch Banking and Trust Company informing of the securities held as collateral to secure the deposits of Fayette County Commission as of March 31, 2005.

The Commissioners received and reviewed from SunTrust Bank a list of securities pledged as of March 31, 2005.

The Commissioners received and reviewed checks for 911 Fees from Citizens Communications Co., amount \$106.70, Public Service Commission, amount \$62,327.34, Nos. Communications, Inc., amount \$4.00, Operating Account, amount \$1,534.54, Citynet Holding, LLC, amount \$7.76, Business Telecom, Inc., amount \$3.92, Var-Tec Solutions, amount \$3.88, Trinsec Communications, Inc., amount \$30.00; Reimbursements-Magistrate Court, amount \$87.50, St. Peters & Paul School, amount \$335.56, Black Diamond Girl Scout Council, amount \$30,00, Gauley Bridge Middle/High School, amount \$304.90; Alarm Fees, amount \$120.00; Refunds-Juvenile Services, amount \$100.00, Lewis

Chevrolet, amount \$291.95, Election Systems and Software, Inc., amount +\$5,315.42; Jail Fees-City of Mount Hope, amount \$48.50, Town of Fayetteville, amount \$339.50, and the City of Oak Hill, amount \$1,261.00; Rent-Supreme Court, amount \$2,025.00; Emergency Services-Homeland Security Grant, amount \$46,688.77; WV Housing Development Grant, amount \$12,163.97, WV Development Office-HUD/SCBG Page-Kincaid Public Service District Ingram Branch, amount \$17,733.95; WV Development Office-SCBG/HUD-Paint Creek/Plum Orchard Water Extension, amount \$27,879.61.

The Commissioners received and reviewed several e-mails.

The Commissioners received and reviewed a letter from Sheriff Bill Laird requesting issuance of checks from the Homeland Security Funds for SWAT Training scheduled for April 17-21, 2005.

The Commissioners received and reviewed a letter from the Department of Environmental Protection enclosing a copy of the pre-blast survey (Per Earl Pauley, Park Superintendent this was done at the Boomer Ballfield).

The Commissioners received and reviewed a tentative schedule of the Fayette County Commission meeting for 2005.

The meeting was adjourned at 2:40 p.m. The next scheduled meeting is April 29, 2005.



FAYETTE COUNTY COMMISSION  
SPECIAL SESSION  
APRIL 19, 2005  
COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: John H. Lopez, Kenneth L. Eskew

The Fayette County Commission met in a special session on this 19<sup>th</sup> day of April 2005.

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

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, 2005, and presented a notice of conditional approval of the levy estimated (budget) from the West Virginia State Auditor.

Ms. Holly told the Commissioners of the comments made by the State Auditor's Office based on an audit and review of the Budget. Ms. Holly told the Commissioners the Auditor's Office wants an explanation of the reduction in account #413 Elections - County Clerk, #414 Elections - Circuit Clerk and #702 Sheriff - Jail and the amount that should be budgeted for the Statewide Computer Network, Account #408 is \$49,425.

Ms. Holly told the Commissioners that in Fiscal Year 2005, the budget for the account #413-Elections County Clerk and #414-Elections Circuit Clerk was for two elections (General Election November 2, 2004 and Special Levy Election February 5, 2005). The budget for Fiscal Year 2006 is for only one election; therefore, the budget amounts for these accounts were reduced accordingly in Fiscal Year 2006.

Ms. Holly told the Commissioners and as a result of the retirement of an employee included in account #702-Sheriff-Jail, the



Sheriff hired a retired deputy sheriff at a lower salary (\$3,156 less annually) and who is not eligible for PERS (\$2,549 reduction) and is not enrolled in PEIA (\$8,564 reduction). Therefore, account #702 was reduced according to these reduced wages and benefits in Fiscal Year 2006.

Ms. Holly presented a letter dated March 15, 2005 from the West Virginia State Tax Department informing that Fayette County Fiscal Year 2006 budget for account #408-Statewide Computer Network is \$45,107.

Ms. Holly told the Commissioners she will respond to the Auditor's letter.

There was nobody in attendance with objections to the levy rates. Commissioner Lopez read the Order.

Commissioner Lopez offered a motion to approve the County Commission Levy Order and Rate Sheet for Fiscal Year 2005-2006. Commissioner Eskew seconded. 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 2005-2006.

Commissioner Lopez offered a motion to approve vouchers and invoices as submitted. Commissioner Eskew seconded. Unanimous.

The Commissioners received and reviewed a letter from the Gorge Connection West Virginia Rural Health Education Partnership requesting the use of the Memorial Building for the purpose of having a community health promotional event on June 19 and June 20, 2005. The Commission approved to waive the rental fee, all other rules applicable.

Commissioner Eskew stated that the Commission needs to get with Helen Whitehair, Superintendent of the Fayette County Board of

Education and the Board Members to discuss the rent and their use of the Memorial Building. The Commissioners decided to have Commissioner Wender get with Ms. Whitehair and the Board Members to discuss this matter.

Ms. Holly informed the Commissioners that Earl Pauley, Park Superintendent informed her that State Farm had totaled Charlie Bryant's vehicle. Ms. Holly presented to the Commissioners the title to be signed.

The Commissioners signed the title and a letter to State Farm requesting that a check be issued in the amount of the salvage value of \$3,191.75 for the total loss of a 1995 Ford Van, VIN 1FMCA11U4SZB79977.

The Commissioners received and reviewed checks for Franchise Fees from Charter Communications, amount \$25,083.57; 911 Fees from Verizon, amount \$34,521.44; WV Courthouse Facilities Improvement Authority- Courthouse Window Project, amount \$45,877.60, Weekly Fees for the week of April 8 to April 14, 2005, amount \$250.00.

The Commissioners received and reviewed from Steptoe and Johnson Notice of Deposition of Charles E. Canterbury re: Charles Canterbury v. William Laird, IV, etal-Civil Action #04-C-293-H lawsuit.

The Commissioners received and reviewed a letter from Tech Research and Development Corporation regarding their proposal requesting a \$10,000 grant for funding a hotel/motel feasibility study for sites in both Plateau and Valley Magisterial Districts.

The Economic Development Authority informed the Commissioners that funds for Fiscal Year 2004-2005 have all been allocated and they would hold application on file until they receive notification of

funding for Fiscal Year 2006.

The Commissioners received and reviewed a notice from the Workers' Compensation Division for Becky J. Toney, claim #2004015110.

The Commissioners received and reviewed copies of Official Oath of Office from Helen Whitehair and Paul Blake, Jr., members of the Fayette County Community Criminal Justice Board.

The Commissioners received and reviewed a letter from the West Virginia Association of Counties regarding the Amicus Brief on Coal Severance Tax Case. A copy forwarded to Paul Blake, Jr., Prosecuting Attorney.

The Commissioners received and reviewed a letter from David Schoell regarding the requests to rezone the New River Gorge National River. A copy forwarded to Tim Richardson, Zoning Officer.

The meeting was adjourned at 10:30 a.m. The next scheduled meeting is April 29, 2005.



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FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
APRIL 29, 2005  
COURTHOUSE  
FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 29<sup>th</sup> day of April 2005.

Commissioner Wender called the meeting to order at 9:08 a.m.

Eddie Young, Assessor submitted exonerations and refunds to the Commission to be approved and signed.

Commissioner Eskew offered a motion to approve exonerations as submitted by the Assessor. Commissioner Lopez seconded. All approved.

Commissioner Lopez offered a motion to approve the refund of Eric Teets personal property (\$426.24) as submitted by the Assessor. Commissioner Eskew seconded. All approved.

Ms. Holly informed the Commissioners she received a letter from Michelle and Theodore Gill requesting a credit on their 2003 tax.

Ms. Holly told the Commissioners she received a letter from the Assessor informing that Theodore and Michelle Gill was doubled assessed for the year 2002.

Commissioner Eskew offered a motion that subject to the approval of the Assessor, Theodore and Michelle Gill be afforded tax relief for tax year 2002 in the total amount of \$47.73 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. All approved. Order signed.

Commissioner Wender offered a motion that the minutes of February 25, March 4, March 18 and March 25, 2005 be approved. Commissioner Eskew seconded. Unanimous.

Commissioner Lopez offered a motion to approve vouchers and second half payrolls for April, payrolls to be released today and approve first half of the May payrolls, payrolls to be released on May 13, 2005. Commissioner Eskew seconded. Unanimous.

Commissioner Wender informed the Commissioners that at the 4-C Economic Development Authority meeting last Friday he was told that the term of Anne Cavalier had expired.

Commissioner Wender is recommending to the Commission that Anne Cavalier be reappointed to serve as a member of the 4-C Economic Development Authority Board of Directors.

Commissioner Eskew offered a motion that Anne Cavalier be reappointed a member of the 4-C Economic Development Authority Board of Directors. Commissioner Lopez seconded. Unanimous. A letter signed.

The Commissioners signed a letter to John David requesting that on or before May 13, 2005 he submit evidence to document his residency within the boundaries of the Page-Kincaid Public Service District.

Ms. Holly informed the Commissioners she received a petition regarding the health and safety issue for property located at 106 First Avenue, Fayetteville, West Virginia. Ms. Holly told the Commissioners that since this property is in the city limits of Fayetteville, she forwarded the letter and petition to the Town of Fayetteville.

Ms. Holly informed the Commissioners she received a letter from Kenneth and Linda Goode requesting assistance in the Armstrong Creek area where numerous property owners have trash and old cars littering the roadway and yards.

Ms. Holly told the Commissioners she forwarded the letter to the Fayette County Solid Waste Authority and request that they follow through.

The Commissioners signed a letter to Region 4 Planning and Development Council requesting status of their review of the "Notice to Architectural/Engineering Firms" for professional services to provide schematic design, specifications, and bid package to construct the shaft and to purchase and install an elevator to serve the Fayette County Courthouse as published on October 18 and 25, 2001.

The Commissioners also asked the status of their review of the plans and specifications provided on February 3, 2005 by J. Dan Snead, AIA and an estimated date that the project will commence.

Commissioner Lopez offered a motion to approve Jackie Hickman's overtime (48 hrs.). Commissioner Eskew seconded. Unanimous.

The Commissioners signed letters to the elected officials and department heads regarding their fiscal year 2005-2006 budgets.

Ms. Holly told the Commissioners that she received only one Agreement from the Legislative Digest grant and that was for Multi-Cap Handyman Program.

Ms. Holly presented a letter to Multi-Cap, Inc. enclosing a copy of the Agreement for the Legislative Digest grant in the amount of \$5,000.00 to the Commissioners.

The Commissioners signed letters to the West Virginia Development Office requesting extension of the grants we have not received and grants that have not been completed to be extended to cover the period from July 1, 2005 through June 30, 2006, the New Haven Public Service District, Christians Helping Others Food Pantry, Courthouse Ramp, Upper Kanawha Valley Ballfield Lights, Boomer Volunteer Fire Department, Courtroom Chairs, Memorial Building, Weatherization Program, Oak Hill Rail Trail, Fayette County Sheriff's Department, Upper Kanawha Valley Chamber of Commerce, Southern Appalachian Labor School, Fayette County Park Pool Access Ramp, Jury Room Chairs, Fayette County Park Horseshoe Pit, Gauneka-Ruritan, Multi-Cap Watch Me Grow and Multi-Cap, Inc. Handyman Program.

Ms. Holly asked for a change in scope for the New Haven Public Service District Legislative Digest grant.

Commissioner Eskew offered a motion to change the scope of the New Haven Public Service District Water Extension to Saturday or Sunday Road. Commissioner Lopez seconded. Unanimous.

The Commissioners signed a letter to the West Virginia Development Office requesting a fourth drawdown for the Christians Helping Others Food Pantry, amount \$1,080.58.

Ms. Holly presented a request for reimbursement to the West Virginia Courthouse Facilities Improvement Authority for Phase I of the Courthouse window replacement project, amount \$54,207.30 to the Commissioners.

Commissioner Eskew offered a motion to advance payment for Phase I to J. Dan Snead and Associates, Inc., amount \$532.30 and Builders

Group, Inc., amount \$53,675.00 total \$54,207.30. Commissioners Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to advance with the second Phase of the Courthouse window replacement project. Commissioner Eskew seconded. Unanimous.

Ms. Holly presented to the Commissioners from the Assessor's Office two petitions to combine or divide and segregate land for David Clarence and Mary Ann Williams and Nellie Chmara.

Commissioner Eskew offered a motion to approve the petitions of Nellie Chmara and David and Mary Williams to combine or divide and segregate land as submitted by the Assessor's Office. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from the Department of Health and Human Resources requesting the use of the Courthouse front lawn to be used as the site to hold the Children's Memorial Flag Day Celebration on April 29, 2005 at 7:00 p.m.

Commissioner Eskew offered a motion to approve the request of the Department of Health and Human Resources to use the courthouse lawn or the use of the Courthouse inclement weather for the Children's Memorial Flag Day Celebration. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve James Perdue, Maintenance Supervisor overtime (66 hrs.). Commissioner Eskew seconded. Unanimous.

The Commissioners received and reviewed a letter from the New River Convention and Visitors Bureau requesting permission to use the



courthouse property for the 10<sup>th</sup> Annual Captain Thurmond's Challenge.

Commissioner Eskew offered a motion to approve use of the Courthouse property for the 10<sup>th</sup> Annual Captain Thurmond's Challenge. Commissioner Lopez seconded.

The Commissioners received and reviewed a letter from the Deepwater Public Service District requesting that W. Brent Walker be reappointed a Commission on the Deepwater Public Service District.

Commissioner Lopez offered a motion that W. Brent Walker be reappointed a Commission of the Deepwater Public Service District. Commissioner Eskew seconded. Unanimous. A letter of appointment to serve and an Order was signed.

The Commissioners received and reviewed from the Public Service Commission the Notice of a hearing scheduled for May 12, 2005 at 10:00 a.m. for a petition filed for consent and approval to merge Deepwater Public Service District into Armstrong Public Service District.

Commissioner Wender asked the Commissioners to review the Resolution opposing the drastic theoretical Social Security changes being proposed by the Bush administration.

Discussion was held. Commissioner Eskew offered a motion to sign Resolution opposing the Social Security changes being proposed by the Bush administration. Commissioner Lopez seconded. Unanimous.

Linda Williamson, FMRS Health Systems, Inc., Southern Highland Threat Preparedness Coordinator appeared before the Commission to make them aware of the disaster training behavioral aspects to the response team. Ms. Williamson told the Commissioners that she is trying to get information out regarding the training for this program.

Commissioner Wender suggested to Ms. Williamson to contact Eric Pories. Commissioner Eskew suggested contacting the Ministerial Association and the United Methodist Church.

Ms. Williamson told the Commissioners that the brochures for April, May, and June will have additional training schedules.

The Commissioners asked for a five minute recess.

The Commissioners reconvened the Commission meeting at 10:30 a.m.

Brain Sparks, WVU Agriculture Agent, Lavonne Paden, WV Farmland Protection Specialist and Carl Thompson appeared before the Commission to discuss the County starting a Farmland Protection Program.

Mr. Sparks named everyone who was present and introduced Lavonne Paden to the Commissioners who will speak on the Farmland Protection Program. (See attached lists of attendees)

Mr. Sparks told the Commissioners that there are 40 farms averaging 101 acres in Fayette County.

Ms. Paden informed the Commissioners that in March 2000 the West Virginia Legislative passed into law the Voluntary Farmland Protection Act. Through this Act, the legislature declares that agriculture is a unique "life support" industry and that a need exists to assist those agriculture areas which are experiencing the irreversible loss of agricultural land.

Ms. Paden told the Commissioners that this Act authorized the creation of county farmland protection boards and county farmland protection programs and allows each county to enact an additional tax on the privilege of transferring real estate to be solely used to fund the county's farmland protection program.

Farmland Protection Program  
4/29/05

Name

Brian Sparks

LAURA L DAVIS

Doug Kincaid

Alan Rice

John Brannen

ALAN WICKLINE

Bill Keeney

STEVE Keeney

Timothy A. Keeney

CARL THOMPSON

Avonne Paden

Ms. Paden told the Commissioners that the core of the program is the conservation easement, which is a legal binding restriction recorded in the deed of the property. All conservation easements are perpetual and must be held by at least one "holder."

Ms. Paden suggested to the Commissioners that they establish a Fayette County Farmland Protection Program to provide persons and other entities an opportunity to voluntarily protect agricultural land and woodland in Fayette County by the voluntary placement of conservation or preservation easements on farmland.

Ms. Paden suggested that the Commission create a county farmland protection board which will be known as the "Fayette County Farmland Protection Board" to create and administer the Fayette County Farmland Protection Program. Said county board will be a public agency, which will have all the powers, rights, duties and obligation set forth by West Virginia Code 8A-12-1 et. Seq.

Ms. Paden suggested that the Fayette County Commission adopt a real estate tax of \$2.20 per \$1,000 on the privilege of transferring real estate in the county.

Ms. Paden informed the Fayette County Commission they need to vote to resolve to approve resolution, appoint a seven-member board, vote to approve the program, and vote for transfer of tax.

Commissioner Wender informed he rather not do resolution today should be an agenda item with a public notice.

Brian Sparks requested a \$1,000 start-up from the County Commission for 501c and to establish a bank account.

Commissioner Wender asked that this be put on the agenda for May

16 at 1:00 p.m. to discuss.

Jim Lively with Jim Lively Insurance appeared before the Commission to inform them of the building values.

Mr. Lively informed the Commissioners he had gone over buildings at the Park. The Courthouse, building \$2,750,000, contents computer equipment separate \$450,000.

The Commissioners informed Mr. Lively they could not replace the courthouse with that functional value, would replace the building but not like square footage of the Courthouse.

Mr. Lively informed the Commissioners that the replacement of the windows would not effect the value.

Mr. Lively listed the values of all the county buildings- Sheriff/Road Office, building \$1,019,700 contents \$65,000; Prosecuting Attorney Office, building \$309,000 contents \$55,000; Courthouse Annex, building \$1,500,000 contents \$600,000; Memorial Building \$5,100,000 contents \$400,000, Health Department, building \$268,000 contents \$45,000, Extension Office, building \$103,000 contents \$25,000.

Mr. Lively told the Commissioners he went through 9-1-1 tower's equipment with David Neal, E911 Coordinator. Mr. Lively told the Commissioners that the building cost is up by 3%, and premium cost is \$2.00 per 1,000 value.

Commissioner Wender asked Mr. Lively if he would look at square footage increases of 3% for courthouse, annex and other buildings and 1% increase for contents.

The Commissioners asked Mr. Lively to delete the water storage tank from the Fayette County Park.

The Commissioners asked Ms. Holly to contact Jan Care Ambulance regarding the ambulance that is titled to the Fayette County Commission.

Mr. Lively informed the Commissioners he did not expect premium increases in liability coverage.

The Commissioners recessed for lunch at 12:30 p.m.

Commissioner Wender called the meeting to order at 1:50 p.m.

Commissioner Wender suggested putting Debbie Aliff, Payroll Clerk and Linda Ramsey, Fayette County National Bank on the agenda for May 16<sup>th</sup> to discuss direct deposit.

The Commissioners signed an Order regarding the Petition for Elective Share filed on April 15, 2005 in the Estate of Henry Randall Bowling.

The Commissioners signed an Order regarding the petition of Pauline Davidson to close the Estate of Richard Wingrove filed April 15, 2005.

Ms. Holly asked the Commissioners if they wanted to discuss Gene Watkins recommendations regarding the telephone lines.

Ms. Holly asked Steve Cruikshank, OES Director about the telephone lines at the 911 Center. Mr. Cruikshank told the Commissioners that the telephone lines Mr. Watkins is asking to drop are being used.

The Commissioners asked Ms. Holly to get in touch with Gene Watkins and inform him the Commission is not in favor of changing the carrier and not in favor of dropping lines.

Commissioner Wender signed the Federal Excise Tax Exemption

Certificate.

Ms. Holly informed the Commissioners she sent notices to the members of the Chairman of the Democratic Executive Committee and the Chairman of the Republican Executive Committee informing that their list of Election Officials, Poll Clerk, Election Commissioners, Alternates and Emergency Absentee Voting Commissioners should be in no later than April 30.

Ms. Holly presented the list of poll workers she received to the Commissioners.

Commissioner Lopez offered a motion to approve the list of Poll Workers as presented by the Executive Committees. Commissioner Eskew seconded. All approved.

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

Ms. Holly informed the Commissioners that she needed to make budget revisions for the General County and Coal Severance Funds.

Commissioner Lopez offered a motion to approve budget revisions #2 for the General County and Coal Severance Funds and authorize Commissioner Wender to sign on behalf of the Commission. Commissioner Eskew seconded. Unanimous.

Ms. Holly informed the Commissioners of the few problems of the Polling Places for the upcoming June 25<sup>th</sup> election.

Ms. Holly told the Commissioners that the Oak Hill Methodist church is in the process of purchasing the Armory building.

Commissioner Wender suggested contacting the Reverend John

Sauvage to see if the Commission can still use the Armory building as a polling place.

Ms. Holly informed the Commissioners that the Falls View Armory will be closed in November will no longer be available. Commissioner Lopez suggested using the Ruritan building.

Ms. Holly informed the Commissioners that she received a complaint from the poll workers at precinct 74 regarding the polling place. Ms. Holly told the Commissioners that she was told the place did not have water, windows broke, and no telephone.

The Commissioners asked Ms. Holly to have James Perdue, Maintenance Supervisor to talk with owner and check with Steve Cruiksank, OES Director or David Neal, E911 Coordinator to see about getting a radio for the building.

The Commissioners received and reviewed two requests for the use of the Memorial Building, WVU Extension Service request use of the front part of the building and porch to display 4-H projects and Grace Baptist Church the request the use of the building for a sleeping quarters for their missionary group.

Commissioner Wender offered a motion to approve the waiver of the rental fee, the custodial and trash service fee for the WVU Extension Office 4-H Agent, all other rules are applicable including the insurance requirement and the rental fee for the Grace Baptist Church, all other rules are applicable, including insurance, garbage, and custodian service. Commissioner Lopez seconded. Unanimous.

The Commissioners informed that future waivers of rental fees will not be approved.



Ms. Holly presented an invoice from Michael Basile for Professional Service in the amount of \$216.80 to the Commissioners.

Commissioner Eskew offered a motion to approve the invoice from Mike Basile in the amount of \$216.80. Commissioner Lopez seconded. Unanimous.

Ms. Holly informed the Commissioners that she received a letter from the Secretary of State informing they could not advance reimbursement for the upcoming election being held June 25, 2005.

Discussion was held, the Commission suggested holding the June invoices as accounts payable (especially Regional Jail fees) except for utilities and priority invoices.

The Commissioners received and reviewed a fax from David Stacy regarding the WVACo Insurance program.

Ms. Holly informed the Commissioners she will be attending the Governor's Finance and Training Seminar on Tuesday, May 3 and Wednesday, May 4.

Ms. Holly informed the Commissioners that she received a call from Alicia Landers, Fayette County Health Department requesting permission to put a driveway to Health Department storage building. The Commissioners approved.

Ms. Holly asked the Commissioners if they were going to appoint someone to fill Lee Massey and Kenneth Roop positions. The Commissioners asked Ms. Holly to hold.

Ms. Holly informed the Commissioners that she sent copies of the amended Fayette County Clean Indoor Air Regulation to all the elected Officials.

Ms. Holly informed the Commissioners that Sheriff William Laird is requesting purchasing chairs for the Smithers Detachment.

Ms. Holly told the Commissioners she will talk with Sheriff Laird and inform him that she might have chairs he can send down.

The Commissioners received and reviewed a letter from the Prosecuting Attorney Office requesting a Budget Revision to his budget.

Commissioner Lopez offered a motion to approve budget revisions as requested by the Prosecuting Attorney. Commissioner Eskew seconded. Unanimous.

Ms. Holly presented to the Commissioners invoices for supplies from Homeland Security Grant for ProPac, amount \$4,168.00 and the American Red Cross, amount \$750.00.

Commissioner Eskew offered a motion to approve and release invoices for ProPac (\$4,168) and the American Red Cross (\$750). Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from Sheriff Bill Laird requesting purchase orders for Homeland Security Grant.

The Commissioners received and reviewed from Diane Meadows Application of Employment for Barbara Alderman. The Commissioners approved Barbara Alderman part-time temporary help for the WVU Extension Office at \$6.00 an hour.

The Commissioners received and reviewed an e-mail from John David requesting additional money for Group Workcamp. The Commissioners denied John David's request for additional money for Group Workcamp.

The Commissioners received and reviewed Homeland Security EOC

Grant Quarterly Report for January 1, 2005 through March 31, 2005.

The Commissioners received and reviewed a telephone message from Mim Campbell requesting funding for the Lower Paint Creek Watershed.

Commissioner Lopez suggested checking fund balance in July, if available possibly will contribute \$2,000.00?

The Commissioners received and reviewed a letter from Stafford Consultants, Inc. regarding the New Haven Public Service District Contract Periodic pay Estimate No. 14 Final change Order No. 6.

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

The Commissioners received and reviewed Official Oaths of Office from Michael Martin, Timothy Erwin, Judson Wallace and Philip Sundstrom, members of the Fayette County Community Criminal Justice Board and Official Oaths of Office from Thomas Bowen and Donald Navarro, members of the Armstrong Public Service District.

The Commissioners received and reviewed checks from the Coca-Cola Bottling Company, amount \$34.69, State Farm Insurance, amount \$3,191.75, reimbursement TRIDENT overtime, amount \$625.45, WV Development Office, amount \$13,206.00, 911 Fees-AT&T Communications of WV, amount \$1,480.00, IDT Corporation, amount \$78.00, Granite Telecommunication, LLC, amount \$106.00, Citynet Holdings, LLC, amount \$5.82, Metro Teleconnect, amount \$19.60.

The Commissioners received and reviewed from Page-Kincaid Public Service District copies of minutes for the months of January, February, March and April.

The Commissioners received and reviewed a letter from the West

Virginia Development Office regarding the Synthetic Fuel Non-Producing Counties Fund Fiscal Year 2005 Allocation and Uses.

The Commissioners received and reviewed a resume from Gary Shawn Lilly.

The Commissioners received and reviewed letters from the Sheriff Office and the Assessor's requesting that Cindy and Buren Renick checks be released on Thursday, April 28, 2005 they will be on vacation starting Friday, April 29, 2005.

The Commissioners received and reviewed a copy of an accident report.

The Commissioners received and reviewed an Administrative Order regarding request for routine office supplies.

The Commissioners received and reviewed a letter from Marshall Miller and Associates informing that Meadow River Coal Company is applying for a Phase 1 Release on Permit No. R-651 issued for 181.79 acres on January 18, 1981. Original forwarded to Tim Richardson, Zoning Office.

The Commissioners received and reviewed Weekly Fees Collected for the week of April 15, 2005 to April 21, 2005, amount \$205.00.

The Commissioners received and reviewed invitation to a Retirement Reception for Magistrate Dale Payne being held May 5, 2005.

The Commissioners received and reviewed a thank-you letter from the Oak Hill Lions Club for participation in their style show.

The Commissioners received and reviewed Statement of Expenditures as of March 2005 for the Regional Jail, Fayette County Park and the Central Garage.

The Commissioners received and reviewed a letter from St. Paul Travelers regarding Claim #GP0931280709T010.

The Commissioners received and reviewed a letter from the Public Service Commission to Alene G. Wood regarding her request for new water service to the community of "Hilton Village" near Rainelle, West Virginia.

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

The Commissioners received and reviewed an e-mail to Commissioner Wender from Mike and Gail Shumate, Board Members of the Dunloup Creek Watershed Association thanking him for his support.

The Commissioners received and reviewed an e-mail from the State Treasurer regarding April Limited Video Lottery proceeds.

The Commissioners received and reviewed an e-mail from Charlotte Holly to Chris Slaughter regarding the status of the updates for the personnel policy.

The Commissioners received and reviewed an e-mail from Dunn Engineers, Inc. to Dave Pollard, County Resource Coordinator regarding Kanawha Falls Public Service District transfer of press.

The Commissioners received and reviewed legal for a contract electrical inspectors position from Allen Ballard.

The meeting was adjourned at 2:50 p.m. The next scheduled meeting is May 16, 2005.



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FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
AUGUST 12, 2005  
COURTHOUSE  
FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 12<sup>th</sup> day of August 2005.

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

Steve Fox from the Assessor's Office submitted the exonerations and refunds to the Commissioners to be approved.

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

Commissioner Eskew offered a motion to approve refunds for Karl, Sr. and Karl, Jr. Taylor, amount \$100.60 and Frankie Stone, amount \$174.50 as submitted by the Assessor's Office. Commissioner Wender seconded. Unanimous.

Commissioner Eskew offered a motion to approve payrolls and invoices, payrolls to be released August 15, 2005. Commissioner Wender seconded. Unanimous.

Commissioner Wender offered a motion to approve minutes of July 1, July 8, and July 29. Commissioner Eskew seconded. All approved.

Commissioner Wender offered a motion to approve minutes of May 31, June 10 and June 27, 2005. Commissioner Eskew seconded. All approved.

Commissioner Wender asked that the 9:15 a.m. Town of Fayetteville Annexation be moved to 10:30 a.m.

Jesse Bibb, Minden Community Center appeared before the Commission to inform them that he had talked with Senator Shirley Love regarding the \$5,000.00 check the Center received from the Governor's Office.

Mr. Bibb told the Commissioners that Senator Love suggested that the Minden Community Center return the original check to him, he would reissue the \$5,000.00 to the Fayette County Commission they would be the sponsors that would be responsible for purchasing and developing the playground.

Commissioner Wender suggested including playground equipment.

Commissioner Wender offered a motion that the Fayette County Commission will accept check from the Governor's Office to develop a park in the Minden Community under the conditions that if the money is not used in a period of five (5) years that money could be used for any park improvements in the County. Commissioner Eskew seconded. Unanimous.

Richard Day and Robert Vandall appeared before the Commission to request money for funding four programs (soccer, little league, fencing, and dugouts).

Mr. Day told the Commissioners they are using 5 acres of land owned by the Fayette County Board of Education.

Mr. Day told the commissioners that with the donations from the Community they have installed pipes on the property.

Mr. Day told the Commissioners they requested assistance from the Fayette County Board of Education, but they would not help.

Mr. Day told the Commissioners that right now they are at a

standstill.

Commissioner Eskew asked Mr. Day the estimate on the project. Mr. Day replied the estimated cost is about \$150,000.00

Mr. Day told the Commissioners to finish the two dugouts the estimated cost would be \$6,000.00 for concrete, labor and materials.

Commissioner Wender asked if the Commission appropriate \$3,000 could they get someone to do the labor for free on the dugouts.

Commissioner Eskew offered a motion that the Commission commits to a \$3,000.00 grant for the Meadow Bridge Baseball Program for concrete and roof materials will look to the future for the Meadow Bridge Baseball Program. Commissioner Wender seconded. Unanimous. The \$3,000.00 is to be paid to the Meadow Bridge Baseball Program.

Delegate John Pino appeared before the Commission to present certificates from the Governor's Office for the 2004 Digest Grant for the Fayette County Park Poll-ramp (\$5,000), the Fayette County Multi-Cap Watch Me Grow (\$2,500), Gauneka-Ruritans Community Center-roof (\$5,000) on behalf of Senators Shirley Love, Randy White and Delegates Tom Louisos and David Perry.

The Commissioners signed a letter to Michael Proop, Controller, Family Law Masters requesting reimbursement for rent in the amount of \$2,025.00 for the month of September 2005.

The Commissioners received and reviewed notice from Sheriff William Laird of Garland Burke's retirement as a Fayette County Deputy from the Sheriff Department effective July 28, 2005.

The Commissioners signed a letter to Garland Burke informing they have been advised of his retirement from employment as a Fayette



County Deputy effective July 28, 2005. The Commissioners offered their sincere appreciation for his 21 years of service to Fayette County and our citizens.

Ms. Holly told the Commissioners that John David sent final preliminary drawings for the Southern Appalachian labor School Dorm Project for the Commissioners to review.

Ms. Holly told the Commissioners that Alice King, Region 4 Planning and Development Council has several questions regarding the preliminary drawings.

The Commissioners received and reviewed a letter from the Division of Criminal Justice Service informing the Commission that the resolutions that were mailed with the grant contracts were for the JAIBG program not the Justice Assistance Grant Program (JAG). The Commissioners signed the revised Resolution and three Special Conditions and Assurance forms.

Ms. Holly informed the Commissioners she received from Ron Booker a request for reimbursement for TRIDENT overtime to the West Virginia Division of Criminal Justice Service.

The Commissioners asked David Neal, E911 Coordinator to send a second request to the Division of Highways regarding the Gauley Mountain Tower.

Commissioner Wender asked to include in the second letter that as a result of the current conditions of the road, the County's LP gas supplier will not deliver the necessary gas for the operation of the generator to the towner site. A letter signed.

Ms. Holly told the Commissioners she received an invoice for

\$2,969 for repairs to one of the vehicle's Earl Pauley, park Superintendent bought from Surplus Property.

Commissioner Wender suggested having Mr. Pauley come in to discuss the invoice.

Ms. Holly presented to the Commissioners from Allen Ballard, Fayette County Building Inspector signed Inspection Agreements from Stone Inspection Services, LLC and Appalachian Inspection Services.

Commissioner Eskew offered a motion to approve and sign Inspection Agreements from Stone Inspection Services, LLC and Appalachian Inspection Services as presented by the Building Inspector. Commissioner Wender seconded. Unanimous.

The Commissioners recessed the County Commission meeting for five minutes (10:02).

The Commissioners reconvened the Commission meeting at 10:14 a.m.

Bob Honaker, WV Rural Community Assistance Program appeared before the Commission to provide \$10,000 for the SHIPO investigation and requesting \$30,000 for the State Historical Preservation Investigation.

Mr. Honaker informed the Commissioners that John Housh has agreed to pay the upfront cost of the engineering study.

Commissioner Eskew asked Mr. Honaker if he had a cost on the engineering study. Mr. Honaker replied the cost would be approximately \$30,000 to \$40,000.

Commissioner Wender told Mr. Honaker that the Commission did previously approve an amount of \$10,000 to the Kanawha Falls Public Service District as a local funding match toward the project in 1998.

The Commissioners agreed to release the \$10,000 to assist in the cost to extend water from the Kanawha Falls Public Service District to the Kanawha Falls and Boonesborough communities.

The Commissioners informed they look for Mr. Housh to pay the difference.

Sheriff William Laird, Tim Hannah and Joe Carelli appeared before the Commission to discuss the Community Corrections Program.

Sheriff Laird updated the Commissioners on the \$89,000 he received from the Division of Criminal Justice Services for the community corrections program.

Sheriff Laird told the Commissioners that the contracts have been signed and the Commission needs to select a site for a day reporting center, advertise for a project director, and a day reporting manager.

Sheriff Laird told the Commissioners that currently the Fayette County Solid Waste Authority has a work program.

Sheriff Laird told the commissioners they need to decide on whether to advertise the positions, decide on whether to continue operating the Fayette County Solid Waste Authority prisoner release program or to combine the programs together.

Tim Hannah, Chairman of the Fayette County Solid Waste Authority told the Commissioners that they are willing to do whatever they can to help the Sheriff but the Solid Waste Authority needs the prisoners.

Mr. Hannah told the Commissioners that the Fayette County Beautification Committee will meet at 3:00 p.m. and the Fayette County Solid Waste Authority will meet at 4:00 p.m. on August 25, 2005.

Commissioner Wender suggested that the Commission and the Sheriff

meet with the Fayette County Beautification Committee and the Fayette County Solid Waste Authority to discuss further. Commissioner Wender asked Ms. Hickman to post a notice of the meeting for the Commission.

Commissioner Wender called to order the hearing for the Annexation for the Town of Fayetteville. Present were Graydon Ooten, attorney for the Town, Thomas Michael representing the National Parks Conservation Association, and others (see attached).

Carl Harris, Assistant Prosecuting Attorney explained the Fayette County Commission position.

Mr. Harris informed that when landowner property contiguous to a municipality they can petition the municipality if only the property is involved.

Mr. Harris informed the Commissioners doesn't have a choice. The town presents the Certification to the Commission. The Commission enters the Order to be recorded.

Mr. Harris advised the Commission that this is a ministerial function, the Commission can't do anything but accept the petition and enter to record.

Commissioner Wender informed he would like to invite anyone who has any questions or comments.

Thomas Michael, representing the National Parks Conservation Association presented to the Commissioners a memorandum of law alleging that the Town of Fayetteville improperly agreed to annex the property, and called the annexation an illegal attempt to get around proper zoning regulations.

Mr. Harris told Mr. Michael he should have presented this to the

08-12-05

Town of Fayetteville  
Annexation

Alice Todaro

Jeannie Todaro

Maria King

Cal Hte

Thomas Michael

ERIC AUTENREITH

GEORGE KISTLER

Thomas E. Brown

Ralph Davis

Charlie Jones

Town of Fayetteville. The next process is to go to the Circuit Court and file a lawsuit.

Graydon Ooten, Attorney for the Town of Fayetteville thanked the Commission and left the hearing.

Commissioner Wender asked Mr. Harris if the Commission could table this hearing.

Mr. Harris informed the Commission that the State Code doesn't allow the Commission to do anything but certify the annexation.

Commissioner Wender said again he would like this to be tabled and that he didn't see the urgency of this. Commissioner Wender told the Commission he don't think waiting two weeks would do any harm to the developer.

Commissioner Eskew informed he agrees with Mr. Harris the law is the law the State Code doesn't allow the Commission to do anything but certify the annexation.

Commissioner Eskew informed the Commission do not need to postpone this annexation any further. Commissioner Eskew informed the Commission don't have to like the law, but the Commission shouldn't deny this opportunity.

Gene Kistler a member of the Fayette County Planning Commission stated that once this is signed this will not have to go to the Planning Development.

Eric Autenreith spoke against the proposed annexation. Mr. Autenreith stated that Fayetteville has no comprehensive plan for development.

Mr. Autenreith spoke about the town's approval of a shopping mall

built on land where Confederate soldiers are buried.

Cal Hite, Superintendent of the New River Gorge National River voiced his concerns on how the housing development might affect the scenery of the gorge.

Mr. Harris told the Commissioners that they had one role to act in a ministerial function and sign the annexation.

Mr. Harris told the commissioners that if Mr. Michael had questions regarding the Town of Fayetteville process, he could file a lawsuit in the Circuit Court.

Commissioner Wender offered a motion to table the matter to consider at the next Commission meeting to be held August 26, 2005. There was no second to the motion.

Commissioner Eskew offered a motion to approve the petition as presented by the Town of Fayetteville. Commissioner Wender did not second.

The hearing would be rescheduled for August 26, at 9:15 a.m.

The Commissioners recessed the County Commission meeting at 11:25 a.m. for the Urban Renewal Authority meeting.

The Commissioners reconvened the County Commission meeting at 12:10 p.m.

Commissioner Wender informed they received one bid from Talbott Glass for the Phase II Courthouse Window project.

The Commissioners opened the bid from Talbott Glass, amount \$96,500.00.

Ms. Holly informed the Commissioners that this grant is 80/20 match.

Commissioner Wender suggested to turning the bid over to J. Dan Snead Associates to review and make recommendation.

Commissioner Eskew offered a motion to accept the bid but to delay action until they hear from Dan Snead. Commissioner Wender seconded. Unanimous. The original copy of the bid forwarded to Dan Snead to review.

Ms. Holly informed the Commissioners they received a grant for \$12,500 for the installation of a new liner in the gutters, associated slate repair, and architectural fees for specifications from the West Virginia Division of Culture and History.

Ms. Holly informed the Commissioners that Dan Snead is ready to get the elevator advertised.

Steve Cruikshank, OES Director and Tim Richardson, Zoning Officer appeared before the Commission to discuss the Fayette County Firefighters Association request to billing the non-residents for HAZMAT.

The Commissioners asked Mr. Cruikshank to draft the Ordinance and Ms. Holly will take draft to the Prosecuting Attorney's Office to review.

Commissioner Wender asked if the Commission had to do the Ordinance. Mr. Cruikshank replied yes.

Ms. Holly presented from the West Virginia Division of Culture and History a Historic Preservation State Grant for \$12,500 for the Fayette County Courthouse Jail Museum to the Commissioners.

Ms. Holly informed the Commissioners that this is an in-kind match.



Commissioner Eskew offered a motion to authorized President Wender to sign the Historic preservation Grant contract. Commissioner Wender seconded. Unanimous.

Ms. Holly informed the Commissioners that these grants are for the courthouses that are on the National Registry.

The Commissioners signed Order appointing Wanda Dickinson to fill the unexpired term of G. Lee Massey (deceased) as a member of the Fayette County Planning Commission Board.

The Commissioners signed a letter to the 4-C Economic Development Authority confirming that Matthew Wender was reappointed to serve as the Fayette County Commission representative to the 4-C Economic Development Authority Board of Directors for the Fiscal year 2004-2007.

The Commissioners signed invoices to the Fayette County Board of Education for rent of the Fayette County Soldiers and Sailors Memorial Building for the months of July (\$5,416.67) and August (\$5,416.67).

The Commissioners signed invoices to the City of Oak Hill (\$1,746), the City of Mount Hope (\$97.00), and the Town of Fayetteville (\$291.00) for the confinement of inmates at the Southern Regional Jail for the month of July.

The Commissioners signed the Fayette County Fire Levy Protection Agreements for the Armstrong Creek Volunteer Fire Department, Boomer Volunteer Fire Department, Loup Creek Volunteer Fire Department, and Nuttall Volunteer Fire Department for the period of July 1, 2005 to June 30, 2006.

The Commissioners received and reviewed from Judy Gunsaulis,

Director of the Fayette County Public Library asking the Commission to sign an affidavit from the Division of Motor Vehicles saying that the Fayette County Library is a political subdivision of the Fayette County Commission.

Ms. Holly told the Commissioners that she forwarded a copy of the affidavit to the Prosecuting Attorney's Office.

Ms. Holly told the Commissioners that Carl Harris, Assistant prosecuting informed her that since the Library is not a political subdivision of the Commission they cannot sign the affidavit.

Commissioner Wender asked Ms. Holly to forward this information to Ms. Gunsaulis.

The Commissioners received and reviewed a memorandum from James Perdue, Maintenance Supervisor informing that Tammy Conley has no sick leave available to cover the 20 hours missed due to her injury on August 4, 2005.

Mr. Perdue is asking if he can give Ms. Conley 20 hours of his sick leave to cover this time.

Commissioner Eskew offered a motion to approve James Perdue request to give Ms. Conley 20 hours of his sick leave to cover Ms. Conley time. Commissioner Wender seconded. Unanimous. The Commissioners commended Mr. Perdue for his generosity.

The Commissioners received and reviewed a letter from the Lower Paint creek Watershed Association requesting the appropriated \$1,500.00 the Commission approved at their July 29, 2005.

Ms. Holly informed the Commissioners that the check has been mailed.

Ms. Holly informed the Commissioners that she received a response from the letter sent to the Internal Revenue Service on July 1, 2005 requesting a waiver of the proposed penalty for the tax period March 31, 2005.

Ms. Holly told the Commissioners that she received a letter from the Internal Revenue Service informing that the additional information they provided has allowed them to waive the proposed penalty.

The Commissioners received and reviewed a request from Janette Woodrum informing that the Town of Fayetteville has declared September 25, 2005 LaFayette Day. Ms. Woodrum is requesting the use of the Courthouse lawn to celebrate this event.

Commissioner Eskew offered a motion to approve Ms. Woodrum request for the use of the Courthouse lawn for LaFayette Day.

Commissioner Wender seconded. Unanimous.

The Commissioners received and reviewed a letter from the Southern Appalachian Labor School asking the Commission to send a letter to Multi-Cap, Inc. regarding their decision to terminate the arrangement with the Southern Appalachian Labor School that had provided expanded services for needy families in Fayette County.

The Commissioners received and reviewed their response to ACLU request for documentation and records pertaining to the long-standing policy of the Commission not to permit rallies on county-owned property.

The Commissioners received and reviewed requisitions from Daniel Wright, Circuit Clerk and Tom Woodrum, Chief Tax Deputy requesting printers for their office.

Commissioner Eskew offered a motion to approve the printers at the lowest price for the Circuit Clerk Office and the Tax Department. Commissioner Wender seconded. Unanimous.

The Commissioners received and reviewed a request from Debbie Scarbrough, Secretary for the Fayetteville Midget League to use the Fayette County Memorial Building for cheerleading practices to prepare for competition on October 22 from September 1, 2005 through October 21, 2005.

The Commissioners approved the request of Ms. Scarbrough to waive the rental fee. All other rules are applicable including the insurance requirement, custodial and trash service fees. All matters related to the scheduling of this event are to be through Okey Skidmore and are subject to change.

Commissioner Wender asked Ms. Holly to include in the letter that all activities scheduled by the Fayette County Board of Education shall be given priority.

The Commissioners received and reviewed petitions to combine or divide and segregate land submitted by the Assessor's Office.

Commissioner Eskew offered a motion to approve petitions to combine or divide and segregate land for Christopher and Ralph Campbell, Johnny Ewing and Andrew Smith and Eugene McDaniel. Commissioner Wender seconded. All approved.

Commissioner Wender informed that during the last outage the Emergency phones did not work and suggested asking Sheriff Bill Laird to see if back-up batteries for the phone system could be paid by the Homeland Security Grant.

Ms. Holly told the Commissioners that she received a letter from the American Institute informing they had filed a claim with Avaya on May 10, 2005 for monthly charges of \$235.10 billed to the Fayette County Magistrate's Office at the old City Hall building in Montgomery.

Ms. Holly told the Commissioners that the claim is for \$19,278.20.

Ms. Holly told the Commissioners that Avaya agreed to stop the billing but will only refund \$1,175.50 the amount billed during 2005. They refused to return any more of the money paid because they never received the old phones back.

The Commissioners asked Ms. Holly to have James Perdue, Maintenance Supervisor to check in the basement of the old City Hall in Montgomery to see if the phones were left there.

The Commissioners received and reviewed letters from individuals opposing the annexation of the New River Gorge.

The Commissioners received and reviewed from the Branch Banking and Trust report of the investments and transaction for the period from February 1, 2005 to July 31, 2005.

The Commissioners received and reviewed Cash Statements and Asset List from the Bank of New York as of July 31, 2005.

The Commissioners received and reviewed from the SunTrust Bank a list of securities pledged as of July 29, 2005.

The Commissioners received and reviewed several correspondend3s from the Workers' Compensation Division.

The Commissioners received and reviewed a thank-you note from the

Buckskin Council Boy Scouts of American thanking the Commission for their contribution.

The Commissioners received and reviewed checks for Franchise Fees from Charter Communications, amount \$25,332.97; Bradley Communications, amount \$534.10; 911 Fees-Operating Account, amount \$1,680.04, Mountain Communications, LLC, amount \$52.92, Citizens Communications Co., amount \$52.38, Trinsic Communications, Inc., amount \$30.00, Nos Communications, Inc., amount \$2.00; Fayette County Board of Education contribution, amount \$19,237.00; Jail Fees-Town of Fayetteville, amount \$145.50, City of Mount Hope, amount \$48.50; the City of Beckley reimbursement, amount \$214.96.

The Commissioners received and reviewed the Monthly Activity Report, Revenue Report from the Fayette County Animal Control Center/C-PAC for the month of July, the Weekly Fees Collected for the week of July 29, to July 31, 2005, amount \$120.00, the week of July August 1 to August 4, 2005, amount \$185.00, the week of August 5 to August 11, 2005, amount \$275.00.

The Commissioners received/reviewed and approved allotment for C-PAC, amount \$11,224.03.

The Commissioners received and reviewed a letter from the Office of the Secretary of State regarding the reimbursement for marriage license.

The Commissioners received and reviewed, the Official Oath of Office from Patrick Day a member of the Fayette County Planning Commission, John Harper a member of the Arbuckle Public Service District, and Felice Start, a member of the Fayette County Library

Board of Directors.

The Commissioners received and reviewed a letter from the Fayette County Weatherization Program thanking the Commission for their contribution to their program.

The Commissioners received and reviewed letters from the State Tax Department informing the Commissioners of their clerical errors and their recommendations of the mineral appraisal changes.

The Commissioners received and reviewed a letter from St. Paul Fire and Marine Insurance Company acknowledging receipt of a new claim and assigning Tammy Gibson to handle.

The Commissioners received and reviewed a notice from the Town of Fayetteville regarding their drinking water.

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

The Commissioners received and reviewed several correspondences from the United States Bankruptcy Court regarding Multi County Community Action Against Poverty, Inc. dba Multi-Cap, Inc.

The Commissioners received and reviewed a Status Report from the 911 Center for the period of January through July 2005.

The Commissioners received and reviewed a letter from Wilma, Teresa and Roy Cales regarding an overcharge on their property. Ms. Holly forwarded the original letter to Eddie Young, Assessor to review and advise.

The Commissioners received and reviewed a letter from the New River Engineering, Inc. submitting a copy of the Community Impact Statement Update for Alex Energy, Inc., Permit #S-3027-94. Original

forwarded to Tim Richardson, Zoning Officer.

The Commissioners received and reviewed from FEMA a copy of the 2005 FEMA Biennial Report that Tim Richards, Zoning Officer submitted.

The Commissioners received and reviewed a recall from Pontiac-GMC Division, General Motors Corporation regarding a defect which relates to motor vehicle safety exists in certain 2004 model year GMC Sierra vehicles equipped with a manual transmission.

The Commissioners received and reviewed letters from Charter Communications informing of an upcoming price adjustment effective with the September 2005 billing cycle.

The Commissioners received and reviewed a letter from Region I Work 4 WV informing of an Occupational Safety and Health (OSHA) training to be held August 16, 2005 at the Raleigh County WorkForce.

The Commissioners received and reviewed a letter from the Office of the Secretary of State asking that the County Clerks' and County Commission participate in the demonstration that are scheduled for those vendors interested in providing HAVA complaint machines to the voters of West Virginia.

The Commissioners received and reviewed a letter sent to the West Virginia Homeland Security Program acknowledging receipt of their recent letter requesting further clarification concerning how certain items of equipment previously purchased by the Fayette County Commission through the Local Law Enforcement Terrorism Prevention (LLETP) Program are currently being used to meet the enhanced homeland security needs within Fayette County.

The Commissioners received and reviewed an invitation from the



Southern West Virginia Convention Visitors Bureau inviting the Commission to attend the "Special Unveiling" at the next Southern West Virginia Membership Mixer at Daniel Vineyards, Thursday, August 11, 2005.

The Commissioners received and reviewed a copy of a letter to Debbie Aliff, Payroll Clerk from Sheriff William Laird informing that Steven L. Yarber, Jr. has accepted employment as a Fayette County Deputy Sheriff, starting salary \$23,441.04 per year or \$1,953.42 per month effective August 1, 2005.

The Commissioners received and reviewed a copy of a remittance by the Assessor's Office to the State Treasurer's office for the Courthouse Facilities Improvement Fund for the month of July, amount \$177.00.

The Commissioners received and reviewed from the Regional Jail and Correctional Facility Authority monthly charges for the month of July, amount \$54,950.50.

The Commissioners received and reviewed a copy of the Integrated Predation management Fund form submitted by the Assessor to the West Virginia Department of Agriculture.

The Commissioners received and reviewed letters from Governor Joe Manchin approving a West Virginia Community Corrections Fund grant award of \$89,000 and a Justice Assistance Grant Program award of \$16,200 for the Fayette County Commission.

The Commissioners received and reviewed a copy of an e-mail from Ms. Holly to Myron Ray with Tri-State roofing and Metal Company asking that he contact Okey Skidmore to schedule the repair work of the

Memorial Building roof as soon as possible.

The Commissioners received and reviewed an e-mail from David Neal, E911 coordinator regarding the Glen Jean signs.

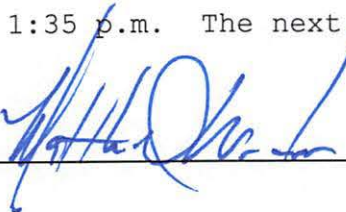
The Commissioners received and reviewed an e-mail from iTown Communication regarding the Vienna Votes for Broadband and West Virginia First.

The Commissioners received and reviewed an e-mail from Phil Samples regarding the continued use of the Memorial Building for the Fayetteville High School players.

The Commissioners received and reviewed an e-mail from Ms. Holly informing she sent a request to the Secretary of State for reimbursement in the amount of \$52,105.92 for the June 25, 2005 Special Election.

The Commissioners received and reviewed an e-mail from Doug Kincaid thanking the Commission for allowing the members of the Southern Conservation District to present information concerning their organization.

The meeting was adjourned at 1:35 p.m. The next scheduled meeting is August 26, 2005.



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FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
AUGUST 26, 2005  
COURTHOUSE

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

The Fayette County Commission met in a regular session on this 26<sup>th</sup> day of August 2005.

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

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

Commissioner Lopez offered a motion to approve refunds as submitted by the Assessor's Office. Commissioner Eskew seconded. Unanimous.

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

Ms. Holly presented Petitions to Combine or Divide and Segregate Land to the Commissioners from the Assessor.

Commissioner Lopez offered a motion to approve Petitions to Combine or Divide and Segregate Land for Bonnie and Robert Gilkerson, Darrell E. and Mary J. Elkins, Tommy and Barbara Carte, and David Keith Walker. Commissioner Eskew seconded. Unanimous.

Commissioner Lopez offered a motion to approve the bid submitted by Talbott Glass, amount \$96,500.00 for the Phase II Courthouse Window project. Commissioner Eskew seconded. Unanimous.

Dan Snead informed the Commissioners that they would use the same

contract.

Commissioner Eskew offered a motion to enter into a contract with Talbott Glass, President Wender to sign the contract subject to the approval of the Prosecuting Attorney. Commissioner Lopez seconded. Unanimous.

Mr. Snead informed the Commissioners he received approval from Region 4 Planning and Development Council to proceed with advertising for the courthouse elevator.

Commissioner Eskew offered a motion that J. Dan Snead Associates and Charlotte Holly proceed with advertising for the Second Phase of the courthouse elevator. Commissioner Lopez seconded. Unanimous.

Discussion was held regarding keeping Shirley Love and John Frazier on the Fayette County Health Department Board.

The Commissioners asked Ms. Holly to check to see if the Board could be expanded.

The Commissioners received and reviewed a letter from John David, Director, Southern Appalachian Labor School informing that the National Guard Armory in Falls View will be available and they would like to discuss collaborative effort that would permit the Armory to become a warehouse for donated building supplies.

Commissioner Wender suggested holding off any discussion until they see what other group might be interested in the building.

The Commissioners received and reviewed a thank-you letter from Richard Day thanking the Commissioners for their generous donation to the Meadow Bridge High School baseball. Ms. Holly informed the Commissioners the check has been prepared and made payable to the

Meadow Bridge Baseball Program.

The Commissioners received and reviewed a recall notice from Brown Chevrolet-Pontiac-Buick.

The Commissioners received and reviewed a letter from the Division of Criminal Justice Services regarding the Asset Forfeiture Distribution.

The Commissioners received and reviewed a letter from the Public Service Commission regarding Virginia Murphy of Oak Hill request for new water service on "Woolwine Road." A copy forwarded to Dave Pollard, Fayette County Resource Coordinator.

The Commissioners received and reviewed a letter from the West Virginia Association of Counties enclosing a copy of the Report on Costs of Operating Regional Jails.

The Commissioners received and reviewed a letter from Ace Adventures Center to the Governor requesting that State funding for the underpass on State Route 17 at Minden.

The Commissioners received and reviewed a fax from the West Virginia Association of Counties Board of Directors giving a weekly update of their meetings and enclosing the 2005/2006 WV Association fo Counties Board Members.

The Commissioners received and reviewed a letter from Meadow River Coal Company giving notification that they are applying to the West Virginia Division of Environmental Protection for Phase II and Phase III Releases of Permit No. EM-7. Original forwarded to Tim Richardson, Zoning Officer.

The Commissioners received and reviewed a letter from Schumacher,

Francis and Nelson enclosing for filing the Certificate of Service for the Notice of Deposition of Plaintiff (Braxton v. Fayette County Commission et al, Civil Action #5:04-0894).

The Commissioners received and reviewed from Earl Pauley, Park Superintendent, a receipt from Wal-Mart for \$592.00 for the purchase of a Personal Computer at the Fayette County Park.

The Commissioners received and reviewed a letter from Judge John Hatcher, Jr. informing that he will be unable to attend the next meeting of the Community Corrections Board.

The Commissioners received and reviewed a letter from Daniel Wright, Circuit Clerk informing that Martha Sue Massey is retiring effective August 31, 2005.

The Commissioners received and reviewed a letter from the County Commissioners' Association informing of the Fall Board and Legislative Committee meeting scheduled for September 25-27, 2005.

The Commissioners received and reviewed a letter from the Secretary of State informing that West Virginia requires voter identification using voter signatures, and it is imperative that every County have all its voters registration cards, including signatures, scanned into the new statewide registration system no later than the end of this year.

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

The Commissioners received and reviewed a copy of a letter from Paul Blake, Prosecuting Attorney to James Blankenship confirming their telephone conversation informing that the hearing with Pocahontas Land

is set before the County Commission on August 24, 2005, will be continued at his request.

The Commissioners received and reviewed an Order from the U. S. District Court informing of an Amended Notice of Deposition of Plaintiff (James M. Braxton).

The Commissioners received and reviewed a letter from Region 4 Planning and Development Council informing that they received the bid document information regarding the Fayette County Commission Project #03SCGB0102-504 Compliance to Courthouse Elevator Project, all HUD requirements have been met.

The Commissioners received and reviewed a letter from J. Dan Snead and Associates, Inc. enclosing plans and specifications for the Fayette County Courthouse Elevator Project.

The Commissioners received and reviewed an Official Oath of Office from Wanda L. Dickinson, member of the Fayette County Planning Commission.

The Commissioners received and reviewed from the 911 Center a Status Report of Wrecker Services from January to June 2005.

The Commissioners received and reviewed a letter from the West Virginia Development Office informing they support iTown's efforts in developing ultra-high capacity broadband infrastructures for the appropriate communities in West Virginia.

The Commissioners received and reviewed a fax from Multi-Cap, Inc. informing they have been and are continuing to work with Southern Appalachian Labor School to provide assistance to needy families in Fayette County.

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

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

The Commissioners received and reviewed from the Fayette County Animal Control Center/C-PAC Weekly Fees Collected for the week of August 12, to August 18, 2005, amount \$325.00.

The Commissioners received and reviewed checks for 911 Fees from IDT Corporation, amount \$64.00, AT&T Communications of WV, amount \$1,240.00, Granite Telecommunications, LLC, amount \$102.00, Verizon, amount \$33,856.77, VarTech, amount \$3.88; a check from the Supreme Court, Family Law Master rent, amount \$2,205.00; the City of Beckley reimbursement, amount \$659.04; a check from the Sheriff of Raleigh County reimbursement, amount \$1,177.50.

The Commissioners received and reviewed an e-mail from the Office of the State Treasurer funds informing for the month of August the Limited Video Lottery has been deposited, amount \$5,329.17.

The Commissioners received and reviewed an Application for Employment from Jonathan Meador.

The Commissioners received and reviewed an e-mail from Ms. Holly to Commissioner Wender to remind him that August 23 the Fayette County Commission will meet with the Sheriff, the Beautification Committee and Fayette County Solid Waste Authority to discuss the community correction program.

The Commissioners received and reviewed a notice from the West Virginia Association of Counties informing of the Fall Board Meeting



being held Sunday, October 2 through Tuesday, October 4 at the Wheeling Downs Hotel.

The Commissioners received and reviewed Certificate of Liability Insurance from the Fayette County Board of Education.

The Commissioners received and reviewed a letter from Region 4 Planning and Development Council informing that the next scheduled project meeting for the City of Mount Project #03SCBG0065 Kilsyth Sewer Extension/Plant Upgrade is Monday, August 29, 2005 at 11:00 a.m. at the Mount Hope Housing Authority Community Room.

The Commissioners received and reviewed a fax from the West Virginia Association of Counties regarding an article in the Charleston Daily Mail regarding pay raises for all elected officials.

The Commissioners received and reviewed an e-mail from Judy Gunsaulis informing they did not need the Affidavit signed by the Fayette County Commission to receive county plates from the Department of Motor Vehicles for the Fayette County Public Library.

The Commissioners received and reviewed an e-mail from Ms. Holly to Commissioner Wender reminding him that he was to write a letter to Charter Communication regarding the \$1.45 increase in Expanded Basic Service.

The Commissioners signed a letter to the Holiday Inn Express authorizing Eddie Young, Assessor to charge to the Fayette County Commission his sleeping room, meals, room guarantees, business telephone charges to the Fayette County Commission while he is attending the West Virginia Assessor's Association meeting being held September 12 and September 13, 2005.

Commissioner Eskew offered a motion to approve Debbie Aliff, Payroll Clerk overtime (24½ hrs.) and James Perdue, Maintenance Supervisor overtime (59 hrs.). Commissioner Wender seconded. Unanimous.

The Commissioners signed Fire Levy Protection Agreement for the Montgomery Volunteer Fire Department for the period of July 1, 2005 to June 30, 2006.

Ms. Holly informed the Commissioners that she received from David Neal, E911 Coordinator, a request to purchase a generator for the 911 Center, cost \$2,900.00.

Ms. Holly informed the Commissioners that Mr. Neal told her that Walker Machinery had presented a quote to repair the old generator, amount \$2,400.00. Mr. Neal feels that it would be better to purchase a new generator at the price of \$2,900.00 rather than pay \$2,400.00 to have the old generator repaired.

Ms. Holly told the Commissioners that Mr. Neal wants the check made out to Ronnie Chad Cox an employee with State Electric who purchased the generator from State Electric.

Ms. Holly told the Commissioners that Mr. Neal did check with Carl Harris, Assistant Prosecuting Attorney he suggested that Mr. Neal get a bill of sale from State Electric.

Commissioner Eskew offered a motion to approve purchase of a new generator from Ronnie Chad Cox for \$2,900.00 invoice jointly, to be paid out of the 911 Fund. Commissioner Wender seconded. Unanimous.

Ms. Holly presented the Motor Fuel Excise Tax Government Refund Application from the West Virginia State Tax Department, amount

\$17,945.80 to the Commissioners.

The Commissioners received and reviewed a letter from Regina Arbogast requesting permission to remove her pictures from the Fayette County Memorial Building.

Commissioner Eskew offered a motion to remove the pictures from the Memorial Building if Ms. Arbogast is the owner and under the guidance of the Prosecuting Attorney. Commissioner Lopez seconded. Unanimous.

Ms. Holly informed the Commissioners she received Legislative Digest Grant Agreements for the Fayette County Park, amount \$5,000 to install a ramp to improve accessibility at the pool, Southern Appalachian Labor School, amount \$5,000 to make repairs to the SALS and Community Center in Beards Fork, and the Gauneka-Ruritan Community Center, amount \$5,000 to assist in the replacement of a roof for the Center.

Ms. Holly told the Commissioners that she did not receive a Legislative Digest Grant Agreement for the Watch Me Grow Program but she prepared a Resolution to be signed.

Commissioner Lopez offered a motion to authorize Commissioner Wender to sign and executive the Legislative Digest Grant Agreements. Commissioner Eskew seconded. Unanimous. Resolutions and Agreements signed.

The Commissioners received and reviewed a copy of a letter to the Department of Labor from Sheriff Laird relating to their efforts to mitigate or eliminate certain alleged mold reported to have been present within the office area of the Sheriff's Tax Office in the

basement of the Courthouse Annex.

The Commissioners received and reviewed a letter from David Neal, E911 Coordinator informing that Jenny Lee Adkins has been hired as a Probationary Part-time Communications Specialist, hourly rate is \$7,00.

The Commissioners received and reviewed a letter from Earl Pauley, Park Superintendent informing that effective August 15, 2005 Allen Armstrong has been hired as a Mechanic in the Central Garage his rate of pay is \$7.50 per hour.

Ms. Holly informed the Commissioners that the optic cable at the Prosecuting Attorney's Office broke due to lightning.

Ms. Holly told the Commissioners that Paul Blake, Prosecuting Attorney prefers that this be changed to the fiber optic wireless communications.

Mr. Blake has requested a quote from Software Systems, Inc., amount \$6,556.00.

Ms. Holly told the Commissioners that a notice has been sent to our insurance company regarding this matter. Ms. Holly told the Commissioners that the insurance will issue a claim based on the original cost.

Commissioner Wender asked Ms. Holly if this could be routed to the Courthouse Security Grant.

The Commissioners received and reviewed a Contract Addendum Maintenance Agreement from Otis Elevator Company.

Commissioner Lopez offered a motion to authorize President Wender to sign Maintenance Agreement with Otis Elevator. Commissioner Eskew

seconded. Unanimous.

Ms. Holly informed the Commissioners she received another letter from Greenberg, Traurig, LLP informing their firm has been retained to represent Georgia-Pacific Corporation before the Internal Revenue Service (IRS) in connection with the audit of the Solid Waste Disposal Facility Revenue Bonds, Georgia Pacific Project, Series 1995.

Ms. Holly informed the Commissioners they are asking that the Commission sign Form 2848, Power of Attorney and Declaration of Representative, which authorizes Barbara Kaplan and Michael Lehr to communicate and negotiate with the IRS toward a settlement. The filing of this Form 2848 revokes all earlier powers of attorney on file with the IRS with respect to this audit.

Commissioner Eskew offered a motion to authorize President Wender to sign the Form 2848, Power of Attorney and Declaration of Representation for the Fayette County Commission. Commissioner Lopez seconded. Unanimous.

The Commissioners signed letter to Okey Skidmore approving the waiver of the rental fee for the Fayetteville Midget League Cheerleaders.

Ms. Holly told the Commissioners she had an update for Gene Watkins regarding the telephones used at the Montgomery Magistrate Office and the proposal from Avaya.

Ms. Holly told the Commissioners she had James Perdue, Maintenance Supervisor go to the old Montgomery City Hall to check for the telephones used by the Magistrate's Office.

Ms. Holly told the Commissioners that Mr. Perdue bought the

telephones and equipment he found back to the Courthouse.

The Commissioners asked Ms. Holly to get an opinion for Carl Harris, Assistant Prosecuting and have him prepare a letter regarding this matter.

Ms. Holly presented copies of the job description for the Director and Manager that Sheriff Laird had prepared for the Fayette County Community Corrections Program to the Commissioners.

Daniel Wright, Circuit Clerk and Jack Bratten with Kardex appeared before the Commission to discuss a proposal for a filing system for the Circuit Clerk's Office.

Mr. Bratten told the Commissioners they have a brand-new system with no shelving that was incorrectly ordered for Mercer County.

Mr. Bratten told the Commissioners they would fix the filing system to make it work at no cost to the County.

Mr. Bratten told the Commissioners Bill Bennett with Kardex has a 11'x 25½' system that holds 200 5-drawer filing cabinet with no shelving this is sitting on their dock.

Mr. Bratten told the Commissioners that they are offering the system to the county at \$11,000 regular cost would be \$28,000. Mr. Bratten suggested to the Commission to apply for a grant proposal for \$32,000 this would include the cost for the shelving unit.

The Commissioners asked Mr. Bratten to work with Mr. Wright to pursue the new system and fix the system they already have.

The Commissioners received and reviewed a letter from Congressman Nick Rahall informing he contacted the Governor's Office to convey his fullest and strongest support for the Commission application seeking

\$80,000 through the Governor's Community partnership Grant Program for development of branding strategies for Raleigh, Fayette, Summers, and Nicholas Counties.

The Commissioners received and reviewed a letter from the Fayette County Firefighters Association requesting that the Commission attend the Fayette County Firefighters Chief's meeting on Thursday, September 1, 2005 to discuss a matter of utmost importance to the Chiefs and the members of the Fayette County Firefighters Association.

Commissioner Wender asked to recess the Commission meeting at 10:45 a.m. to 11:00 a.m.

The Commissioners reconvened the Commission meeting at 11:00 a.m.

Commissioner Wender welcomed everyone who attended the Zoning Hearing for LRC Holdings, LLC.

Commissioner Wender introduced Tim Richardson the County's Zoning Officer and the individual who conduct the meetings for the Planning Commission and County Commission zoning hearings.

Mr. Richardson presented Case #Z-502-05-1: Request of LRC Holdings, LLC, owner, for change in land classification from R-R (Rural Residence District) and LC-1 (Public Land Conservation District) to R-R (Rural Residence District) with PRD (Planned Residential District) overlay on property legally described as MIN 4465.83/Rush Run and Surf 4 and New R and 592/96.93, 594/74, Cunard and Brooklyn area, Plateau District to the Commissioners.

Mr. Richardson informed the Commissioners that at this time Leon Cooper, Chairman of the Fayette County Planning Commission will deliver the recommendation of the Planning Commission.

Mr. Cooper informed the Commissioners that on Monday, August 22, 2005, the Planning Commission met and on behalf of the Planning Commission he is here to report that the motion was approved vote being 12 to 1.

Mr. Cooper informed the Commissioners that he the Chairman abstained from the vote. (See attached minutes of this meeting).

Mr. Cooper presented to the Commissioners the ten conditions added to the motion.

Commissioner Wender informed he would listen to presentation from LRC Holdings and asked the National Park Service to speak on their position in this matter.

Commissioner Wender asked that everyone who signed the sign-up sheet to speak to stand and be sworn in.

Commissioner Wender gave the oath to everyone. (See attached lists)

Commissioner Wender asked Michael Basile to present his presentation to the Commissioners.

Michael Basile, attorney representing the LRC Holdings, LLC introduced to the Commissioners members of the LRC Holding LLC (Larry Courtney, Vice President, Tom Wagner, Doug McKinsey, and Fred Hypes).

Mr. Basile informed the Commissioners and the attending citizens that this a long term commitment together with Fayette County.

Mr. Basile thanked the Commissioners for their time today to listen to details associated with this project.

Mr. Basile informed the Commissioners that their approach as he referenced the other night is that of a long term commitment and we're



CASE #Z-502-05-1: Request of LRC Holdings, LLC, owner, for a change in land classification from R-R (Rural Residence District) and LC-1 (Public Land Conservation District) to R-R (Rural Residence District) with PRD (Planned Residential District) overlay on property legally described as MIN 4465.83/Rush Run & Surf 4 & New R and 592/96.93 594/74, Cunard and Brooklyn area, Plateau District

## FAYETTE COUNTY COMMISSION MEETING

AUGUST 26, 2005 11:00 A.M.

### SIGN IN SHEET

	(WISH TO SPEAK)
✓ 1. <u>Mrs. Pat Hamilton (Nelen)</u>	<input checked="" type="radio"/> YES <input type="radio"/> NO
✓ 2. <u>ERNEST KINCAID</u>	<input checked="" type="radio"/> YES <input type="radio"/> NO
✓ 3. <u>Eric Hieg</u>	<input checked="" type="radio"/> YES <input type="radio"/> NO
✓ 4. <u>Patricia Spangler</u>	<input checked="" type="radio"/> YES <input type="radio"/> NO
✓ 5. <u>Jennifer Dussie</u>	<input checked="" type="radio"/> YES <input type="radio"/> NO
✓ 6. <u>Norman Steenstra</u>	<input checked="" type="radio"/> YES <input type="radio"/> NO
✓ 7. <u>ERIN HADDIX / NPCA</u>	<input checked="" type="radio"/> YES <input type="radio"/> NO
✓ 8. <u>TOM MICHAEL</u>	<input checked="" type="radio"/> YES <input type="radio"/> NO
✓ 9. <u>Cal Hite</u>	<input checked="" type="radio"/> YES <input type="radio"/> NO
✓ 10. <u>DAVID CHAMBERLIN</u>	<input checked="" type="radio"/> YES <input type="radio"/> NO

CASE #Z-502-05-1: Request of LRC Holdings, LLC, owner, for a change in land classification from R-R (Rural Residence District) and LC-1 (Public Land Conservation District) to R-R (Rural Residence District) with PRD (Planned Residential District) overlay on property legally described as MIN 4465.83/Rush Run & Surf 4 & New R and 592/96.93 594/74, Cunard and Brooklyn area, Plateau District

# FAYETTE COUNTY COMMISSION MEETING

AUGUST 26, 2005 11:00 A.M.

## SIGN IN SHEET

- |                         | (WISH TO SPEAK)   |
|-------------------------|---|
| ✓ 1. <u>Jack Lund</u>   | <input checked="" type="radio"/> YES <input type="radio"/> NO |
| ✓ 2. <u>Mike Basile</u> | <input checked="" type="radio"/> YES <input type="radio"/> NO |
| 3. <u>Teresa Bowyer</u> | <input checked="" type="radio"/> YES <input type="radio"/> NO |
| ✓ 4. <u>Sam Loper</u>   | <input checked="" type="radio"/> YES <input type="radio"/> NO |
| 5. _____                | YES NO  |
| 6. _____                | YES NO  |
| 7. _____                | YES NO  |
| 8. _____                | YES NO  |
| 9. _____                | YES NO  |
| 10. _____               | YES NO  |

## **Fayette County Planning Commission Minutes of August 22, 2005**

The Fayette County Planning Commission met in regular session, August 22, 2005 at 3:00 pm in the Fayette County Memorial Building.

Members in attendance were:

Leon Cooper, Chairman  
Gary Harding  
Al Gannon  
Debbie Sizemore  
Charles Dummitt  
Gene Kistler  
Doug Maddy  
Pat Day  
Guy Dooley  
Jessie Bibb  
Wanda Dickinson  
Norville Ellison  
Dianna Smallwood  
Sherman Bobbitt

Also in attendance Tim Richardson, Zoning Officer and Building Code Official Allen Ballard and Assistant Prosecuting Attorney, Carl Harris.

The first order of business was the approval of the March 21, 2005 minutes. Motion by Debbie Sizemore to accept as presented, second by Al Gannon. Vote 13-0.

Next order of business:

**Z-502-05-1** Request of LRC Holdings, LLC, owner, for a change in land classification from R-R (Rural Residence District) and LC-1 (Public Land Conservation District) to R-R (Rural Residence District) with PRD (Planned Residential District) overlay on

property legally described as MIN 4465.83 / Rush Run & Surf 4 & New R and 592/96.93 594/74, Cunard and Brooklyn area, Plateau District.

Planning Commission member Gene Kistler, made a motion to grant this request by LRC. Inc. to change the zoning from LC-1 (Land Conservation 1) to RR (Rural Residential) on approximately 3,680 acres of the Rush Creek Tract lying entirely outside of the National Park Boundary. The approximately 613 acres of this tract lying within the National Park Service Boundary shall remain LC-1.

Grant approval of a PRD (Planned Residential Development- Section 8- Article 8000 of the UDC (Unified Development Code) on these 3,680 acres and approval of the "Preliminary Layout" as defined in -Section 7 Article 7- Subdivision Regulations- UDC. This approval shall be conditioned by the following requirements in accordance with the Subdivision Regulations and the process for obtaining Subdivision Plat approval :

1. Completion of the Wolf Creek access road connecting Route 19 with the Cunard Road within 5 years.
2. County approval of a comprehensive Declaration of Covenants and Restrictions for the PRD that is attached to the individual lot deeds and recorded with the county; addressing lighting, building color, tree cutting, etc. ...
3. Application of deed restrictions to insure the integrity of the 100 ft. setback/ buffer zone and the 50 ft. no cut zones on individual lots.
4. Application of an acceptable conservation easement to all buffer zones, common areas, green space, etc. ... in order to insure that these areas stay forested in perpetuity.
5. Adoption of the West Virginia DNR recommended buffer zone to protect the sensitive rim rock pine communities.
6. Protection of the New River Gorge view shed by insuring "that the development is not visible from any ground level vantage point" (LRC quote) and continue to work with the National Park Service staff to address areas of concern and insure that this development will not impair the scenic views of the gorge.
7. Assumption by LRC of the county government's responsibilities associated with the leachate and land management of the old Fayette County Dump (lanfill).
8. Approval of an erosion control and storm water management plan during and after construction.
9. Approval of plans to install a centralized geoflow or comparable sewage treatment system for the PRD with ample additional capacity to accommodate the reasonable inclusion of additional customers in the Brooklyn, Cunard, Gatewood and adjacent areas. Connection to the system shall be at the customers expense.
10. Approval of plans to install underground utilities, including a centralized water distribution, phone, electricity, etc...

Second to this motion by Guy Dooley

Representing this application, Mike Basille, presentation of LRC application team, Larry Courtney, Tom Wagner, Doug McKinsey, Fred Hypes, Mike Miller, Greg Nunn and Mark Shamblin.

LRC appeared before the Fayette County Transition Team, these are the first steps of an entire process depending on Section 7 of the UDC. Plans are to install a septic plant and helipads on this property. LRC is involved in development throughout the south east and has developed historical sites and been presented the HFTV award twice. This will be a phased development with 50 % greenspace. In specific areas there will be no development (613 ac in park boundary). This 613 acres was included in the application to secure the density sought for development. This land has been mined and timbered. The original application was not prepared with infrastructure concerns. LRC has listened to area concerns and wants responsible development, infrastructure in conjunction with the counties comp plan and the UDC. We have addressed transportation issues, water issues and there will be no development within the National Park. There will be a 100 foot buffer, deed restrictions to observe setbacks, also covenant restrictions and homeowner restrictions. We have complied with Section 7 of the UDC in providing a Transportation study (Wilbur, Smith and Co.) DOH approval (Paul Mattox) committed to the improvement of the highway system. A water layout presentation and provisions of connection to existing service and extending service to the Brooklyn and Cunard areas. Addressed waste water and the leachate problem with the old land fill is to be taken care of by the proposed waste water system. Electrical main line service is already in place on this property. Emergency services reference Section 7, helipads, fire training center is to be located on property. Wolf Creek (phase 2) and Roaring River will join public and private projects. This is urban development dealing with blighted property. An Economic Impact Study (Paul Whitt) indicates tax revenues will increase for Fayette County. And this project will help fight irresponsible development.

Chairman, questions from the planning commission ? None at this time.

Cal Hite, representing the National Park Service presented a power point presentation and two books of reference for the record. Noted the history of the New River Gorge National River. Concern of impacts of development in the gorge, impairment of scenic areas. Modification of the application is appreciated by the park service. Covenants are important for long term impact. Development will be twice the size of Fayetteville. Areas of concern(2,336 lots) noted, compared to (2,136) which is accurate ? Lots being located close to the gorge need to be relocated or eliminated. The gorge is a special place. 81 % of visitors reflect the view of the gorge. Deed restrictions and protective covenants are needed. Eliminate lots on the rim, lighting restrictions and no tree cut zones. Management plans for green spaces and DEP buffer zones. Attributes at the park are seen throughout the gorge.

Public comment.

Allen Wickline, family has lived in Fayette County over 80 years and I am opposed to this development, no benefits for the residences of Gatewood. Sewage plant too close to my home. Question of water service. Traffic increase concerns.

Ernest Wickline, owner and operator of ACE Adventure Center, a local point of view. This project will not affect the gorge area, this is a great opportunity. Will provide

sewage service to the Brooklyn and Cunard area. The landfill will be recovered. Will eliminate sewage in the New River. Provide opportunities for road development and jobs for development.

Casey Whitaker. I feel this application is incomplete (road impact study) not presented until August 19. Have speed concerns on Gatewood Road. Concern of access roads, funding for road improvements. This is the wrong location for this development.

Erik Hydell, representing New River Watershed Association. This is a pivotal decision for Fayette County. Concern of covenant restrictions.

Joe Stone, member of the Urban Renewal Authority, this project attached to the Wolf Creek project (stage 1 development) LRC has proposed road development to Gatewood Road. This is partnership of development.

Jennifer Ducee, concern of economic impact study, I am a CPA and in reference to a 10 year build out road study compared to a 20 year buildout. Tourism is sustaining the county. LRC has only been in business since 1997, concern of this. Concern of property tax increases. Be good stewards of the county.

Jennifer Boyd, County resident, concern of town houses being placed along the rim as indicated by the park service presentation. Natural beauty concerns, workforce concerns. Be guardians of Fayette County.

Jo Ann Garvin. Do you want to loose the beauty of Fayette County for 2,000 homes ? This is too many. Concern of services rendered to inhabitants.

Gary Lilly. Resident of Gatewood Road. Concern of traffic. This 8-9 miles of road (Oak Hill –Fayetteville) and traffic will increase. Concern of safety of roads. Want the best for Fayette County.

Helen Hamilton (representing Pat Hamilton) I hope the beauty of the New River gorge is not killed today. Protect this gorge. Roads and infrastructure don't always work out. Protection of the land in its natural state.

Norma Lavender, a Fayetteville native, left area because of financial reasons, now reside on Elverton Road, 3 caviates, economic reasons, provide jobs for county, work with DOH to control road access and sewage treatment plant and helipads need to be relocated. Economic impact will be positive.

T. D. Holster, objection to septic plant location close to my home. View shed concerns and traffic concerns.

Maude Brunstetter, not against economic development, but concern of impact overnight, please make careful considerations.

Thomas Michael, representing National Parks Conservation Association, concern of motion to approve this request and recommend to follow the guidelines of Section 7 of the UDC. Concern of layout on gorge rim. Impose requirements of view shed, 1<sup>st</sup> application did not meet density. 3 years 8 months ago, LC-1 was designated in this area. You must meet the guidelines of the comp plan. Major changes that would substantially provide for changes.

10 minute break.

Bill Borg, this project will bring value. In support of opportunities for Fayette County.

Dave Arnold, Class VI River runners, member of the state tourism commission. This is a good process. Do the right thing. Chance for change and opportunity. The gorge area is a National River and not a national park, a recreational area. Some developments are spontaneous, this is being done by a professional company. They have worked hard to develop a good product. Marketing of business in homes is the future. Preserve, protect, but do not prohibit.

Janice Pearl, absent.

Jerry Cook, my business shares common borders with this project. This property has been deep mined, strip mined, and timbered. Responsible development is needed on this property. Have view shed concerns. Am in support of this project.

Erin Haddicks, member National Parks Conservation Association. Impact of development concerns. Protect resources of gorge. Concern of restrictions and future development. Please deny LRC's plan.

Lynn Pearson, This is intrusion of this pristine area. Do not scar this area again.

Liz Garland, representing West Virginia Rivers Coalition. 3 key resource components to be observed. LRC has given some considerations. Provide adequate water services. Especially storm water concerns. Will LRC accept burden of responsibility of higher land development? Needs to be healthy development off of the rim of the gorge. Revisit the process.

Randy Boyd, Pan Board member, Inappropriate development proposed in the 1970's (Booklet given to Chair) on this history. Present visual locations need to be preserved. 500 foot buffer needs to be observed as in the 1970's. Specific language on development in the gorge. LRC are good developers, very respectful. But they are developers. Need economic opportunities, but not in the gorge. Let us all be friends and the community come back together.

David Dobbins, I am an archeologist. Please investigate the property for prehistoric significance.

Mark Ehrnschwender, absent.

Ann Ziegler, Opposed to development, view needs to be preserved. Concern of covenants, concern of environment due to development (runoff). Infrastructure, is LRC picking up these costs ? If this is rejected a compromise plan could be submitted. A smaller development.

Jeff Proctor, Class VI. Concern of Fayette County. Have toured this property. No view shed concerns, looking into the gorge. Give LRC the opportunity to move ahead.

LRC Rebuttal.

Mike Basille, Protect, preserve the area. Infrastructure issues will be addressed. Concern of false information being presented, 500 foot setback wasn't law. Protect , preserve, but don't prohibit, as Dave Arnold stated. LC designation was defined in this area primarily because of infrastructure concerns, these issues have been addressed in this presentation. Return to original request, the nature of the property is blighted. The view shed will be protected.

Public Comment.

Lynn Pearson, What about when the leaves are off the trees ? Mike Basille, no change in the view shed. What about across the river ? Still, no change.

Casey Whitaker, LRC website says, coming soon. Neighbors concerned about recent road impact study. Why did your numbers change on the development. Larry Courtney, the numbers changed because developments are usually 80 % projections. This location will project approximately 200 homes per year. Whitaker, what is LRC's commitment to roads. We are now addressing the zoning issues. Mike Basille Section 7 will address these issues.

Alan Wickline, With these homes Gatewood will be the biggest community in Fayette County. I ask the commission to delay their decision.

Randy Boyd, concern of depiction of NPS pictures. Doug Maddy .

Maude Branstetter, concern of tree view shed. Mike Basille, Section 7 review will address these issues.

**Disposition :** Motion to table by Doug Maddy, second by Debbie Sizemore.

Discussion, Gene Kistler, rezoning needs to happen first, then PRD for density. PRD residential.

Subdivision 2 phases of approval (2,365 lots) a 765 home difference, refer to procedure section. Subdivision regulations enforced by zoning enforcement officer, planning commission places conditions. Rezone RR with PRD overlay with conditions.



Guy Dooley, I challenged LRC to not be intrusive on the park. There is economic opportunity and support for this project.

Leon Cooper, the Comprehensive Plan and the Unified Development Code were designed for plans for the future and development designation areas change as infrastructure changes, such as 8" water lines, 2 major road extensions, septic services.

Sherman Bobbitt, motion to recend Gene Kistler's original motion .

Gene Kistler, R-R & PRD request will not come back to the planning commission.

Pat Day motion to amend original motion (remove conditions). Second by Jessie Bibb. Vote 7-5 against.

Doug Maddy moved to table the motion , second by Jessie Bibb. Vote 11-2 against.

Chairman Cooper called for a vote on the original motion to approve as requested with 10 conditions. Vote 12-1 to approve request with conditions. Chairman abstained .

No other business. Meeting Adjourned.

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Leon Cooper, Chairman

# FAYETTE COUNTY PLANNING COMMISSION

## ZONING HEARING

August 22, 2005

### SIGN IN SHEET

- |                                | (WISH TO SPEAK)                         |
|--------------------------------|---|
| 1. <u>Lisa Williams</u>        | YES <input checked="" type="radio"/> NO |
| 2. <u>A. B. WICKLINE</u>       | <input checked="" type="radio"/> YES NO |
| 3. <u>Kevin Jones</u>          | YES <input checked="" type="radio"/> NO |
| ✓ 4. <u>Mark Brite</u>         | <input checked="" type="radio"/> YES NO |
| 5. <u>Steph Miley</u>          | YES <input checked="" type="radio"/> NO |
| 6. <u>Maria King</u>           | YES <input checked="" type="radio"/> NO |
| 7. <u>Sam Dab</u>              | YES <input checked="" type="radio"/> NO |
| 8. <u>ERNEST KINCAID</u>       | <input checked="" type="radio"/> YES NO |
| 9. <u>ASEY GIOELI WHITAKER</u> | <input checked="" type="radio"/> YES NO |
| 10. <u>Eric Hiegl</u>          | <input checked="" type="radio"/> YES NO |

# FAYETTE COUNTY PLANNING COMMISSION ZONING HEARING

## SIGN IN SHEET

- |                              | (WISH TO SPEAK)   |
|------------------------------|---|
| 1. <u>Joe Jones OURA</u>     | <input checked="" type="radio"/> YES <input type="radio"/> NO |
| 2. <u>Jenny [Signature]</u>  | <input checked="" type="radio"/> YES <input type="radio"/> NO |
| 3. <u>JENNIFER DUSIC</u>     | <input checked="" type="radio"/> YES <input type="radio"/> NO |
| 4. <u>Jo Sam Gorin</u>       | <input checked="" type="radio"/> YES <input type="radio"/> NO |
| 5. <u>GARY LILLY</u>         | <input checked="" type="radio"/> YES <input type="radio"/> NO |
| 6. <u>PAT HAMILTON</u>       | <input checked="" type="radio"/> YES <input type="radio"/> NO |
| 7. <u>NORMA LAVINDER</u>     | <input checked="" type="radio"/> YES <input type="radio"/> NO |
| 8. <u>TD HOLSTER</u>         | <input checked="" type="radio"/> YES <input type="radio"/> NO |
| 9. <u>Maudie Brunstetter</u> | <input checked="" type="radio"/> YES <input type="radio"/> NO |
| 10. <u>THOMAS MICHAEL</u>    | <input checked="" type="radio"/> YES <input type="radio"/> NO |

**FAYETTE COUNTY  
PLANNING COMMISSION  
ZONING HEARING**

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**SIGN IN SHEET**

- |                                      | (WISH TO SPEAK) |
|--------------------------------------|-----------------|
| 1. <u>Bill Borg</u>                  | YES NO          |
| 2. <u>Lonnie &amp; Drena Johnson</u> | YES NO          |
| 3. <u>Mary Ann Carlolt</u>           | YES NO          |
| 4. <u>Ernest E. Dickline Sr.</u>     | YES NO          |
| 5. <u>DAVE ARNOLD</u>                | YES NO          |
| 6. <u>Lenore Lund</u>                | YES NO          |
| 7. <u>JANIS PEARL</u>                | YES NO          |
| 8. <u>Cal Hite</u>                   | YES NO          |
| 9. <u>Terry Cook</u>                 | YES NO          |
| 10. <u>ERIN HADDIX, NPCA</u>         | YES NO          |

(F)

**FAYETTE COUNTY  
PLANNING COMMISSION**

**ZONING HEARING**

August 22, 2005

**SIGN IN SHEET**

- |                                    | (WISH TO SPEAK)   |
|------------------------------------|---|
|                                    | YES NO  |
| 1. <u>Jeff Proctor</u>             | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO |
| 2. <u>Lynn Columbia Plasm</u>      | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO |
| 3. <u>Liz Garland</u>              | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO |
| 4. <u>Randy Boyd</u>               | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO |
| 5. <u>Dawn Dobson</u>              | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO |
| 6. <u>Mark &amp; Eberschwander</u> | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO |
| 7. <u>Anna B. Ziegler</u>          | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO |
| 8. _____                           | YES NO  |
| 9. _____                           | YES NO  |
| 10. _____                          | YES NO  |

in this together with Fayette County and we understand that this is but the beginning. The Ordinance lays out the process and this is the early step of an entire process depending on Section 7 of the Unified Development Code this is when they collectively roll up their sleeves.

Mr. Basile told the Commissioners that Water River Project phase development destination is tourism to include clubhouses, swimming pools, walking and hiking trails, test facility, homes of the highest quality and development of the highest quality.

Mr. Basile told the Commissioners that they will provide a comprehensive plan to the Fayette Transition Team and the Fayette County Planning Commission.

Mr. Basile told the Commissioners that during this process they studied many things, the Fayette County Comprehensive Plan, the Ordinance, your views, the procedures, the process and the property as those of you who have traveled with him to tour the property.

Mr. Basile told the Commissioners they studied the transportation issues and submitted the report to the Division of Highways.

Mr. Basile told the Commissioners they worked with the West Virginia American Water and there is more than adequate capacity in the region.

Mr. Basile told the Commissioners they have appeared before the Fayette County Urban Renewal Authority.

Mr. Basile thanked the Commission and the Chairman for the opportunity to appear here today. Mr. Basile told the Commissioners he gave them a slim down version of his comments from the other night and he will be pleased to answer any questions.

Commissioner Wender suggested holding questions for the later part of the meeting.

Commissioner Wender asked Cal Hite to speak on behalf of the National Park Service.

Mr. Hite presented a power point presentation and maps that show specific areas of the revised plan for the record.

Mr. Hite presented the ten conditions they presented to the Planning Commission on Monday, August 22, 2005.

Mr. Hite told the Commissioners that the Legislation established part of the New River Gorge River in 1978.

Mr. Hite said one of their concerns was with the current plan is an area that proposes cowl like structures near the top of one of the ridge lines.

Mr. Hite talked about the impact of the development. The lots being located close to the Gorge need to be relocated or eliminated.

Mr. Hite told the Commissioners that if this is the decision of the Fayette County Commission to adopt the recommendation of the Planning Commission he would respectfully request that they adopt the ten conditions that were presented in the public meeting held on Monday, August 22, 2005.

Mr. Hite asked the Commission to do all they can to continue to safeguarding the New River Gorge and the National Rivers that run through it.

Mr. Hite thanked the Commission for the opportunity to speak on regarding this project.

Commissioner Wender asked for public commit.

Commissioner Wender asked that everyone who signed up to address the Commission with their concerns on the project that if you are perhaps repeating a position that someone has expressed prior to you and in general they have said the comments that you wished to make please state your position but if you do in fact agree with them please just make reference perhaps to their comments.

Commissioner Wender informed he do not by any means intend to limit anyone the opportunity to speak to the Commission but some folks may want to address the same similar issues, but please do speak, but abbreviate your remarks to additional comments on the same subject if possible.

Commissioner Wender informed the first person for public commits is Helen Hamilton.

Ms. Hamilton told the Commissioners that she did not intend to come to this meeting today yet along to speak. Ms. Hamilton told the Commissioners she spoke on behalf of her husband (Pat Hamilton) Monday and we were so overwhelmingly defeated.

Ms. Hamilton told the Commissioners she haven't heard whether or not the Developers have okayed the ten requirements presented to the Fayette County Planning Commission.

Ms. Hamilton told the Commissioners that she would like to hear that addressed, Ms. Hamilton told the Commissioners that all ten requirements were definitely needed.

Ms. Hamilton asked why the rush, need to slow down, put the brakes on and do more studies, let the Park Service work with these people.



Ms. Hamilton asked the Commission not to rush into this maybe delay this for a while some impact studies are made. Let's not give up on the Gorge right now.

Commissioner Wender asked that Ernest Kincaid make his comments.

Mr. Kincaid told the Commissioners that he is a life time resident of Fayette County and owner of Ace Adventures Center in Minden.

Mr. Kincaid told the Commissioner that he is in favor of the project, but he was against the ten stipulations that has been added to the project.

Mr. Kincaid asked that the stipulation that a road be built across land that is not even owned by the developer be deleted.

Eric Hiegl appeared on behalf of the National Parks Conservation Association located in North Carolina.

Mr. Hiegl told the Commissioners he truly feels they can preserve the Gorge and at the same time have a healthy economy.

Mr. Hiegl told the commissioners that if they do vote yes on this recommendation only approve the zoning change on the 3,680 acres outside the National Park boundaries and that all the ten conditions be included.

Mr. Hiegl asked the Commission to have LRC pay a performance bond.

Commissioner Wender informed that after the next speaker the Commission will take a ten minute break.

Pat Spangler appeared before the Commission to ask that they protect the New River Gorge, do not approve the developer's request

for rezoning.

Ms. Spangler asked the Commission if they prepared a parallel impact or an independent impact studies such as the ones they are using now as guidelines that LRC has prepared for us?

Commissioner Wender replied he thinks it's the responsibility of all parties to address their concerns although he feels the principal party responsible for this would be the National Park Service.

Ms. Spangler asked the Commission because of the huge implication of the decision the Commission has to make today, they should slow down and table this decision until they could be certain without a shadow of doubt that this is the right and correct thing to do.

Commissioner Wender called for a ten minute break at 12:00 p.m.

The Commission reconvened the hearing at 12:15 p.m.

Jennifer Dusic appeared before the Commission to ask that they do not act in haste on their decision to the rezoning.

Ms. Dusic asked the Commissioners to table this decision until they have done the research. Ms. Dusic told the Commissioners they owe this to the people of Fayette County who entrusted them to care for their heritage.

Ms. Dusic told the Commissioners that the citizens here love their land, and asked the Commission please don't make the same mistakes that have been made in other parts of this country, preserve this beautiful Gorge for all to enjoy.

Norman Steenstra, Director of the West Virginia Citizen in Action appeared before the Commission to ask that they slow the project down, asked that the Commission do their diligence and let's

all take a long look at it.

Mr. Steenstra urged the Commission to do their diligence and to make sure the Park Services is satisfied in the end.

Erin Haddix, member of the National Parks Conservation Association appeared before the Commission to express her comments regarding the rezoning.

Ms. Haddix told the Commissioners of the impact that this rezoning will have on the park.

Ms. Haddix asked the Commission to not move forward with this plan until they have adequate information.

Tom Michael, attorney representing the National Parks Conservation Association, wants to address some of the legal issues that the Commission is faced her with today.

Mr. Michael questioned the procedural problem with the application (WV Code 8A-7-9).

Mr. Michael question the motion the Planning Commission made to approve this request and recommend following the guidelines of Section 7 of the Unified Development Code.

Mr. Michael questions the ten conditions that were added and asked that the Commission send this back to the Fayette County Planning Commission.

David Chamberlin appeared before the Commission to voice his support for the project.

Mr. Chamberlin told the Commissioners that this project is prudent for the Commission to approve this change to allow LRC to develop this roaring river project.

Mr. Chamberlin asked the Commission to not let this opportunity go by. This is a tremendous opportunity for Fayette County.

Jack Lund appeared before the Commission to voice his support for the project.

Teresa Bowyer appeared before the Commission on behalf of the residents of Cunard to present a proposal for the Zoning Commission and the County Commission to review some of their concerns regarding this rezoning (See attached).

Commissioner Wender informed the Commission has heard everyone who signed up to speak today, there were some individuals who raised questions they should have the opportunity to be addressed.

Commissioner Wender asked Michael Basile if he would address some of the comments heard this afternoon.

Mr. Basile informed he had heard several request to slow down on this project. Mr. Basile informed they agree with that and Fayette County agree with that.

Mr. Basile informed this is but a first step, the next step is for this company and interested parties in this very room to work together pursuant to Section 7 of your Ordinance this Company can't as a matter of West Constitution write the law.

Mr. Basile informed that there is no rush this a process.

Mr. Basile asked that the Commission take them through the next step today.

Commissioner Wender asked if there were any other questions.

Commissioner Wender asked Carl Harris, Assistant Prosecuting Attorney to outline what the County Commission is allowed to do today.

## **PROPOSAL TO OFFER CONCERNS ON THE ZONING OF THE LAND RESOURCE COMPANY**

The residents of Cunard would appreciate the Zoning Committee and County Commission looking at and reviewing some of our concerns and enter into records the following:

1. There are many historical sites on this land
  - A) Rush Run mines: The entrance to the mine and the supply building.
  - B) The natural caves that were once inhabited by the Native Americans who lived in this area
  - C) Snake town: The cemetery and buildings that are still standing in the area.
2. The wildlife: The cutting of trees will decrease the food source that they depend upon for their survival.
3. Businesses: There are currently two horseback riding stables in this area. Both of these Businesses provide vital tourist revenue for our state.
4. Cunard Cemetery: It is to provide burial for the residents of Cunard and Brooklyn
5. Employment opportunities: This is a good time to ensure that the revenue stays in Fayette County and we all can benefit from the development.

There are concerns in all of the above, for the generation to come: preserved historical sites, they are a part of the history.

The decrease of wildlife: Will it have a negative impact on hunting in this area? Therefore, lowering the revenue on hunting license.

Horseback riding and recreation: Will it be limited? Causing an impact on tourists that come to see the beauty of our state.

Cunard Cemetery cannot supply the burial for this big a project. It is very small and reserved for those who live and have lived in Cunard and Brooklyn.

Upon the approval for a change in land classification for LRC Holding, LLC, owner and the purchase of property legally described as MIN4465.83/Rush Run & Surf 4 & new R and 592/06.03/74, Cunard and Brooklyn area, Plateau District. We propose that historical sites be preserved. Cunard Cemetery will not provide burial for families living on the land as described above. Employments are only for businesses and residents of Fayette County limited to there trade.

The residents of Cunard and Brooklyn

Mr. Harris informed that the Commission adopted the Unified Development Code. Mr. Harris informed that he and another attorney looked at the West Virginia Code and the Unified Development Code to determine if it was possible for the Planning Commission to attach an addition to the change they had recommended to the Commission.

Mr. Harris informed they have determined that it is not appropriate or possible for them to attach additions to the Zoning change.

Mr. Harris recommended to the Commission that if they desire to approve what the planning commission adopted they can do so without the conditions being attached.

Mr. Harris informed the question is whether this goes back to the planning commission to decide whether they agree with the Commission or not at this point based on a brief research this morning Mr. Harris informed the Commission that he first concluded we didn't, then concluded we did they would have to look at again this afternoon and over the weekend to be sure that it goes or doesn't go back, but without question the Commission cannot adopt with the conditions attached.

Mr. Harris informed the Commission if it is their desire to approve the change in zoning they can do so but without the conditions.

Commissioner Wender asked Tim Richardson, Zoning Officer to give a brief description on what Section 7 covers and what the governing policy would be as you work through with the Land Resource Company.

Mr. Richardson read a brief description of what Section 7 covers

under the Unified Development Code.

Commissioner Wender asked if any other questions.

Commissioner Eskew informed the Commission that he would like to make a statement concerning this project and the process they have been through. (See attached)

Commissioner Eskew offered a motion to approve the recommendation of the Planning Commission without the conditions and send the conditions back to the Zoning Officer. Commissioner Lopez echoed Commissioner Eskew comments and seconded the motion.

Commissioner Wender informed the Commission that he would like to make a comment. (See attached)

Commissioner Wender voted nay to the motion. Motion passed 2-1. Order signed.

The meeting was adjourned at 1:35 p.m. The next scheduled meeting is September 2, 2005.



FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
DECEMBER 9, 2005  
COURTHOUSE  
FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 9<sup>th</sup> day of December 2005.

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

Attorney Phil Tissue appeared before the Commission with a petition for Geneva Compton, Administratrix of the Estate of Faye Dorabelle Adkins asking that she be relieved of her duties as Administratrix and that the surety on her bond to be relieved and dismissed.

Attorney Tissue presented the final settlement that Ms. Compton has filed with the County Clerk's Office to the Commissioners.

Commissioner Lopez offered a motion to enter an Order to release Geneva Compton as Administratrix of the Estate of Faye Dorabelle Adkins and that the surety on her bond is released and dismissed. Commissioner Eskew seconded. Unanimous. Order signed.

Attorney Phil Tissue presented a Petition for Gwendolyn K. Blankenship, Administratrix in the Estate of Thomas Earl Crowder asking that she be relieved of her duties as Administratrix and that the surety on her bond to be relieved and dismissed to the Commissioners.

Attorney Tissue presented the final settlement that Ms. Blankenship filed with the County Clerk's Office to the Commissioners.

Commissioner Lopez offered a motion to enter an Order to release



Gwendolyn K. Blankenship as Administratrix of the Estate of Thomas Earl Crowder and that the surety on her bond is released and dismissed. Commissioner Eskew seconded. Unanimous. Order signed

Eddie Young, Assessor presented exonerations to be approved and signed to the Commissioners.

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

Commissioner Eskew offered a motion to approve refund for William Fox (\$57.84) for double assessment as submitted by the Assessor's Office. Commissioner Lopez 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 first and second half payrolls for December 15<sup>th</sup> and 30<sup>th</sup>, payrolls for December 15<sup>th</sup> to be released today and payrolls for December 30<sup>th</sup> to be released on December 19<sup>th</sup>. Any overtime and part-time payrolls for the payroll period December 30<sup>th</sup> to be released when ready. Commissioner Eskew seconded. Unanimous.

Commissioner Lopez offered a motion to approve invoices and vouchers, checks to be released today. Commissioner Eskew seconded. Unanimous.

Commissioner Lopez offered a motion that Debbie Berry, Bookkeeper pay utility bills that become due between now and the end of the month. Commissioner Eskew seconded. Unanimous.

Pete Hobbs, Mayor of the Town of Ansted appeared before the Commission to discuss the Legislative Digest Grant they received for the Hometown Mountain Heritage Festival (\$5,000).

Ms. Holly informed the Commissioners that she has prepared the Resolution to authorize President Wender to act in consideration with the contract for its proper execution and implementation.

Ms. Holly told the Commissioners that this grant should be handled by the Town of Ansted.

The Commissioners asked Ms. Holly if she would handle the paperwork for the Town of Ansted.

Commissioner Eskew offered a motion to authorize President Wender to act in connection with the contract for its proper execution and implementation. Commissioner Lopez seconded. Unanimous. Resolution and application signed.

Ms. Holly informed the Commissioners that the grant application for the Phase III Window project is due on or before January 3, 2006.

Ms. Holly informed the Commissioners she has prepared the application and sent copies to Judge John Hatcher, Jr., Daniel Wright, Circuit Clerk, and Kelvin Holliday, County Clerk for them to review and asked for a letter of recommendation from various elected officials who areas of responsibility are affected by the requested improvements.

Ms. Holly told the Commissioners she received letters of recommendations from Judge John Hatcher, Jr., Daniel Wright and Kelvin Holliday.

Ms. Holly told the Commissioners they need to enter an Order for

the Phase III window project. The estimated cost of Phase III is \$100,000.

Ms. Holly told the Commissioners that this would be the third and final request.

Commissioner Eskew offered a motion that President Wender to act on its behalf to enter into a contractual agreement with the Courthouse Facilities Improvement Authority to receive and administer funds pursuant to provisions of the Courthouse Facilities Improvement Authority Fund program. The County Commission to spend up to \$20,000, the state would fund \$80,000. Commissioner Lopez seconded.

Unanimous. Resolution and application signed.

Ms. Holly told the Commissioners she received an invoice from J. Dan Snead Associates, Inc. and Builders Group, Inc. contractor for the courthouse window project requesting a drawdown reimbursement, amount \$21,120.00. The Commissioners approved and signed drawdown request.

Allen Ballard, President of the Ben Argento Basketball League appeared before the Commission to inform them that the League did receive a quote for a million-dollar liability policy for using the Fayette County Memorial Building from Shelton Insurance in Beckley.

Mr. Ballard told the Commissioners that once he receives the Certificate of Insurance he will forward a copy to Ms. Holly and Okey Skidmore.

Commissioner Lopez offered a motion that the Ben Argento Basketball League uses the Fayette County memorial Building, waiving the rental fee. Commissioner Eskew seconded. Unanimous.

Steve Cruikshank, OES Director appeared before the Commission to

discuss the Bridge Day reimbursements.

Mr. Cruikshank told the Commissioners that he had gone to a meeting on Thursday, but due to the death of his mother he had to leave before discussing the Bridge Day reimbursement matter at the meeting.

The Commissioners signed a letter to Jim Spears Secretary of the Department of Military Affairs and Public Safety informing that Steve Cruikshank, OES Director and Matthew Wender, President Fayette County Commission had attended the meeting on November 21 regarding the future of the Regional Response Program and informed that Fayette County Commission would like to take this opportunity to express their interest in possibly being a part of the restructured Regional Response Network as well as any equipment that may be distributed for use at the local level.

Steve Cruikshank, OES Director and Lynette Legg presented to the Commissioners Exhibit A in reference to the deed between Karen S. Fitzgerald participating in the FEMA buy out project. The Commissioners signed.

Ms. Holly informed the Commissioners that she received a request from Mr. Cruikshank to transfer funds from the Fayette County Hazard Mitigation Grant (Acct #1378) to the Fire Levy Fund account, amount \$20,481.00

Mr. Cruikshank told the Commissioners that they are ready to close out the Fayette County Hazard Mitigation Grant.

Mr. Cruikshank is asking that the remainder of the Fayette County Hazard Mitigation Grant fund be transferred to the Fire Levy Fund to

pay salary for Theresa White.

Commissioner Eskew offered a motion that Mr. Cruikshank handles the close out. Commissioner Lopez seconded.

Commissioner Eskew offered a motion to transfer from the Fayette County Hazard Mitigation Grant, \$20,481.00 to the Fire Levy Fund as recommended by Mr. Cruikshank. Commissioner Lopez seconded.

Unanimous.

John David appeared before the Commission to request that the Fayette County Commission on behalf of the Southern Appalachian labor School sponsor the Governor's Community Partnership grant for the Fayette Coalfield Housing.

Commissioner Lopez offered a motion that the Commission sponsor the Governor's Community Partnership Grant for the Fayette Coalfield and authorizes President Wender to sign application. Commissioner Eskew seconded. Unanimous.

Mr. David informed the Commissioners that Southern Appalachian Labor School (SALS) Community in Beards Fork is wanting to construct a walking tract. Mr. David informed the Commissioners that they are requesting \$20,000 from the Budget Digest and asking that the Fayette County Commission apply for this grant.

Ms. Holly informed Mr. David that it would be better if they make the request to the Legislative Digest. The Commission will be the sponsor.

Ms. Holly told Mr. David that all the applications they received the Agencies makes the request to the Legislative Digest and the Fayette County Commission sponsor.

The Commissioners informed Mr. David that the Fayette County Commission will not submit request but will write a letter of support.

Mr. David informed the Commissioners about the water situation in Hilltop.

Mr. David told the Commissioners that Southern Appalachian Labor School would have to pay \$20,000 to have the pipes moved.

Mr. David asked the Commission if they would encourage West Virginia American Water to move the pipes for their housing project.

Mr. David told the Commissioners they are asking the Commission for their support.

Commissioner Wender asked Carl Harris, Prosecuting Attorney if he would discuss this situation with David Pollard, County Resource Coordinator.

Mr. Harris suggested that Mr. Pollard get in touch with his contacts.

Commissioner Wender told Mr. David that he would ask Mr. Pollard to make some contact with the people he has talked to over the years to see if he could get some assistance. Commissioner Wender informed he would e-mail Mr. Pollard about the matter.

Attorney James Blankenship appeared before the Commission with Carol Treadway-Hurt, petitioner with a request to resign as Administratrix in the Estate of Evelyn Wade.

Commissioner Wender asked if there were any objections to Ms. Treadway-Hurt resigning as Administratrix. There wasn't any objection.

Commissioner Lopez offered a motion to approve the Order to

permit Carl Treadway-Hurt to resign as Administratrix of the Estate of Evelyn Wade, the accounting filed is approved and the surety on the Petitioner bond, Janet Hurt is released and discharged. Commissioner Eskew seconded. Unanimous. (See attached)

The Commissioners recessed the County Commission meeting for a five minute break.

The Commission reconvened the County Commission meeting at 10:50 a.m.

Kelvin Holliday, County Clerk and Linda Johnson, Chief Deputy Clerk appeared before the Commission to ask that the County Commission authorize him to purchase additional ballot boxes for the upcoming election.

Ms. Johnson explained to the Commissioners why the current ballot boxes would not be appropriate.

Commissioner Lopez asked Mr. Holliday to contact Ron Pugh with Dayton Legal Blank for a quote.

Ms. Holly informed the Commissioners that she would be taking some vacation this month and asked the Commission if they would dedicate someone to unlock the ballot room if Mr. Holliday needs it open.

Commissioner Lopez offered a motion that any one of the Commissioners or Charlotte Holly would be available and be authorized to unlock ballot room. Commissioner Eskew seconded. Unanimous.

Chris Dyer, Housing Consultant for the Fayette County Housing-Economic Opportunity Council appeared before the Commission to discuss the status of the FCH-EOC.

BEFORE THE COUNTY COMMISSION OF FAYETTE COUNTY, WEST VIRGINIA

IN RE: THE ESTATE OF EVELYN WADE

Date of Death: October 10, 2005


Date Qualified: October 13, 2005

ORDER

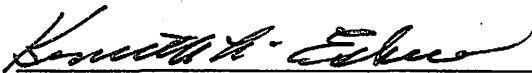
On December 9, 2005, the Petitioner appeared in person and by her counsel, James C. Blankenship, III, the County Commission's attorney, Carl L. Harris, Prosecuting Attorney of Fayette County, West Virginia, and Margaret A. Martin, Jerry W. Wade, Linda F. Kincaid and Sandra K. Adkins, pro se, pursuant to the Petition and Summons served upon the aforesaid individuals as shown upon the return receipts filed herein.

Whereupon, the Court considered the content of the Petition, the representations of counsel, and the statements by each of the individuals interested in the Estate that they have no objection to the resignation of the Petitioner, the Petition filed herein is hereby GRANTED, and the Petitioner, Carol Treadway-Hurt is hereby permitted to resign as Administratrix of the Estate of Evelyn Wade, the accounting filed herein is approved and the surety on the Petitioner's bond, Janet Hurt, is hereby released and discharged from said bond.


Entered the 9<sup>th</sup> day of December, 2005.

  
MATTHEW D. WENDER, President

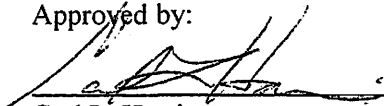
  
JOHN LOPEZ, Commissioner

  
KENNETH ESKEW, Commissioner

Prepared and tendered by:

  
James C. Blankenship, III  
Attorney at Law  
P.O. Box 326  
Fayetteville, WV 25840  
(304) 574-3556  
WV State Bar ID No. 368

Approved by:

  
Carl L. Harris  
Fayette County Prosecuting Attorney  
Fayette County Courthouse  
Fayetteville, WV 25840  
(304) 574-4230  
WV State Bar ID No. 1609



Mr. Dyer told the Commissioners that Multi-Cap informed him that they would only fund him until September.

Commissioner Lopez informed the Commissioners he would talk with Damon Bradshaw regarding this matter.

Mr. Dyer told the Commissioners that Multi-Cap has fund activities in Kimberly for the Food Pantry, the office in Ansted is closed, and the office in Oak Hill is never open.

Commissioner Lopez told Mr. Dyer to see what will transpire after he talks with Mr. Bradshaw between now and January 6, 2006.

Commissioner Wender asked Mr. Dyer to schedule a meeting with the Commission on January 6, 2006.

Kelvin Holliday presented a fax he received from Dayton Legal with a quote of the cost for the additional ballot boxes. The cost would be \$78.20 for the 39 ballot boxes a total of \$3,049.00 to the Commissioners.

Commissioner Lopez offered a motion to authorize and approve the 39 additional ballot boxes for the new voting system, cost not to exceed \$3,500. Commissioner Eskew seconded. Unanimous.

The Commissioners informed Attorney Katie Hoffman that the Commission would recess for five minutes.

The Commission reconvened the Commission meeting.

Commissioner Wender asked both Attorneys if they wanted to get a court reporter. They both replied no. Both attorneys agreed the Commission could use a recorder.

Attorney Katie Hoffman appeared before the Commission to request that the Executor of the Estate of Lloyd A. Sanford be removed and

that a curator be appointed.

Commissioner Wender swore in everyone who wanted to speak.

Attorney Joe White, Jr. informed the Commissioners that when William Sanford filed the appraisal approximately \$250,000 of the funds were not listed.

Mr. White told the Commissioners that this has been filed before the Circuit Court, and that he was here today to ask that the Commission appoint a curator over the Estate.

Phil Tissue, attorney for William Sanford told the Commissioners that since no will was filed there is nothing for them to contest.

Mr. Tissue told the Commissioners that a curator is appointed if a will is contested.

Mr. White called Linda Vandall and Thomas Sanford to testify.

Commissioner Wender asked Mr. White for his closing arguments. Mr. White gave his closing arguments.

Attorney Phil Tissue commented that all matters pertaining to this case should be in Circuit Court.

Attorney Tissue told the Commissioners that Mr. William Stanford has agreed to freeze assets.

Commissioner Wender told Attorney Tissue and Attorney White that their counsel informed them that there's nothing to bind them to the agreement regarding the freezing of the assets.

Attorney Tissue suggested making a contract to freeze the assets until the matter is resolved.

Carl Harris, Prosecuting Attorney asked that each attorney write a finding of fact order and submit to the Commission before January 6,

2006.

Mr. Harris asked that these be submitted on a disc.

The Commission recessed the Commission meeting at 1:00 p.m. for lunch.

The Commission reconvened the County Commission meeting at 2:00 p.m.

Commissioner Eskew offered a motion to go into Executive Session to discuss personnel matter with Tim Hannah. Commissioner Lopez seconded. Unanimous.

The Commission reconvened the County Commission meeting at 2:55 p.m.

Commissioner Eskew offered a motion that Earl Woodson, be appointed to fill the unexpired term of John Harper as a member of the Arbuckle Public Service District term to expire September 2010. Commissioner Lopez seconded. Unanimous. An Order and an appointment letter to serve were signed.

Ms. Holly informed the Commissioners that she received a letter from the Office of the Chief Medical Examiner expressing their appreciation to the Fayette County Commission for their recognition of Dr. Zia Subet and Ms. Maureen Runyon and commending Sergeant James Sizemore for his service and for his role in initiating the recognition awards.

The Commissioners signed a letter to Sergeant James Sizemore informing his of the Medical Examiners comments.

The Commissioners signed a letter to Michael Proops, Controller, Family Law Masters requesting reimbursement for rent in the amount of

\$2,025.00 for the month of January 2006.

The Commissioners signed a request for reimbursement to the West Virginia Division of Criminal Justice Services for TRIDENT overtime, amount \$2,027.12.

The Commissioners received from Sheriff William Laird a renewal agreement with BI Incorporated Home Confinement Monitoring Equipment and Services.

Ms. Holly informed the Commissioners that under the terms of this agreement the monthly expense for the thirty (30) HG 200 units and one (1) Drive BI Unit is \$1,116.35 3xclusive of the additional monitoring support expenses. The Commissioners signed the Renewal Agreement.

Ms. Holly presented three (3) drawdown request for the Legislative Digest Grant to the West Virginia Development Office to be signed- first drawdown for Fayette County Multi-Cap, Inc. Handyman Program, amount \$4,338.70, first drawdown for the Fayette County Facilities Accessibility Project, amount \$10,770.83, and first and final drawdown for the Fayette County Courthouse Jury Room Chairs, amount \$5,999.25. The Commissioners signed the Legislative Digest drawdown request letters.

Ms. Holly presented several Legislative Digest applications to the Commissioners: the Upper Kanawha Valley Little League, amount \$4,000.00. Commissioner Lopez offered a motion to authorize President Wender to act in connection with the contract for its proper execution and implementation. Commissioner Eskew seconded. Unanimous. Application and Resolution signed; the Historical Society, amount \$2,500.00, Commissioner Eskew offered a motion to authorize President

Wender to act in connection with the contract for its proper execution and implementation. Commissioner Lopez seconded. Unanimous.

Application and Resolution signed; the Corridor L Regional Tourism Commission, amount \$5,000.00, Commissioner Eskew offered a motion to authorize President Wender to act in connection with the contract for its proper execution and implementation. Commissioner Lopez seconded.

Unanimous. Application and Resolution signed; the Bridge Day Festivities, amount \$12,000.00, Commissioner Eskew offered a motion to authorize President Wender to act in connection with the contract for its proper execution and implementation. Commissioner Lopez seconded.

Unanimous. Application and Resolution signed; the Friends of Old Time Music and Dance, amount \$2,500.00, Commissioner Lopez offered a motion to authorize President Wender to act in connection with the contract for its proper execution and implementation. Commissioner Eskew

seconded. Unanimous. Application and Resolution signed; the Upper Kanawha Valley Community Center, amount \$18,000, Commissioner Lopez offered a motion to authorize President Wender to act in connection with the contract for its proper execution and implementation.

Commissioner Eskew seconded. Unanimous. Application and Resolution signed; the Fayette County Park Sportsman Recreation Center, amount \$25,000.00, Commissioner Eskew offered a motion to authorize President Wender to act in connection with the contract for its proper execution and implementation. Commissioner Lopez seconded. Unanimous.

Application and Resolution signed; the Hank Williams Museum, amount \$15,000.00 and the Fayette County Park Sportsman Recreation Center, amount \$25,000.00, Commissioner Eskew offered a motion to authorize

President Wender to act in connection with the contract for its proper execution and implementation. Commissioner Lopez seconded.

Unanimous. Application and Resolution signed; the New Birding and Nature Festival, Commissioner Eskew offered a motion to authorize President Wender to act in connection with the contract for its proper execution and implementation. Commissioner Lopez seconded.

Unanimous. Application and Resolution signed.

Ms. Holly informed the Commissioners that she had talked with Kelly Workman, West Virginia Development Office about getting reimbursed from the Grant if the County used their part-time employees.

Ms. Holly told the Commissioners that Ms. Workman told her that they will reimburse the part-time county employees for working on the Horseshoe Pit and Shooting Range.

Commissioner Wender asked Ms. Holly to write a letter to Ms. Workman and ask her to confirm this information in writing.

Commissioner Eskew offered a motion that the minutes of October 26, 2004 and November 30, 2004 be approved. Commissioner Wender seconded. Unanimous.

The Commissioners signed an invoice to the Fayette County Board of Education for rent for the Fayette County Memorial Building, amount \$5,416.67.

The Commissioners signed the Otis Elevator Company Agreement.

Ms. Holly presented Petitions submitted by the Assessor's Office to Combine or Divide and Segregate Land.

Commissioner Eskew offered a motion to approve and sign Petitions

to Combine or Divide and Segregate Land for Gary H. and Margaret Parker, Eric L. and Kathy L. Neal, John and Marcella Sullivan and Richard and Lena McNeely, Teresa E. and Bobby E. Gardner, Jr., William A. Plumley, Terry D. and Karen L. Wriston, Lloyd Trent and JoAnn Burgers. Commissioner Wender seconded. Unanimous.

Ms. Holly informed the Commissioners that she had advertised for bids on behalf of the Assessor for GIS software and for the conversion of CAD files to a seamless ESRI geodatabase or personal database compatible with the State's Valuation and Assessment Administration System. Ms. Holly told the Commissioners that the bids are due December 16, 2005, Ms. Holly asked the Commissioners if they would authorize Eddie Young to review proposal and make decision.

Commissioner Eskew offered a motion to authorize Eddie Young, Assessor to review proposals and make decision. Commissioner Wender seconded. Unanimous.

Commissioner Eskew offered a motion to have the first County Commission meeting on January 6, 2006. Commissioner Wender seconded. Unanimous.

The Commissioners received and reviewed an e-mail from David Neal, E911 Coordinator requesting that emergency lights and a siren be installed on his County vehicle, amount \$1,972.24.

Commissioner Eskew offered a motion to approve installation of emergency lights and a siren for David Neal's County vehicle, amount \$1,972.24 payable out of the 911 Funds. Commissioner Wender seconded. Unanimous.

Ms. Holly informed the Commissioners she received the check from

the Minden Community Meeting Center for \$1,500.00.

Commissioner Wender presented an e-mail he received from Patti Payne regarding her complaints on Earl Pauley, Park Superintendent not fixing the dog kennels, lighting and some leaks at the Fayette County Animal Control Center. The Commissioners asked to hold until January 6, 2006 for further discussion.

Sheriff Laird told the Commissioners he had a meeting with the Judges, Magistrates and the Prosecuting Attorney to give them a briefing on the Fayette County Community Corrections Program. Sheriff Laird told the Commissioners that everyone was on board.

The Commissioners signed a letter to the West Virginia Development Office requesting that the scope of the Legislative Digest Project #03LEDA0054 be changed from a construction of a water station to a construction of the Virginia Murphy extension.

The Commissioners signed a letter to the Division of Homeland Security and Emergency Management requesting a Grant Adjustment for the Fiscal Year 2004 Homeland Security Grant Law Enforcement Terrorism Prevention Program.

The Commissioners signed invoices to the City of mount Hope, amount \$97.00, the City of Oak Hill, amount \$727.50, and the Town of Fayetteville, amount \$145.50 for the confinement of inmates at the Southern Regional Jail for the month of November.

The Commissioners signed a letter to Charles Moses expressing their appreciation to him for his 29 years of service to Fayette County and out citizens as a Fayette County Deputy.

The Commissioners signed a letter to Nancy Ferrell informing they



have been made aware of her resignation as a member of the Kanawha Falls Public Service District and wish to extend their appreciation for her years of services and dedication as a member of the Kanawha Falls Public Service District.

The Commissioners signed an Order and an appointment to serve letter reappointing Clifford "Duke" Ramsey a member of the Fayette County Board of Zoning Appeals, term to expire January 1, 2009.

The Commissioners signed an Order and an appointment to serve letter appointing Franklin Ferrell to fill the vacancy on the Kanawha Falls Public Service District due to the resignation of Nancy Ferrell, term to expire September 1, 2007.

The Commissioners received and reviewed a thank-you note from the Cruikshank Family.

Commissioner Eskew offered a motion to approve overtime for James Perdue, Maintenance Supervisor (13 hrs.) and Debbie Berry, Bookkeeper (32 hrs.). Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed an invitation to the Wolf Creek Park Ground Breaking Ceremony held November 18, 2005 at the Oak Hill Holiday Inn.

The Commissioners received and reviewed Flu Shots Schedule from the Fayette County Health Department.

The Commissioners received and reviewed a request for leave from Dave Pollard, County Resource Coordinator for the period December 14, 2005 to December 30, 2005.

The Commissioners received and reviewed bus schedules for the Oak Hill, Montgomery, Fayetteville, Mount Hope areas from Mountain Transit

Authority.

The Commissioners received and reviewed the new maintenance schedule changes from James Perdue, Maintenance Supervisor.

The Commissioners received and reviewed a letter from J. Dan Snead Associates enclosing elevator submittals for the Fayette County Courthouse Elevator Project.

The Commissioners received and reviewed a letter from J. Dan Snead Associates enclosing the approved Application and Certificate for payment #2 in the amount of \$20,460.00 for the Window Replacement Project-Phase II Fayette County Courthouse.

The Commissioners received and reviewed a Financial Statement from Southern Appalachian Labor School for the year ended December 31, 2004.

The Commissioners received and reviewed a letter from Verizon thanking the Commission for the quality products and services you provided them during the year.

The Commissioners received and reviewed a letter from the Branch Banking and Trust informing that as of November 30, 2005 the securities they held as collateral to secure the deposits of Fayette County Commission.

The Commissioners received and reviewed from the Bank of New York a Cash Statement and Asset List as of November 22, 2005 and November 30, 2005.

The Commissioners received and reviewed Pledge Statement from the SunTrust Bank for securities pledged as of November 30, 2005.

The Commissioners received and reviewed a Memorandum from Sheriff

William Laird informing that Gayle Koone will be hired back as transportation officer for the Sheriff Department effective December 12, 2005, salary will be \$21,120.00 annual or \$1,760.00 a month.

The Commissioners received and reviewed 911 Status Report for the period January through November 2005.

The Commissioners received and reviewed a letter announcing the passing away of Mary Cruikshank, Steve Cruikshank's mother.

The Commissioners received and reviewed a letter from the West Virginia Development Office responding to the request for a budget amendment for the Fiscal Year 2003 Small Cities Block Grant-Fayette County Commission Courthouse 504/SALS Project.

The Commissioners received and reviewed a letter from the West Virginia Development Office responding to the request for approval of an emergency activity for Fiscal year 2004-Small Cities Block Grant-Fayette County Commission-Page-Kincaid Public Service District Ingram Branch Wastewater System Extension.

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 lawsuit.

The Commissioners received and reviewed a letter from the Principal at the Fayetteville Middle School informing that the dance scheduled for December 16, 2005 is a school-recognized event and is covered under the certificate of insurance from the Board of Education for use of the Fayette County Memorial Building.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing that the funds due for the November

Limited Video Lottery will be directly deposited in the bank account on November 29, 2005, amount \$5,730.44.

The Commissioners received and reviewed a Monthly Progress Report to the West Virginia Division of Criminal Justice Services for Project 06-CC-50, Fayette County Community Corrections Program.

The Commissioners received and reviewed a copy of a letter to Eddie Young, Assessor from the State Tax Department informing that at their November 8, 2005 meeting they approved his requested revision (s) to his County Valuation Fund Budget for Fiscal Year 2005-2006.

The Commissioners received and reviewed a letter from the State Hazard Mitigation Officer requesting that the Fayette County Hazard Mitigation Plans be updated and revised. A copy of the letter was forwarded to Steve Cruikshank, OES Director for review and update.

The Commissioners received and reviewed a letter from the West Virginia Division of Culture and History inviting each county who submitted a qualifying grant application to attend its two-day meeting Monday and Tuesday, January 9 and 10, 2005 to make a presentation on its grant request.

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

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Monthly Revenue Report, Activity Report for the Month of November, C-PAC allotment for the month of December, amount \$11,124.44 and Weekly Fees Collected for the week of November 4 to November 10, 2005, amount \$135.00 the week of November 25 to

November 30, 2005, amount \$190.00 the week of December 1, 2005, amount \$45.00 and the week of December 2 to December 8, 2005, amount \$185.00.

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

The Commissioners received and reviewed checks for 911 Fees from Nos. Communication, Inc., amount \$2.00, Trinsic Communications, Inc., amount \$28.00; Franchise Fees from Bradley Communication, Inc., amount \$532.89; Soldiers and Sailors, amount \$1,650.00; Jail Fees City of Mount Hope, amount \$242.50 and the Town of Fayetteville, amount \$145.50; Rent Fayette County Board of Education, amount \$5,416.67; WVDO-HUD/SCBG Elevator/SALS Project, amount \$22,432.52; TRIDENT overtime, amount \$917.04 and reimbursement, amount \$60.00.

The Commissioners received and reviewed an e-mail from Commissioner Wender regarding the Fayette County Residential Development.

The meeting was adjourned at 4:10 p.m. The next scheduled meeting is January 6, 2006.



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FAYETTE COUNTY COMMISSION AND  
BOARD OF EQUALIZATION AND REVIEW  
REGULAR SESSION  
FEBRUARY 3, 2005  
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 3<sup>rd</sup> day of February 2005.

Commissioner Wender called the Board of Equalization and Review meeting to order at 9:00 a.m.

Commissioner Wender entered various Administrative Notices from the West Virginia Department of Tax and Revenue regarding oil and gas values.

Commissioner Wender asked if there were any other business to come before the Board of Equalization and Review.

Since there were no hearings scheduled, Commissioner Eskew offered a motion that the Commission adjourns the Board of Equalization and Review. Commissioner Wender seconded and informed that the next Board of Equalization and Review hearing is scheduled for February 9, 2005. The Board of Equalization and Review was adjourned at 9:35 a.m.

The Commissioners met with the Elected Officials Daniel Wright, Circuit Clerk, William Laird, Sheriff, Paul Blake, Prosecuting Attorney, Edie Young, Assessor to discuss draft of the Fayette County Personnel Policy.

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

Discussion was held regarding the changes to the Draft of the

Fayette County Personnel Policy received from Chris Slaughter with Steptoe and Johnson.

After a lengthy discussion of all the changes the decision was to approve and proceed with the policy, send changes to Mr. Slaughter and schedule Mr. Slaughter to meet on February 9, 2005 for final review.

Sheriff Laird appeared before the Commissioners to discuss funding for a Community Correction Grant program.

Sheriff Laird informed the Commissioners that the Legislature has clearly adopted. Sheriff Laird told the Commissioners that this needed to be addressed.

Sheriff Laird told the Commissioners that with the jail cost along this a good reason to pursue.

Commissioner Wender suggested meeting with the Circuit Judge to see if they are supportive of this effort to have everyone on the same page.

Commissioner Wender asked if there are successful Programs enforced. Sheriff Laird replied in the Northern Panhandle.

Paul Blake, Prosecuting Attorney told the Commissioners that he agrees the County needs some type of program.

Sheriff Laird told the Commissioners he has been looking at this over the past years, have documents of the cost.

Commissioner Wender suggested that the Commissioners, Sheriff Laird and Paul Blake meet with the Circuit Judge on February 18 or 25 to discuss.

Commissioner Wender informed the Commissioners the County needs to get a Letter of Credit between 4-C Economic Development Authority,

Fayette County Urban Renewal Authority for the West Virginia Division Highways road access grant for the Wolf Creek park project.

Commissioner Wender informed the Commissioners they received a letter from the Fayette County National Bank informing that the request that the bank act as surety for the West Virginia Division of Highways road access grant for the Wolf Creek project was approved.

Commissioner Wender informed the Commissioners that the Commission has to sign a Memorandum of Understanding for a term of six years.

Ms. Holly told the Commissioners they could only commit on a one year basis.

Commissioner Wender told the Commissioners that Fayette County National Bank agrees to issue the requested Letter of Credit, for a term up to six years, (five years from date of completion of the project, with an expected year of construction time) at an interest rate of WSSP + 1%, with a floor of 5%, should the Bank be called upon to actually fund the Letter of credit. No interest will accrue until the letter would actually be funded, but there will be a charge of \$63.00 for issuing the Letter of Credit.

Commissioner Eskew offered a motion to approve Letter of Credit, on a one year basis at a charge of \$463.00. Commissioner Lopez seconded. Unanimous.

Commissioner Eskew offered a motion to approve Memorandum of Understanding agreement between 4-C Economic Development Authority, Fayette County Urban Renewal Authority and Fayette County Commission. Commissioner Lopez seconded. Unanimous.



Commissioner Eskew offered a motion to approve maintenance contract for copier for the County Clerk's Office, amount \$1,200.00 annually. Commissioner Lopez seconded. All approved.

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

Sheriff Bill Laird and Eddie Young, Assessor appeared before the Commission to discuss the flood damages at the Courthouse Annex.

Mr. Young informed the Commissioners that they had Pettit Plumbing to check the water heater. Mr. Pettit suggested replacing the element. Ms. Holly told the Commissioners the cost would be \$2,700.00.

Ms. Holly told the Commissioners they need to decide on whether to get carpet or tile for the Magistrate floor and the basement.

Ms. Holly told the Commissioners the old wet carpet has been removed.

Mr. Young and Sheriff Laird recommended tile to replace the carpet in the basement of the Courthouse Annex.

Commissioner Lopez informed the Commissioners that James Perdue, Maintenance Supervisor told him that the carpet is to be put in the Magistrate's private office, Magistrate Clerk's office, and the courtroom, the tile is to be put in the Magistrate Assistant offices.

Mr. Young asked that the carpet under the heavy equipment be removed.

Mr. Young recommended removing the carpet around the middle of the month.

Sheriff Laird suggested removing the carpet in the evening and late night.

Commissioner Lopez suggested having the Chief Magistrate come over and discuss.

Commissioner Wender suggested giving Commissioner Lopez authorization to talk with Magistrate Dale Payne.

Commissioner Lopez informed the Commissioners he feels re-routing of the \$5,000 Horseshoe Club Grant to the Fayette County Commission looks favorable.

Harold Bragg asked the Commission if the Old Stone Church in Glen Jean sidewalk from bridge qualify for a Small Cities Block Grant.

Commissioner Wender asked Mr. Bragg to discuss with David Pollard, County Resource Coordinator or check about summer workers to repair.

Commissioner Wender asked Commissioner Eskew to check with W. D. Smith, Executive Director with Region 4 Planning and Development Council regarding the matter.

The Commissioners signed minutes of January 10, 2005.

Commissioner Eskew offered a motion to approve several petitions to combine divide or segregate land as submitted by the Assessor's Office. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from Harold Bragg requesting that the Commission take immediate action regarding the removal of horses on William and Debra Altice property in Glen Jean.

Commissioner Wender asked that Tim Richardson, Zoning Officer

give written response and attend next Commission meeting to discuss. Commissioner Wender suggested a copy of written response be sent to Harold Bragg.

Commissioner Lopez offered a motion to approve request of the Fayetteville High School baseball team to waive the rental fee for the use of the Fayette County Memorial Building for the purpose of hosting a fund raiser for the baseball team. The Fayetteville High School baseball team is responsible for the clean up of the building and grounds after the event. Commissioner Eskew seconded. Unanimous.

Commissioner Lopez asked to amend motion to include Certificate of Insurance. Commissioner Eskew seconded. All approved.

Ms. Holly presented a letter to the Commission from the White Oak Rail Trail requesting that the Commission pledge its support for the White Oak Rail Trail project and agree to accept ownership and to maintain the trail corridor in an annual amount of \$250.00 not to exceed \$3,750.00 total over the 15-year period.

Commissioner Eskew offered a motion to approve writing a letter as our commitment to uphold the pledge to support the White Oak Rail Trail project, to maintain the trail corridor in an annual amount of \$250.00 not to exceed \$3,750.00 total over the 15-year period. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from the Division of Highways confirming the receipt of the Fiscal Year 2005 Transportation Enhancement Program application package requesting funding for the subject project(s) and to advise of the current situation.

The Commissioners received and reviewed a letter from Kelvin Holliday, County Clerk requesting internet access for Judy Hess, Index Clerk.

Commissioner Wender asked that this be tabled.

Ms. Holly told the Commissioners she's working on getting the computers upstairs.

Ms. Holly informed the Commissioners that she would check with Dave Pollard, County Resource Coordinator on the three invoices she received from Lombardo.

The Commissioners approved to pay allotment to the Town of Pax for Flood Control Fiscal Year 2004, amount \$1,000 and Fiscal Year 2005, amount \$1,000 total amount \$2,000.00.

The Commissioners received and reviewed a letter from Kelvin Holliday, County Clerk regarding information on the HAVA (Help America Vote Act) meeting being held February 10 at 1:00 p.m. at the Charleston Civic Center.

The Commissioners received and reviewed from PEIA Open Enrollment Benefit Coordinator Designation Form.

Ms. Holly asked the Commissioners about an alarm at the Courthouse Annex.

David Neal, E911 Coordinator informed that there's no history of an alarm for the Courthouse Annex.

Commissioner Wender asked Mr. Neal to check into.

Commissioner Lopez informed the Commissioners that the City of Smithers asked him to verbally thank the Commission for the vehicle.

The Commissioners received and reviewed a letter from the Upper

Kanawha Valley Economic Development Corporation requesting the Commission to match contributions of the 4-C Economic Development Authority (\$2,500) in order to meet their continuing obligation.

The Commissioners received and reviewed from the U. S. Bankruptcy Court Order approving sale of Guthrie Project Site regarding Multi-County Community Action Poverty, Inc. A copy forwarded to Carl Harris, Assistant Prosecuting Attorney.

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

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

The Commissioners received and reviewed a letter from Schumacher, Frances and Nelson regarding a lawsuit (Braxton v. FCC-Civil Action #5:04-0894).

The Commissioners received and reviewed a letter from Stafford Consultants, Inc. regarding the New Haven Public Service District, Contract 13 Periodic Pay Estimates.

The Commissioners received and reviewed Franchise Fees checks from Bradley Communications, Inc., amount \$540.04, and Charter Communications, amount \$5,026.26.

The Commissioners received and reviewed Weekly Fees Collected for the Fayette County Animal Control Center the week of January 28 to January 31, 2005, amount none, and the Monthly Revenue Report and Activity Report for the month of January.

The Commissioners received and reviewed a Preliminary Assessment of the Training of Corrections Employers from the WVU Tech Economic

Development Authority.

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

The meeting was adjourned at 12:50 p.m. The next scheduled meeting is February 9, 2005.



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FAYETTE COUNTY COMMISSION AND  
BOARD OF EQUALIZATION AND REVIEW  
SPECIAL SESSION  
FEBRUARY 9, 2005  
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a special session on this 9<sup>th</sup> day of February 2005.

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

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

Commissioner Lopez offered a motion to approve the double assessment of personal property tax for Tony Brown, Earl Christian and Steve Davis as submitted by the Assessor's Office. Commissioner Eskew seconded. Unanimous.

Commissioner Lopez offered a motion to approve the request to combine or divide and segregate land for Kevin Miller as submitted by the Assessor's Office. Commissioner Eskew seconded. Unanimous.

Commissioner Lopez offered a motion to approve invoices, vouchers and payrolls, payrolls to be released tomorrow. Commissioner Eskew seconded. Unanimous.

Commissioner Wender offered a motion to approve the January 10, 2005 minutes. Commissioner Eskew seconded. Unanimous.

Commissioner Wender informed the Commissioners that Chris Dyer, Housing Consultant for the Fayette County Housing Economic Opportunity Council is requesting that the Commissioners sign a letter in support

of their application for final designation as a Certified Community Housing Development Organization (CHDO).

Commissioner Wender informed the Commissioners that Mr. Dyer had prepared a letter for his signature. Commissioner Wender told the Commissioners he would like all three signatures on the letter.

Commissioner Eskew offered a motion to approve the letter in support of the application for final designation as a Certified Community Housing Development Organization (CHDO) and to authorize all three Commissioners names on letter for signature. Commissioner Lopez seconded.

Discussion was held regarding a custodian for the Courthouse Maintenance Department. The commissioners asked Ms. Holly to have James Perdue, Maintenance to come up to discuss.

Commissioner Lopez offered a motion to approve replacement of the hot water heater for the Courthouse Annex, unit cost \$2,560.00 plus shipping cost \$75.00, total amount \$2,635.00. Commissioner Eskew seconded. Unanimous.

Commissioner Lopez offered a motion to approve to pay \$660.00 for sealant for the Fayette County Memorial Building gym floor. Commissioner Eskew seconded. All approved.

The Commissioners asked James Perdue, Maintenance Supervisor if he knew anyone interested in the custodian position.

Mr. Perdue told the Commissioners he had one more person to contact.

Commissioner Lopez asked Mr. Perdue if he would contact the person this afternoon before they advertise the position.



Mr. Perdue told the Commissioner he would get back with them this afternoon.

Mr. Perdue informed the Commissioners he had contacted three (3) vendors for bids for the tile and carpet for the Courthouse magistrate Office and ground floor. Mr. Perdue told the Commissioners he received two (2) bids (Lee's Carpet and Floor Covering, \$10,298.00 and Floor Show, Inc., \$11,988.09).

Commissioner Lopez offered a motion to approve the lower of the two (2) bids (Lee's Carpet and Floor Covering, \$10,298.00) to carpet Magistrate Office and tile the Annex ground floor. Commissioner Eskew seconded. All approved.

Commissioner Wender informed Lee's Carpet will as soon as possible tile everything, move furniture and work evenings and Saturday and come back once they coordinate in getting the rolling file machine moved and replaced.

Commissioner Eskew asked Mr. Perdue when the lights are going to be put around the LaFayette statue. Mr. Perdue replied they would be looking at this today.

Tim Richardson, Zoning Officer appeared before the Commission to discuss a letter he received from Harold Bragg regarding the horses on William and Debra Altice property. Also, present were former Zoning Officers Gary Harding, Larry Dotson, and Harold Bragg.

Mr. Bragg asked Mr. Richardson about the status of the situation.

Mr. Richardson told the Commissioners he had contacted Mr. Harding and Mr. Dotson to give him an update regarding this matter.

Mr. Richardson told the Commissioners that at their direction in January 2005 further investigation was conducted by his office in regard to this complaint. Mr. Richardson told the Commissioners that his investigation revealed that in discussion with Mrs. Nelsie Ferri, Mrs. C. C. Lively, and Mr. and Mrs. Bill Hurt, all are residences of the general area in question for years dating back into the 1950's and are to this day, the consensus of all was that there have been animals on the property in question as long as they could remember.

Mr. Harding told the Commissioners that before 1977 animals have always been on the property. Mr. Harding told the Commissioners that no complaints have been filed since 1984.

Commissioner Wender asked Carl Harris, Assistant Prosecuting Attorney how the Commission can go about settling this matter.

Mr. Harris replied based upon the reputation of Mr. Harding and Mr. Dotson he believes that animals were on the property.

Mr. Richardson told the Commissioners he support action because of the grandfathers' law.

Mr. Richardson told the Commissioners he is taking the word of two employees that's been here for twenty-seven years.

Mr. Bragg told the Commissioners the word of the people would carry more solidity.

Commissioner Wender informed Mr. Bragg that Mr. Richardson has done what you asked the Commission to do.

Commissioner Wender told Mr. Bragg he don't know what more the Commission can do at this time.

Mr. Bragg suggested to the Commissioners to get documents that

the horses were there.

Commissioner Wender told Mr. Bragg the Commission have made an effort to remedy this matter. Commissioner Wender told Mr. Bragg he is entitled to a letter from Mr. Richardson informing him of his findings. The next step is to take it to the Circuit Court.

Mr. Harris informed the remedy is in Circuit Court for a nuisance order but a nuisance order would not work.

Commissioner Wender asked Mr. Bragg to supply names of individuals in Glen Jean that Mr. Richardson could contact in regard to the case. Mr. Richardson to write a letter to the Commissioners giving the final results of this matter.

Commissioner Wender informed he would love to see this resolved and a determination made.

Angie Sleeth, Region 4 Planning and Development Council appeared before the Commission for a public hearing for a Small Cities Block Grant application for the Danese Public Service District.

Ms. Sleet told the commissioners the application deadline is March 11, 2005 of this year.

The public hearing was adjourned the next public hearing will be February 25, 2005 at 9:45 a.m.

Chris Slaughter with Steptoe and Johnson and the Elected Officials met to discuss the Fayette County Personnel Policy Handbook.

The Commissioners, the Elected Officials, and Chris Slaughter each discussed all the changes they would like made to the Fayette County Personnel Policy Handbook.

Ms. Holly asked if they should set out the work week for overtime

and comp. Time.

Commissioner Wender asked Ms. Holly to write down consistencies of their overtime.

Mr. Blake informed the Commissioners they need to know what all the other Elected Officials do regarding overtime for their offices.

Commissioner Wender suggested that Mr. Slaughter write letter saying what the Commission need to address regarding overtime.

Commissioner Wender suggested leaving open and schedule a time with the Elected Officials to discuss overtime policy.

The Commissioners discussed keeping a copy of the Fayette county Personnel Handbook in the County Administrator's Office.

Commissioner Wender suggested loose pages and put in a notebook.

Commissioner Wender asked that final draft be discussed on March 14 and approve on March 14, 2005.

Commissioner Eskew asked if someone needed to be trained for the Harassment Policy.

Mr. Slaughter told the Commissioners that the Civil Rights Division in Charleston, and the West Virginia Human Rights Commission offer the training.

Mr. Slaughter asked the Commissioners if they wanted the Affirmative Action Program inserted. The Commissioners replied yes this should be included in the booklet.

Amber Marstiller, Youth Adviser with the W. I. A. Youth Enrichment Service Program appeared before the Commission requesting a letter of support for the Fayette Youth Information Center Proposal. Ms. Marstiller told the Commissioners this proposal is for an after

school youth development program.

Ms. Marstiller introduced Janet Cunningham and Yaseen Cunningham to the Commissioners.

Commissioner Lopez offered a motion that the Commission support the W. I. A. Youth Enrichment Services Program. Commissioner Eskew seconded. Unanimous.

The Commissioners recessed the meeting at 12:50 p.m.

The Commission reconvened the Commission meeting at 1:30 p.m. The Commissioners informed the first Board of Equalization and Review appointment was scheduled for 1:00 p.m. due to the late start the Commission convened as the Board of Equalization and Review at 1:30 p.m.

John Hussell, IV appeared before the Commission to discuss the George Collins et al (property held in trust with BB&T) application for review of property assessment.

John Hussell, IV, Mary Kay Weatherford representing the Assessor's Office was sworn in. Also present was Carl Harris, Assistant Prosecuting Attorney.

Mr. Hussell told the Commissioners that the 5.874 acres White Oak/Whipple property inappropriate to increase property which may or may not exist, this property is listed as a dummy tract.

Ms. Weatherford read letter from Eddie Young, Assessor with explanation on the increase. (See attached)

Commissioner Wender informed the Commission would consider and take under advisement.

Commissioner Lopez offered a motion that the Commission takes

under advisement would make decision by the end of February.

Commissioner Eskew seconded. Unanimous.

Dale and Janet Jones appeared before the Commission to present their application for review of property assessment.

Mr. Jones presented pictures and a copy of his deed.

Carl Harris, Assistant Prosecuting Attorney asked that each picture be marked Exhibit 1-20, the deed is marked Exhibit 21.

Mr. Jones told the Commissioners that the deed that he has doesn't show that he owns the 11 acres in question.

Commissioner Wender told Mr. Jones the ownership of the minerals needs clarification from the West Virginia State Tax Department.

Commissioner Wender asked Ms. Weatherford to read the letter from the Assessor. (See attached)

Mr. Jones told the Commissioners he would like a copy of a deed showing the 11 acres.

Commissioner Wender suggested making a motion on the surface today and asked Mr. Harris to look at the deed would delay decision.

Commissioner Lopez offered a motion that after we check on the minerals and Mr. Harris check for a deed the Commission would make final decision on February 25, 2005. Commissioner Eskew seconded. Unanimous.

The Commissioner received and reviewed a letter from Fayetteville Fairs and Festival Committee requesting permission the use of the Courthouse lawn on Saturday, July 2, 2005 through July 4, 2005.

Commissioner Lopez offered a motion to approve the use of the Courthouse lawn on Saturday, July 2, 2005 through July 4, 2005 with

the conditions that no vehicles are permitted on the Courthouse lawn for any purpose including unloading, that no amplification is allowed, that all county property shall be cleaned up immediately after the event, that no alcoholic beverages are permitted and the Fayetteville Fairs and Festival Committee is responsible for any and all damages to Courthouse property, including but not limited to repair and/or replacement. Commissioner Eskew seconded. Unanimous.

The Commissioners received and reviewed a letter from the Fayette County National Bank informing of their notice that the security which is pledged to the Fayette County Commission will not be available for pledge as of February 10, 2005 (\$500M-FHLB-CUSIP 3133X2BX2) they will substitute the security with \$500M-FHLMC CUSIP 3128X2ZQ1.

Commissioner Eskew offered a motion to order the release of said securities provided that securities will be substituted simultaneously and that Fayette County funds deposits with said banking institution will not be unsecured. Commissioner Lopez seconded. Unanimous. Order signed.

The Commissioners received and reviewed a letter from Sheriff Laird amending the request to the West Virginia Regional Response Program to the Fiscal Year 2004 Homeland Security Grant due to the anticipated increase in the unit cost for higher-performance radios, it would appear that the Sheriff will need to reduce the total number of unit purchases from thirty (30) to fifteen (15) radios in order to remain within their budget appropriated for the use of these funds.

The Commissioners signed a letter to the West Virginia Department of Highways pledging their support of the White Oak Rail Trail project

in Fayette County and has agreed to accept ownership and to maintain the trail corridor in an annual amount of 4250.00 not to exceed \$3,750.00 total over the 15-year period.

The Commissioners signed a letter of appointment to serve and an Order appointing Carl Thompson to fill the unexpired term of Galen Horrocks as a member of the Mountain Transit Authority.

The Commissioner signed a letter approving the request of the Fayetteville High School baseball team to use the Memorial Building for the purpose of hosting a fundraiser for the baseball team.

Commissioner Lopez offered a motion to authorize Matt Wender, President, Fayette County Commission to execute, to have acknowledged and to have delivered on behalf of the County a contract with the State of West Virginia for Governor's Local Economic Development Program funds for the Fayette County Park approves and authorize the adoption of the Resolution. Commissioner Eskew seconded. Unanimous.

The Commissioners received and reviewed a notice from James Perdue, Maintenance Supervisor informing that Meredith Davis quit effective February 8, 2005.

Commissioner Lopez offered a motion to accept notice from Mr. Perdue informing of Meredith Davis quitting effective February 8, 2005 and approve that Ms. Davis be allotted the time due. Commissioner Eskew seconded. Unanimous.

The Commissioners received and reviewed a letter from Paul Blake, Prosecuting Attorney informing that Pocahontas Land Company has reported certain mineral properties from 2001 through 2004 at a value he believes to be incorrect based on information he received from the



Fayette County Assessor.

Commissioner Lopez offered a motion to approve payment of the allotment to C-PAC in the amount of \$10,438.94 for the month of February. Commissioner Eskew seconded. All approved.

Ms. Holly informed the Commissioners that Okey Skidmore, Manager Fayette County Memorial Building did get Tri-State Roofing and Sheet Metal Company to repair the leak at the Memorial Building.

Ms. Holly told the Commissioners that this was not work that they did before.

Commissioner Wender and Commissioner Lopez asked Ms. Holly to have Allen Ballard to check the roof that Tri-State is working on.

The Commissioners received and reviewed a letter from St. Paul Fire and Marine Insurance Company acknowledging receipt of claim regarding the hot water heater at the Courthouse annex. The claim has been assigned to Timothy Richardson.

The Commissioners received and reviewed a letter from Judge Janet Frye Steele regarding a camera for the Family Court Judge courtroom. The Commissioners asked that this be forwarded to Sheriff Bill Laird.

The Commissioners received and reviewed a letter from Kelvin Holliday, County Clerk requesting that Anna Kody be paid \$50.000 for attending the election class.

Commissioner Eskew offered a motion to pay Anna Kody \$50.0 for attending the election class. Commissioner Lopez seconded.  
Unanimous.

The Commissioners received and reviewed a copy of a letter to

School Superintendent Helen Whitehair from Kelvin Holliday, County Clerk regarding election matters and complaints he received.

The Commissioners received and reviewed a copy of a letter to the Records Management and Preservation Board from Kelvin Holliday, County Clerk regarding his award for fiscal year 2005-2006 RMPB grant.

Ms. Holly reminded the Commissioners that the canvass is scheduled Monday at 9:00 a.m. February 14, 2005.

The Commissioners received and reviewed a letter from BB&T informing of the securities that were held by Branch Banking and Trust as collateral to secure deposits of Fayette County Commission as of January 31, 2005.

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

The Commissioners received and reviewed minutes of the Page-Kincaid Public Service District for the months of August, September, November and December.

The Commissioners received and reviewed information from Tim Richardson, Zoning Officer regarding the Debra Altice case that Harold Bragg had complained about.

The Commissioners signed a letter to Eddie Young, Assessor informing that the Auditor is currently auditing the financial statement for the year ended June 30, 2004 and would like for him to confirm all major taxpayers, who assessed value equals 10% or more of total assessed based.

The Commissioners signed letters to Paul M. Blake, Prosecuting Attorney, John MacCorkle, and Steptoe and Johnson asking that they

furnish a description of all material pending or threatened litigation, claims, and assessments (excluding unasserted claims and assessments) for the fiscal year ended June 30, 2004 to the Auditor.

The Commissioners signed a letter to the West Virginia State Auditor in connection with the audit of the general purpose financial statements of Fayette County as of June 30, 2004 and for the purpose of expressing an opinion as to whether the general purpose financial statements present fairly, in all material respects, the financial position of Fayette County and the results of its operations in conformity with accounting principals generally accepted in the United States of America.

The Commissioners received and reviewed a memo from the Secretary of State informing that the Help America Vote Act (HAVA) meeting at the Civic Center has been postponed.

The Commissioners received and reviewed e-mails from citizens opposing the New River Gorge Housing Development Proposal.

The Commissioners received and reviewed from J. Dan Snead and Associates, Inc. plans and specifications for the Fayette County Courthouse Elevator Project.

The Commissioners received and reviewed from the Fayette County Animal Control Center/C-PAC Weekly Fees Collected for the week of February 1, 2005 to February 3, 2005, amount \$185.00.

The Commissioners received and reviewed an e-mail from the Treasurer's Office informing of the Direct Deposit of Wine, Liquor, and private Club Taxes, amount \$863.16.

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

to David Neal, E911 Coordinator inquiring about the alarm at the courthouse Annex.

The Commissioners received and reviewed a letter from the Internal Revenue Service informing they have not received payment of \$32,499.50 dated May 17, 2004. The Commissioners asked that this be forwarded to Debbie Aliff, Payroll Clerk.

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

The meeting was adjourned at 3:39 p.m. The next scheduled meeting is February 14, 2005.



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FAYETTE COUNTY COMMISSION AND  
BOARD OF EQUALIZATION AND REVIEW  
SPECIAL SESSION  
FEBRUARY 14, 2005  
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a special session on this 14<sup>th</sup> day of February 2005.

Commissioner Wender called the County Commission meeting to order at 9:10 a.m. The Commission recessed the County Commission meeting and convened to have the canvass of the February 5, 2005 Excess Special Levy Election.

The canvass was concluded at 11:40 a.m.

The Commission reconvened the County Commission meeting at 11:40 a.m.

The Commissioners received and reviewed a fax from the Fayette County Chamber of Commerce asking the Commission to approve permission that a Proclamation that "Bridge Day 2005: will be a tribute to Jon A. Dragan the Pioneer of Whitewater Rafting in the New River Gorge."

Commissioner Eskew offered a motion to allow the New River Gorge Bridge Day Commission to sign a Proclamation that "Bridge Day 2005: will be a tribute to Jon A. Dragan the Pioneer of Whitewater Rafting in the New River Gorge." Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve 16 hours of overtime for Debbie Aliff, Payroll Clerk. Commissioner Eskew seconded. Unanimous.

The Commissioners signed a letter to the Fayetteville Fairs and

Festival Committee giving permission to use the Courthouse lawn on Saturday, July 2, 2005 through July 4, 2005.

The Commissioners received and reviewed a memorandum from Sheriff William Laird informing that Stacy Workman has submitted her letter of resignation as Dog Warden effective February 15, 2005.

Discussion was held. Commissioner Wender suggested advertising for position. Commissioner Wender asked Ms. Holly to get Sheriff Laird to write a job description for the dog warden and advertise the vacant position.

The Commissioners recessed the County Commission meeting at 12:20 p.m.

The Commissioners reconvened the County Commission meeting at 1:20 p.m.

Commissioner Lopez offered a motion to approve drawdown for Small Cities Block Grant for New Haven Public Service District-Paint Creek/Plum Orchard Water Extension, amount \$20,455.38. Commissioner Eskew seconded. Unanimous.

Commissioner Lopez offered a motion to authorize Commissioner Wender to sign Small Cities Community Block grant for Page-Kincaid Public Service District-Ingram Branch Water Extension Project. Commissioner Eskew seconded. Unanimous. Resolution signed.

Commissioner Lopez offered a motion to authorize Commissioner Wender to sign Small Cities Community Block Grant for the Courthouse 504 Compliance/SALS Dormitory Annex Project. Commissioner Eskew seconded. Unanimous. Resolution signed.

John Crookshank presented a petition to the Commissioners

regarding the Phase 3A Water Bacteriological Report that was taken by the citizens living near the Shawver Bridge Road in Fayette County.

Commissioner Wender told Mr. Crooksank he would call Phil Perone regarding this matter. Commissioner Wender asked that a copy of this petition be forwarded to Dave Pollard, County Resource Coordinator.

Mr. Crookshank told the Commissioners anything they can do he would appreciate.

The Commissioners adjourned the County Commission at 1:35 p.m.

The Commissioners convened as the Board of Equalization and Review for Industrial hearings at 1:35 p.m.

Commissioner Wender informed the one hearing that was scheduled was rescheduled for February 18, 2005, no other Board of Equalization and Review hearings scheduled.

Commissioner Wender adjourned the Board of Equalization and Review hearing at 1:40 p.m. will reconvene on February 18, 2005 for Mineral hearings.

The Commission reconvened the County Commission meeting.

The Commissioners received and reviewed several correspondences from citizens opposing the proposed development in the New River Gorge.

The Commissioners received and reviewed a letter from the Office of the State Auditor informing that under the provisions of WV Code §7-7-2 the State Auditor is authorized and directed to establish in-service training programs for county commissioners, county clerks, circuit clerks, sheriff and their employees.

The Commissioners received and reviewed a check for 911 Fees from

Verizon, amount \$34,046.46.

The Commissioners received and reviewed a fax from the County Commissioners Association of WV informing of the CCAWV Legislative Line-up Week 1.

The Commissioners signed a letter to Wade Thompson, Acting Director, Property Tax Division informing that it has come to the Commission that their office performed overrides on approximately 365 coal reserve properties. (See attached letter).

The Commissioners signed a letter to Wade Thompson, Acting Director, Property Tax Division requesting the amount of the total RCVM generated value for all properties. (See attached letter)

The meeting was adjourned. The next scheduled meeting is February 18, 2005.







## FAYETTE COUNTY COMMISSION

FAYETTEVILLE, WV 25840-0307

TELEPHONE (304) 574-4290

FAX (304) 574-4255

JOHN H. LOPEZ  
SMITHERS, WV  
COMMISSIONER

MATTHEW D. WENDER  
OAK HILL, WV  
PRESIDENT

KENNETH L. ESKEW  
FAYETTEVILLE, WV  
COMMISSIONER

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

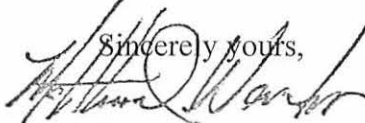
February 15, 2005

Mr. Wade Thompson, Acting Director  
Property Tax Division  
Department of Revenue  
P. O. Box 2389  
Charleston, West Virginia 25328

Dear Mr. Thompson:

This letter is in reference to your letter of response dated 02/11/05, regarding additional information requested in my correspondence to you dated 01/31/04. You indicated that you were not sure of what information we were requesting in item number 1. We are requesting the amount of the total RCVM generated value for all properties (the aggregate value derived from application of formula 6 in §110-CSR-11) that is regressed against the unit value (the value derived from application of formula 7 in §110-CSR-11) minus aggregate active value to estimate the appraised value of coal reserves in the State. We will need this information for tax years 2001 through 2005 inclusive.

Should you have questions regarding this request, please advise. As we will need this information as soon as possible, your efforts to expedite our request would be most appreciated.

Sincerely yours,  


Matthew D. Wender  
President

cc: Eddie Young, Assessor  
Paul Blake, Prosecuting Attorney



## FAYETTE COUNTY COMMISSION

FAYETTEVILLE, WV 25840-0307

TELEPHONE (304) 574-4290

FAX (304) 574-4255

JOHN H. LOPEZ  
SMITHERS, WV  
COMMISSIONER

MATTHEW D. WENDER  
OAK HILL, WV  
PRESIDENT

KENNETH L. ESKEW  
FAYETTEVILLE, WV  
COMMISSIONER

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

February 14, 2005

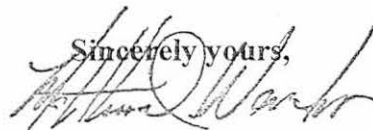
Wade Thompson, Acting Director  
Property Tax Division  
Department of Revenue  
Post Office Box 2389  
Charleston, West Virginia 25324

Dear Mr. Thompson:

In reviewing the tax year 2005 values for reserve coal properties in Fayette County, it has come to our attention that your office performed overrides on approximately 365 coal reserve properties (See attached NR113PTD report).

Our concern is three-fold: First, the overrides were performed without the knowledge of either the assessor or this body. Second, most of the overrides were dated before the recalculation that your office performed; notifying the County by letter dated January 25, 2005. If the recalculation was necessary, it would seem then that the overrides would no longer be appropriate. Third, most of the overrides simply replaced the original 2005 RCVM value with the 2004 RCVM value. Why do this on 650 parcels and not on all parcels?

As this information is needed for the tax year 2005 Board of Equalization and Review hearing for minerals scheduled this Friday, February 18<sup>th</sup>, your written response to this request as soon as possible is required. Should you have questions regarding this matter, please advise.

Sincerely yours,  


Matthew D. Wender, President  
Fayette County Commission

cc: Eddie Young, Assessor  
Scot Burgess  
Jerry Knight, Director WV Tax Dept.

FAYETTE COUNTY COMMISSION AND  
BOARD OF EQUALIZATION AND REVIEW  
SPECIAL SESSION  
FEBRUARY 18, 2005  
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a special session on this 18<sup>th</sup> day of February 2005.

Commissioner Wender called the meeting to order at 9:18 a.m.

Commissioner Lopez offered a motion to approve invoices and vouchers, checks to be released today. Commissioner Eskew seconded.

Commissioner Lopez offered a motion to approve \$5,000 for Joni Bible to work part-time until July 1 to assist the Fayette County Solid Waste Authority with the mandatory garbage project.

Commissioner Eskew seconded. Unanimous.

Commissioner Lopez offered a motion that the Special Levy Election held February 5, 2005 be approved. Commissioner Eskew seconded. All approved. Orders signed.

The Commissioners signed a letter to the State Auditor's Office and the Secretary of State enclosing Board of Canvasses' certificates of the results of the Special Excess Levy Election held in Fayette County on the 5<sup>th</sup> day of February 2005.

The Commissioners recessed the County Commission meeting at 9:25 a.m.

The Commissioners reconvened as the Board of Equalization and Review at 9:25 a.m.

Attorney James Blankenship, Rick Persinger, Bill Keeney and

Charles Barlow with the State Tax Department was sworn in.

Attorney Blankenship appeared before the Commission to review application for review of property assessment for Alabama Properties and the Nuttall, LLC. The group adjourned to discuss matters with the State Tax Department.

The Commission recessed the Board of Equalization and Review at 9:30 a.m. The Commission reconvened the County Commission meeting at 9:30 a.m.

Commissioner Eskew offered a motion to approve 33 hours of overtime for Jackie Hickman and 42 hours of overtime for Debbie Bragg. Commissioner Lopez seconded.

The Commissioners received and reviewed a letter from Carl Harris, Assistant Prosecuting Attorney informing he has reviewed the draft of the Memorandum of Understanding between the Fayette County Commission and the Page-Kincaid Public Service District and of the opinion it appears to be appropriate.

Commissioner Lopez offered a motion to go into Executive Session to discuss personnel matter. Commissioner Eskew seconded. Unanimous.

Commissioner Lopez offered a motion to go out of Executive Session and reconvene the Board of Equalization and Review. Commissioner Eskew seconded. Unanimous.

Chuck Barlow appeared before the Commission to give their decision on the Nuttall, LLC property.

Mr. Barlow told the Commissioners of 4 (four) parcels: Map/Parcel 01-50-0038 no change for the Revised Appraised Value, Map/Parcel 01-80-0113 no change for the Revised Value, Map/Parcel 01-9999-0603-1698

reduce mineable from 2520.28 acres to 1138 acres, Revised Appraised Value \$419,474 and Map/Parcel 01-9999-0603-1714 reduce mineable from 633.58 acres to 558.9 acres, Revised appraised \$145,644.

Commissioner Lopez offered a motion to take under advisement, will make decision by February 25. Commissioner Eskew seconded. Unanimous.

Alabama Properties-Mr. Barlow presented to the Commissioners 3 parcels to be considered: Map/Parcel 01-42-0071 mineable drill hole from 1923 acres to 112.19 acres minerals and managed timber-Revised Appraised Value-\$77,882, Map/Parcel 01-42-0072 revised orientation runs E-W not N-S mined out reduced value managed timber and mineral Revised Appraised Value \$4,075, Map/Parcel 01-42-0073 new drill hole reduce mineable acres from 633.94 acres to 433.94 managed timber and mineral, Revised Appraised Value \$221,395.

Commissioner Lopez offered a motion to take under advisement, will make decision by February 25. Commissioner Eskew seconded. Unanimous.

Mr. Young told the Commissioner that he found a couple of errors in Alabama Properties Lot 69 Ames Heights picked up as 69 acres will make corrections, clerical error and Nuttall LLC had one parcel that didn't exist he will make correction.

Thomas R. Troitino appeared before the Commission to review application for property assessment. Mr. Troitino was sworn in.

Mr. Troitino and the State Tax Department will recess to discuss. The Board of Equalization and Review was recessed at 11:15 a.m. The Commissioners reconvened the Board of Equalization and Review

at 11:18 a.m.

Lynch Christian representative for Imperial Colliery appeared before the Commission to review his property assessment. Mr. Christian was sworn.

Mr. Christian told the Commissioners that this is surface only not mineral he is here to discuss the size of the increase. Mr. Christian told the Commissioners this was an 80% increase.

Mr. Young told the Commissioners that the goal is to increase the woodland. Mr. Young told the Commissioners that there are 6 homes on the property but acreage includes 4 homes and a mine site on property 20 acres valued at a higher rate. Mine sites and home site above \$25,250 the remaining 12, 816.73 acres at 227.25 acres.

Mr. Barlow informed the Commissioners the woodland values are too low.

Mr. Young informed the Commissioners he has corrected all acreage over 10 acres.

Mr. Christian told the Commissioners his argument is not with the acreage but with the appraisal, \$20,000 value grossly exaggerated.

Commissioner Wender suggested taking out the 225 acreage.

Commissioner Eskew offered a motion to take balance of 20 acres under advisement will consider by February 25. Commissioner Lopez seconded. Unanimous.

The Commissioner recessed the Board of Equalization and Review at 11:30 a.m. and reconvened the Board of Equalization and Review at 11:50 a.m.

Charles Treadway appeared before the Commission to question what

formula the State Tax Department uses for oil and gas values.

Mr. Treadway withdrew his petition at 12:05 p.m.

Thomas R. Troitino has reviewed his evidence with the State Tax Department.

Mr. Barlow told the Commissioners that 44.9 acres no coal, 9 owners 100% appraised at \$45 should have mineral assessed value, 230.80 acres unmineable 100% interest appraised value \$1,154; 800 acres totaled mined out unmineable, total \$54% appraised \$2,496.

Mr. Barlow recommending taking mined values off does not think parcel exist.

Mr. Barlow informed the Commissioners that Map/Parcel 127-47 22 acres appraised value none, Map/Parcel 01-9999-0605-6803-24 acres none and 01-127-0047 none, War Ridge 1634.11 no change.

Mr. Young recommended leaving the same \$225 per acre.

Commissioner Lopez offered a motion to take under advisement will render a decision between now and February 25. Commissioner Eskew seconded.

Bill Kenney representative for W. R. Johnson Coal was sworn in.

The Commission recessed the Board of Equalization and Review at 12:10 p.m.

The Commission reconvened the Board of Equalization and Review at 1:22 p.m.

Mr. Keeney informed the Commissioners he was satisfied with assessment reviewed by the State Tax Department for W. R. Johnson Coal Company and withdraws application.

Mr. Keeney informed the Commissioners he was satisfied with

assessment reviewed by the State Tax department for Midvale Colliery and withdraws application.

Ron Elliot, Don Cunningham and Roger Harless with Berwind Land Company appeared before the Commission to present their application for review of property assessment. Everyone was sworn in.

The Commissioners recessed the Board of Equalization and Review hearings and reconvened as the County Commission meeting at 1:23 p.m.

Ms. Holly read a letter from the Fayette County Solid Waste Authority informing that the members would like to recommend Joseph D. Carelli to fill the position of Litter Control Officer.

Commissioner Eskew offered a motion to accept the recommendation of the Fayette County Solid Waste Authority to appoint Joseph D. Carelli to fill the position of the Litter Control Officer effective April 1, 2005. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed an e-mail from the Fayette County Animal Control requesting that Mark Campbell continue assisting by picking up stray animals and answering 911 calls until another Dog Warden can be hired.

Ms. Holly informed the Commissioners she sent a copy of the e-mail to Earl Pauley, Park Superintendent. Ms. Holly told the Commissioners that the Sheriff is working on the job description.

Commissioner Wender asked to hold off on the HAM Radio until February 25, 2005.

The Commissioners recessed the County Commission meeting at 1:40 p.m. and reconvened the Board of Equalization and Review.

The Commissioners discussed the Board of Equalization and Review



hearings held on February 9, 2005.

Commissioner Lopez offered a motion that the George Collins etal property assessment in question will not be changed. Commissioner Eskew seconded. Unanimous. A letter signed.

Commissioner Eskew offered a motion that Dale and Janet Jones property assessment in question will not be changed. Commissioner Eskew seconded. Unanimous. A letter signed.

The Commissioners recessed the Board of Equalization and Review at 1:45 p.m. The Board of Equalization and Review reconvened at 1:50 p.m.

Chuck Barlow and Ron Elliott appeared before the Commission, Mr. Elliot informed the Commission he was satisfied with assessment reviewed by the State Tax Department for the Berwind Land Company and asked that his application be withdrawn.

Commissioner Wender adjourned the Board of Equalization and Review at 1:52 p.m..

The Commission reconvened the County Commission meeting at 1:54 p.m.

The National Park Service appeared before the Commission to give the Commissioners information on the proposed development at the New River Gorge.

Calvin Hite presented a series of maps to the Commission and a 3D visual analysis of the area.

Mr. Hite told the Commissioners that they would not be able to see the development from the river.

The National Park Service presented informal information and maps

regarding the project.

Commissioner Wender informed seems like there's a lot of things to be addressed. The County Commission might have to step back and look at the issues and regroup.

Commissioner Lopez asked Scott Barfield did he have any concerns. Mr. Barfield replied he will study.

Gene Kistler a member of the Fayette County Planning and Zoning commission asked when the next County Commission meeting. The Commissioners replied February 25, 2005.

The Commissioners received and reviewed correspondences from the citizens opposing the New River Gorge proposal.

The Commissioners received and reviewed the report of the Community Impact of the Horizon Natural Resources Bankruptcy and the Subsequent Purchase of the Mining Operation by the Massey Energy Company.

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

The Commissioners received and reviewed letters from SunTrust Bank informing of the securities pledged that has been released as of February 9, 2005.

The Commissioners received and reviewed a letter from SunTrust Bank informing of the securities pledged as of January 31, 2005.

The Commissioners received and reviewed a lawsuit from Schumaker, Francis, and Nelson regarding lawsuit (Braxton v. FCC Civil Action #5:04-0894).

The Commissioners received and reviewed a letter from the



**PROSECUTING ATTORNEY  
FAYETTE COUNTY**

108 EAST MAPLE AVENUE  
FAYETTEVILLE, WEST VIRGINIA 25840

**PAUL M. BLAKE, JR.**  
PROSECUTING ATTORNEY

February 15, 2005

Telephone (304) 574-4230  
Facsimile (304) 574-0228

The Honorable Matthew D. Wender, President  
Fayette County Commission  
P. O. Box 307  
Fayetteville, WV 25840

Re: Audit of Financial Statements  
Fayette County Commission  
as of June 30, 2004

Dear President Wender:

I received on February 14, 2005, your letter dated February 9, 2005, requesting certain statements and opinions from this office regarding the legal representation and consultation by this office to the Fayette County Commission for the year ending June 30, 2004.

As of June 30, 2004, there was pending, and is still pending, one civil action involving the Fayette County Commission and various employees and officeholders:

01-C-113(V) Civil Action

Gary Skaggs v. County Commission of Fayette County, et al

Family of murder victim suing for negligence alleging a deputy sheriff failed to protect Jonathan Skaggs from harm. The deputy took the intoxicated victim to a private residence at the direction of the victim, who was later found deceased.

Liability of the County is very questionable at this point.

The matter is being defended by the insurance carrier.

I can also advise that subsequent to June 30, 2004, to-wit: August 11, 2004, the following civil action involving the Fayette County Commission and various employees and officeholders was filed:

04-C-293(H) Civil Action

Charles Canterbury v. William R. Laird, IV, et al

Action for false arrest and damages against the Sheriff, Commission, Deputies and Prosecuting Attorney arising out of Canterbury's arrest and indictment for numerous misdemeanor violations.

The Honorable Matthew D. Wender  
February 15, 2005  
Page Two

Re: Audit of Financial Statements  
Fayette County Commission  
as of June 30, 2004

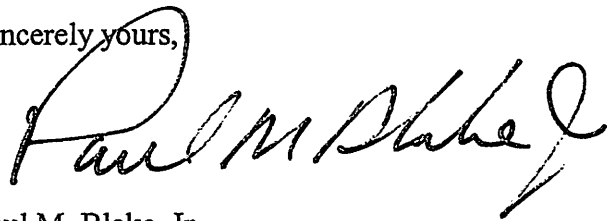
I can further advise that as of June 30, 2004, I know of no other unasserted possible claims or assessments which would affect financial statements of the county. I further know of no probable unasserted claims pending as of that date or since that date up to and including the date of this letter.

Also, this letter will confirm to you and your auditors that your understanding of our professional conclusions formed in regard to asserted or unasserted matters which would affect the County's financial stability and accounting practices is correct. As we have done in the past, we will advise you and consult with you concerning any questions of disclosure and applicable requirements of the Statement of Financial Accounting Standards No. 5.

Regarding the matter of compensation for our services, this is to advise that the Fayette County Commission has adequately funded the operation of this office, and as such has allowed us to perform legal services to the Fayette County Commission in the past, and I certainly hope that that situation will continue in the future.

I hope this response is adequate for your purposes and the purposes of your auditors, and if anything further is needed, please advise.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Paul M. Blake, Jr.", with a stylized flourish at the end.

Paul M. Blake, Jr.

dr

02-18-05

Journal  
1/29

National Park Service  
Planning Meeting ~~Meeting~~  
on Land Resources Company

CENE KISTNER

LORRIE SPRAGUE

Andrew Steel

Calvin

Calvin Hte

Debbie Darden

Grant Dragan

Philip Cassis

Scott Stetfield

John Lund

Tom Wagner

Prosecuting Attorney Office informing of the pending litigations for the year ending June 30, 2004. (See attached)

The Commissioners received and reviewed a letter from the Good News Outreach, Inc. requesting that the Commission set aside an amount in their budget that will be a source of income.

The Commissioners received and reviewed a letter from the Secretary of State regarding the canvass regulations.

The Commissioners received and reviewed from the Fayette County Animal Control Center/C-PAC the Weekly Fees for the week of February 4, 2005 to February 10, 2005, amount \$250.00.

The Commissioners received and reviewed the 911 Status Report for the month of January from the 911 Center.

The Commissioners received and reviewed a letter from the West Virginia Institute of Technology EDA University Center informing they assisted in funding a proposal to develop a pre-engineering study to procure construction funding to alleviate the storm water problem suffered in Adena Village and as a follow-up to that funding, they are conducting a survey to determine client satisfaction.

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

The Commissioners received and reviewed a Return to Work Recommendation from Linda Casey, secretary in the WVU Extension Office.

The Commissioners received and reviewed copies of letters from Sheriff William Laird informing that Deputy Sheriff Garland Burke has elected to no longer receive total temporary disability benefits

awarded to him through the Workers' Compensation and that Deputy Sheriff Glen Chapman has successfully completed his one year period as a probationary employer with the Fayette County Sheriff's Department effective February 15, 2005. Sheriff Laird is requesting that an adjustment be made to his current salary to reflect a \$100.00 per month increase in pay.

The Commissioners received and reviewed request from Dave Pollard, County Resource Coordinator for 24 hours annual leave and 8 hours comp time from February 22, 2005 to February 25, 2005.

The Commissioners received and reviewed an e-mail Ms. Holly sent to Vivian Parsons, County Commissioners' Association of WV regarding Regional Jail expenses history for a 6-year summary.

The Commissioners received and reviewed an e-mail from Commissioner Wender informing of the new WVU Tech president.

The Commissioners received and reviewed an e-mail from Commissioner Wender asking if a time had been set with Judge John Hatcher to discuss the Community Correction Facility.

The Commissioners received and reviewed an e-mail from Commissioner Wender to the Fayette County Animal Control Center/C-PAC asking if Earl Pauley, Park Superintendent gotten any gravel on the road at the shelter.

The Commissioners received and reviewed and e-mail from the State Treasurer's Office informing that a payment of \$7,825.26 from the Environmental Protection Agency had been deposit to the Fayette County Commission account.

The Commissioners received and reviewed an e-mail from Danni

Nichols regarding the Dog Warden's applications.

The Commissioners received and reviewed an e-mail from the Fayette County park informing that Earl Pauley, Park Superintendent has been hospitalized.

The meeting was adjourned at 3:15 p.m. The next scheduled meeting is February 25, 2005.



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FAYETTE COUNTY COMMISSION AND  
BOARD OF EQUALIZATION AND REVIEW  
REGULAR SESSION  
FEBRUARY 25, 2005  
COURTHOUSE

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

The Fayette County Commission met in a regular session on this 25<sup>th</sup> day of February 2005.

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

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

The Commissioners approved and signed exonerations as submitted by the Assessor's Office.

Commissioner Lopez offered a motion to approve mineral values as assessed in the current year. Commissioner Eskew seconded. Unanimous.

Ms. Holly informed the Commissioners that Sheriff Bill Laird sent over a job description for the Dog Warden position.

The Commissioners reviewed, Commissioner Wender asked that the Sheriff include salary in the job description.

Commissioner Eskew offered a motion to advertise for the Dog Warden position. Commissioner Wender seconded. Unanimous.

The Commissioners received and reviewed check for 911 Fees from IDT Corporation, amount \$80.00, Granite Telecommunications, LLC, amount \$102.00, AT&T Communications of WV, amount \$1,374.00, Operations Account, amount \$2,995.36, Business Telecon, amount

\$3.92, Metro Teleconnect Co., amount \$17.64, Citynet Holding, LLC, amount \$7.76, VarTec, amount \$3.88; and a reimbursement check for TRIDENT overtime, amount \$918.00; reimbursement check for DUI overtime, amount \$874.80, reimbursement and miscellaneous check from Magistrate Court, amount \$1,722.00; Alarm Fees, amount \$678.50; Jail Fees, City of Oak Hill, amount \$679.00; donation for Sheriff's Dept, tactical Team from the Board of Education, amount \$2,000.00; WV Development Office-Paint Creek/Plum Orchard Extension Grant, amount \$53,395.69; Franchise Fee, Charter Communication, amount \$1,652.61; WV Housing Development fund, amount \$6,067.11, and a refund check from Charter Communications, amount \$16.92.

The Commissioners received and reviewed a fax from the Secretary of State regarding the special election being held June 25, 2005.

The Commissioners received and reviewed a fax from the State Treasurer's Office informing that the February Limited Video Lottery proceeds will be directly deposit on February 28, 2005.

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

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

The Commissioners received and reviewed a letter from the National Park Services thanking the Commission for giving them the opportunity to comment on the effect of the proposed Fayette County

Urban Renewal Authority Wolf Creek Park Project on New River Gorge National River.

The Commissioners received and reviewed a letter from Sheriff Bill Laird a request for a Grant reimbursement payment for the Fiscal Year 2004 Homeland Security Grant Program-Law Enforcement Terrorism Prevention, amount \$32,356.25.

The Commissioners received and reviewed a copy of a letter to Corporal R. C. Godsey from Sheriff Bill Laird informing that at the request of the Fayette County Commission he has been asked to prepare a grant application to the Court Security Fund for the security cameras upgrades to the Family Law Court.

The Commissioners received and reviewed Weekly Fees Collected from the Fayette County Animal Control Center/C-PAC for the week of February 11 to February 17, 2005, amount \$258.00

Commissioner Wender received a letter from Delegate David Perry informing he has placed his name on the mailing list with the West Virginia Legislative Service office to receive the weekly Legislative Newsletter.

The Commissioners received and reviewed a letter from the Regional Response Program informing they reviewed the line item changes for the Fiscal Year 2004 Homeland Security Law Enforcement Grant and are pleased to let the Commission know that these changes have been approved.

The Commissioners received and reviewed from Region 4 Planning and Development Council Water Bacteriological Reports conducted by

the Fayette County Health Department for residents along Shawwver Bridge Road-New Haven Public Service District, Phase 3A Water project.

The Commissioners received and reviewed a letter from James W. Spears informing the Commission of his appointment as Cabinet Secretary for the Department of Military Affairs and Public Safety. Copies forwarded to Virgil Berry, Sheriff Bill Laird, and Steve Cruikshank, OES Director.

The Commissioners received and reviewed from Brown Chevrolet-Pontiac-Oldsmobile-Buick Company a recall notice.

The Commissioners received and reviewed several thank-you letters regarding zoning lands adjacent to the New River Gorge National River.

The Commissioners received and reviewed a fax from the County Commissioners Association of West Virginia regarding County Regional Jail costs.

The Commissioners received and reviewed a letter from the West Virginia Campus Compact informing that the West Virginia Institute for Public Affairs is offering an exciting opportunity to help students develop their leadership skills and worldview, for the first time, the Institute is offering The New Leaders Program in addition to its regularly scheduled Local Government Leadership Academy to be held on April 9-10 in Morgantown.

The Commissioners received and reviewed a remittance by the Assessor's office to the State Treasurer's office for the month of January 2005, amount \$76.00.

The Commissioners received and reviewed from the 911 Center the 911 Status Report for the month of January 2005.

The Commissioners received and reviewed from the Department of Health and Human Services a Certificate of Recognition for dedication to creating a Donation Friendly America as a Workplace Partner for Life.

The Commissioners received and reviewed a letter from Mountain Transit Authority informing that their next meeting of the Board of Directors is Wednesday, March 23, 2005 at 7:00 p.m.

The Commissioners received and reviewed from the U. S. District Court for the Southern District of West Virginia a lawsuit from James N. Braxton v. Garland Burke, Fayette county Commission.

The Commissioners received and reviewed minutes from the FYI Center for the month of February 2005.

The Commissioners received and reviewed an e-mail from Every Child Matters informing that President's Budget shorts nations children.

The Commissioners received and reviewed an e-mail from Commissioner Wender to Carl Thompson regarding the West Virginia Farmland Protection.

The Commissioners signed invoices to the Fayette County Board of Education for the rental of the Fayette County Soldiers and

Sailors Memorial Building for the months of January, February and March, amount \$15,000.00.

Commissioner Eskew offered a motion to approve 62½ hours overtime for James Perdue, Maintenance Supervisor. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a proposal from REI Consultants to perform mold sampling on the ground floor of the Fayette County Courthouse Annex Building and to inspect the ground floor for general water damage as sustained by a recent water leak, amount \$1,330.00.

Commissioner Eskew offered a motion to approve the proposal submitted by REI Consultants, amount \$1,330.00. Commissioner Lopez seconded. Unanimous.

Attorney James Blankenship, Betty Blume, Co-Committee of Evelyn K. Bess an incompetent person appeared before the Commission to present a Petition requesting that her Final Settlement of the finances of Evelyn K. Bess be approved, that Ms. Blume and her surety be discharged and that Margaret Morris be permitted to continue as Committee of her daughter, Evelyn K. Bess an incompetent person.

Commissioner Eskew offered a motion to approve Final Settlement of the Finances of Betty M. Blume, Co-Committee for Evelyn K. Bess an incompetent person, that Ms. Blume and her surety, Old Republic Surety Company is released from the bond posted in the amount of \$108,000.00 and that Margaret Morris shall remain as Committee for

her daughter, Evelyn K. Bess, an incompetent person to oversee her personal care and no bond shall be required by Ms. Morris.

Commissioner Lopez seconded. Unanimous. The Commissioner signed the Final Settlement and Order.

Attorney James Blankenship appeared before the Commission to present the Report of Claims in the Estate of Elizabeth Ann Hewlett dated January 19, 2005, the exception thereto by Terry Withrow, Executrix, and the Amended report of claims of said Fiduciary Commissioner, no exception having been filed to said Amended Report. Carl Harris, Assistant Prosecuting Attorney reviewed the documents and he concurs with Attorney Blankenship.

Commissioner Lopez offered a motion upon consideration of the Amended Report, there being no exceptions thereon, finds that no hearing thereon is required nor is the receipt of any new evidence required, therefore it is Order and Judgement of the Commission that the Amended Report of the Fiduciary Commission filed herein should be, and the same is hereby confirmed. Commissioner Eskew seconded. Unanimous. Order signed.

Attorney James Blankenship appeared before the Commission to present his Report of Claims in the Estate of Ruth Pietkoski dated January 12, 2005, and the exception to said Report of Claims submitted by Cynthia L. McTeer, Administratrix, dated January 17, 2005. Upon consideration of said Report and the exceptions fled, the Commission finds that the claim of Cynthia L. McTeer for reimbursement of funeral and burial expenses should be denied for

the reason the claim was submitted after the time for filing claims had expired, that no hearing is necessary upon said exceptions, the Commission can make its order without receiving further evidence.

Carl Harris, Assistant Prosecuting Attorney reviewed and concur that the Commission should deny the claim since it was submitted after the time for filing claims had expired.

Commissioner Eskew offered a motion to deny Cynthia L. McTeer claim for the reason that the claim was submitted after the time for filing claims had expired. Commissioner Lopez seconded. Unanimous. The Commissioners signed Order.

Commissioner Lopez offered a motion to adjourn at 9:50 a.m. and to into Executive Session. Commissioner Eskew seconded. Unanimous.

Commissioner Lopez offered a motion to reconvene the County Commission meeting. Commissioner Eskew seconded.

Commissioner Wender called the Zoning portion of the meeting to order.

Tim Richardson, Zoning Officer presented a list of members of the public wishing to speak. Also, present was Gary Harding Member of the Fayette County Planning Commission.

Commissioner Wender swore in al members of the public wishing to speak in regard to this request.

Mr. Richardson informed the Commissioners that he received a letter from Case Z-500-05-1 withdrawing his request before the Fayette County Planing Commission meeting held Tuesday, February 22, 2005 at 11:00 a.m.



Mr. Richardson presented the next case for disposition, Case #Z-499-05-1: Request of William Thomas Louisos II, owner, for a change in land classification from R-R (Rural Residence District) to B-4 (Business Major District) on Surf. 53.913 acre pt. Davis Lands Wolf Creek, located off of Route 19 and Hinkle road, New Haven District.

Mr. Richardson informed the Commissioners that the Planning Commission recommendation was to deny this request by a vote of 7-2-1.

Commissioner Wender stated that he was an owner of the adjoining property, and wants to make it clear that he would not be voting on this case because of an interest in the adjoining property.

Mary Parsons and Joy Parsons spoke in opposition of the request.

Commissioner Wender asked Mr. Richardson what was the reason the Planning Commission denied this request.

Mr. Richardson read the section to B-4 and read the comments from the minutes of the Planning Commission meeting held Tuesday, February 22, 2005.

Commissioner Lopez offered a motion to accept the recommendation of the Fayette County Planning Commission to deny the request. Commissioner Eskew seconded. Vote passed 2-0. Commissioner Wender abstained. (See attached minutes)

The Commissioners asked to table the Fayette County Personnel Policy to the next County Commission meeting.

Sheriff Laird submitted his Quarterly Reports for the Homeland Security EOC Grant.

The Commissioners signed letters to Neal Sharp, Regional Response Team giving Quarterly Report for the Homeland Security EOC Grant (10-01-04 to 12-31-04), Citizen Corp. grant Neighborhood watch/CERT-reporting period ending 12-31-4-04 and Law Enforcement Terrorism prevention Program-reporting period ending 12-31-04.

Discussion was held regarding the Fayette County Memorial Building

Commissioner Wender informed that he had not been properly introduced to the new manager of the Fayette County Memorial Building.

Okey Skidmore and Allen Ballard was present.

Allen Ballard told the Commissioners that there are two vacancies on the Soldiers and Sailors Memorial Building Committee.

Mr. Ballard informed the Commissioners they need to replace Bard Carelli and John Witt.

Commissioner Wender suggested to the Commissioners to come up with some names.

Mr. Skidmore told the Commissioners that the roof is still leaking, but some areas have been fixed by Tri-State Roofing Steel Company.

Commissioner Lopez suggested turning this in on the insurance.

Commissioner Wender asked Mr. Skidmore to get bids for the repairs.

Commissioner Wender asked Mr. Skidmore to present to the Commission some kind of plans for the Memorial Building for the budget session.

The Commissioners opened bids for the Hand Radios for the Sheriff Department. Sheriff Bill Laird was present.

Sheriff Laird told the Commissioners he only received one bid and it was from Motorola.

Sheriff Laird told the Commissioners that the bid did meet the specifications and recommended to the Commissioners to accept the Motorola bid.

Commissioner Lopez offered a motion to accept the Motorola as recommended by Sheriff Laird for the hand held radios in the amount of \$29,929.00. Commissioner Eskew seconded. Unanimous.

Attorney James Blankenship presented an order to the Commissioner withdrawing the motion for the removal of the Executrix, motion for appointment of curator, and motion for appointment of Fiduciary Commissioner in the Estate of Margaretta Cline.

Kelvin E. Holliday, County Clerk and Lee Estep with the Genealogical Society appeared before the Commission to request a larger place accessible to search genealogical records.

Mr. Holliday suggested a space in the Jail Museum, Mr. Holliday told the Commissioners this would be a very accessible place.

The Commissioners asked Mr. Holliday if he had spoke with the Jail Museum Committee. Mr. Holliday replied no.

The Commissioners told Mr. Holliday he would have to get with the Jail Museum Committee to discuss this matter.

Commissioner Wender suggested lunch with Mr. Holliday, Mr. Estep, Dan Snead, Judy Gunsaulis and members of the Jail Museum Committee on March 4 at Cowboys at 12:00 p.m. to discuss this matter.

Commissioner Wender suggested to follow through with Dan Snead regarding the Circuit Clerk's office plans.

David Neal, E911 Coordinator presented a letter to the Commissioners regarding the Mapping and Addressing Project.

Commissioner Wender asked Mr. Neal to write a draft letter for the Fayette County Commission to send to the municipalities.

Alice King, Region 4 Planning and Development Council appeared before the Commission to conduct a public hearing for the Small Cities Block Grant.

Chris Rader with Boys Scout appeared before the Commission to request that the Commission make a donation of \$1,000 to the boys scouting program.

Mr. Rader gave a summary of everything that's going on in the Boy's Scout

Commissioner Wender told Mr. Rader the Commission would be going into budget sessions in March and they would consider his request during this time.

Chris Dyer, Housing Consultant with the Fayette County Economic Housing Opportunity Council appeared before the Commissioners to give them an update.

Mr. Dyer told the Commissioners that Multi-Cap ongoing on the same issues no change.

Mr. Dyer compiled a list of projects for funding home repair's annual amount \$30,000.00.

Commissioner Wender asked Mr. Dyer when will he know he will have these fundings? Mr. Dyer replied until March.

Commissioner Wender asked Mr. Dyer if he would be asking the Commission for money for this Fiscal Year budget. Mr. Dyer replied yes.

Commissioner Wender asked Mr. Dyer to give a brief financial statement to the Commission.

The Commission adjourned for lunch at 12:30 p.m.

The Commission reconvened the County Commission meeting at 1:25 p.m.

The Commissioners recessed the County Commission.

Commissioner Wender called the Board of Equalization and Review to order at 1:40 p.m.

Ms. Holly told the Commissioners no new matters and no one in attendance. Also, present was Eddie Young, Assessor.

Commissioner Wender informed the Commissioners they have several matters to take care of from last weeks Board of Equalization and Review Board.

The Commissioners asked Mr. Young to present the decision of the State Tax Department.

Ms. Holly presented the recommendation of the State Tax Department for the mineral hearings to the Commissioners.

The Commissioners asked Mr. Young to present each case.

Mr. Young presented the Nuttall, LLC case. Mr. Young told the Commissioners that the recommendation of the State of West Virginia Department of Tax and Revenue-Map/Parcel 01-50-0038, Revised Appraised Value no change, Map/Parcel 01-80-0113, Revised Appraised Value No change, Map/Parcel 01-9999-0603-1714, Revised Appraised Value \$145,644, Map/Parcel 01-9999-0603-1698, Revised Appraised Value \$419,474

Mr. Young told the Commissioner he accept the recommendation of the State Tax Department.

Commissioner Lopez offered a motion to accept the recommendation of the State Tax Department and the assessed value change of the valuations for the Nuttall, LLC properties. Commissioner Eskew seconded. Unanimous.

Alabama Properties Inc. Mr. Young told the Commissioners that the recommendation of the State of West Virginia Department of Tax and Revenue-Map/Parcel 01-42-0073, Revised Appraised Value \$221,395, Map/Parcel 01-42-0072, Revised Appraised Value \$4,075, Map/Parcel 02-42-0071, Revised Appraised Value \$77,882.

Mr. Young told the Commissioners he accept the recommendation of the State Tax Department.

Commissioner Eskew offered a motion to accept the recommendation of the State Tax Department and the assessed value change of the valuations for the Alabama Properties. Commissioner Lopez seconded. Unanimous.

Imperial Colliery. Inc.- Mr. Young told the Commissioners that the recommendation of the State of West Virginia Department of Tax and Revenue-Map/Parcel 03-17-0002.0000, Revised Appraised Value \$4,698.830.

Mr. Young told the Commissioners he accept the recommendation of the State Tax Department.

Commissioner Lopez offered a motion to accept the recommendation of the State Tax Department assessed value change of the valuations for Imperial Colliery.

Commissioners Lopez offered a motion to accept the recommendation of the State Tax Department and the assessed value Change of the valuation for the Imperial Colliery. Commissioners Esskew seconded. Unanimous.

Thomas R. Triotina-Mr. Young told the Commissioners that the recommendation of the State of West Virginia Department of tax and Revenue-(See attachment).

Mr. Young told the commissioners he accept the recommendation of the State tax Department.

Commissioner Eskew offered a motion to accept the recommendation of the Assessor's Office assessed value change of the valuations for Thomas Triotina. Commissioner Lopez seconded.

Ms. Holly presented an Order stating that the Commission has examined all the correction to the Commissioners. Order signed.

Commissioner Wender stated the Board of Equalization and Review was adjourned at 1:55 p.m. Commissioner Wender informed the Board of Equalization and Review convened January 31, to February 27, 2005 to review applications for property assessment.

Commissioner Wender informed there where no other matters regarding the board of Equalization and Review.

Commissioner Lopez offered a motion to adjourn as the Board of Equalization and Review at 1:55 p.m. Commissioner Eskew seconded. All approved.

Ms. Holly told the Commissioners that according to West Virginia Code 7-19 a special revenue fund has to be created for the Veterans Memorial Plaques or proceeds from investment of funds be deposited.

Commissioner Eskew offered a motion that the Commission create a special revenue fund entitled Fayette County Commission Soldiers and Sailors Memorial Fund and that only those funds collect from certain dedicated fees for Veterans Memorial Plaques or proceeds from investment of funds be deposited in said funds. Commissioners Lopez seconded. All approved.

Commissioner Eskew informed the Commissioners he received a letter from Arnold Whitlow informing that Plateau Amateur Radio did not renew the lease at the Gauley Fire Tower. Mr. Whitlow wants to know if the Commission could assist.



Commissioner Lopez offered a motion to approve to combine and divided and segregate land for Tracy W. and Wanda J. Adkins as submitted by the Assessor's Office. Commissioner Lopez seconded. Unanimous.

Ms. Holly informed the Commissioners she received two Agreements from the Division of Highways and they did agree to add the Commission funding issues and asked that the letter of commitment be called Attached A-1 to the Agreement.

The Commissioners received and reviewed a letter from Eddie Young, Assessor a letter requesting to transfer \$6,000 from the PVC Budget Account #056-699-9.000.00, Reserve for Contingency to the PVC Budget, Account #056-977-4-459.00, reserve for Capital Outlay to pay the entire cost for the Prosecuting Attorney's Office copier.

Kelvin Holliday, County Clerk informed the Commissioners that Raleigh County is offering him their punch card equipment.

Commissioner Wender suggested to Mr. Holliday to get with James Perdue, Maintenance Supervisor and make arrangements to receive.

The Commissioner asked Mr. Holliday to write a thank-you letter to Raleigh County and Mr. Perdue make the arrangements with Debbie Sizemore.

The Commissioners signed a letter to Kanahwa Gauley Coal and coke Company regarding a proposal for consideration regarding the Kanawha Gauley Coal and Coke Company-Longacre Properties.

Commissioner Lopez asked Ms. Holly to make Dave Pollard aware of the February 28, 2005 meeting being held regarding the Lonacre Site.

Commissioner Wender asked Ms. Berry to call and schedule Arnold Whitlow to the March 4, 2005 County Commission meeting to discuss the Gauley Fire tower. Commissioner Lopez asked her to call David Neal, E911 Coordinator to attend.

The Commissioners received and reviewed a letter from Earl Pauley, Park Superintendent requesting a Postage Meter for the Fayette County Park office.

The Commissioners denied Mr. Pauley's request and asked Ms. Holly to inform Mr. Pauley he can use the postage machine at the Courthouse.

The Commissioners set March 4, March 10, and March 18, 2005 for Budget Work Sessions. Budget has to be completed by March 25, 2005. The deadline for the Budge to mail to the Sate is March 28, 2005.

Ms. Holly reminded the Commissioners that the third Tuesday in May they have to set Lay the Levy.

The Commissioner discussed the tentative County Commission meetings: May 13, May 27, June 10, June 25 (special election), June 27, July 8, or July 15, July 29, August 12, August 26, September 2, September 30, October 14, October 28, November 11, November 28, and December 9, 2005.

The meeting was adjourned at 3:30 p.m.. The next scheduled meeting is March 4, 2005.



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FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
JANUARY 10, 2005  
COURTHOUSE  
FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 10<sup>th</sup> day of January 2005.

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

Commissioner John Lopez made a motion to name Commissioner Matthew Wender as President for the year 2005. Commissioner Eskew seconded. Vote passed 3-0.

Commissioner Eskew informed the Commission that this has been a successful year for the Commission and expressed his appreciation to all the staff.

Commissioner Wender offered a motion to designate Commissioner John Lopez as Purchasing Agent. Commissioner Eskew seconded. Unanimous.

Commissioner Lopez made a motion to approve vouchers, invoices and payrolls, payrolls to be released today. Commissioner Eskew seconded. All approved.

Commissioner Lopez offered a motion to approve and sign exonerations as submitted by the Assessors's Office. Commissioner Eskew seconded. Unanimous.

Commissioner Lopez offered a motion to approve a refund in the amount of \$269.52 for Crosier Sanitary Services. Commissioner Eskew seconded. Unanimous.

Ms. Holly informed the Commissioners that Chuck O'Boyle

representative for Meadow River Coal Company called to schedule a hearing regarding 2004 property taxes. Ms. Holy told the Commissioners that she has scheduled the hearing for January 31, 2005 at 9:30 a.m.

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

Upon reconvening from opening the ballot room, Commissioner Wender called the zoning portion of the meeting to order.

Tim Richardson, Zoning Officer informed the Commissioners that this case was tabled from December 17, 2004, Mr. Richardson read the case for disposition: Z-498-04-1: Request of James H. 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 at this hearing to the Commissioners.

Commissioner Wender swore in the ones that wished to speak (Attorney James Blankenship representative for the Whitlocks, Steve Louisos, Bill Hannabass and Randy Robertson). See attached copies of the minutes taken by Mr. Richardson.

Commissioner Lopez offered a motion to approve request as recommended by the Fayette County Planning Commission. Commissioner Eskew seconded. Unanimous.

Commissioner Eskew commented that this motion and second are made without any political overtones and is one done based on the

# Fayette County Commission

## Minutes

January 10 , 2005

The Fayette County Commission met in regular session, January 10, 2005 at 9:30 am. The zoning portion of this meeting as follows:

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

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

This business is a matter tabled from the December 17, 2004 county commission meeting.

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 Wender.

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 Wender.

James Blankenship , representing the Whitlock's. This is the 4<sup>th</sup> time this case has been before the county commission and at this time we have nothing further to add to the application.

Steve Louisos, question of the revenue plan for development outside of municipalities, is this a condition of approval for rezoning ?

Mathew Wender, there is no co-relation and no conditions set forth in regard to approving zoning and the Urban Redevelopment Authority's addressing revenue sources in business development in Fayette County.

Bill Hanabass, I would like for the county commission to address this application on the merits of the application itself, with no political pressure from any avenue to try to sway their decision making process. Please make a decision today based on the merits of this application.

Ken Eskew, Mr. Hanabass what is your definition of merits ?

Bill Hanabass, both locations on Route 19 have positive merits for development and I want the commission to base their decision on the single merits of an application and not let anything else influence them in concern of an application.

Randy Robertson, question of why he was not notified of this application, he owns adjoining property ?

Tim Richardson, zoning officer, the Unified Development Code states that property owners within 250 feet will be notified of applications even though Mr. Robertson's property is adjoining he is not within 250 feet of the 75 acres advertised for rezoning.

Gene Kistler, take politics out of this process. Base your decision on the merits of the application, sewage treatment, water service, these are the concerns that need to be addressed.

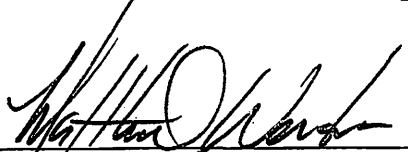
James Blankenship, representing the Whitlock's, sewage will be a self contained system or possibly the town of Fayetteville's depending on their capability. But, no building permit can be issued until the septic is approved by the health department.

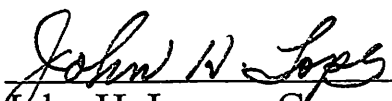
**Disposition :** Motion to approve as recommend by the planning commission by John Lopez , second by Ken Eskew.

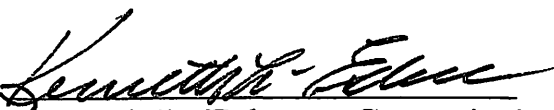
Comments by commission, Ken Eskew, this motion and second is made without any political overtones and is done based on the recommendation of the planning commission and the merits of the application.

Vote 3-0.

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


  
\_\_\_\_\_  
Mathew D. Wender, President

  
\_\_\_\_\_  
John H. Lopez, Commissioner

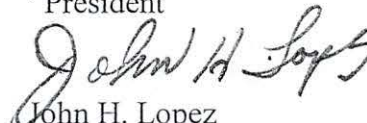
  
\_\_\_\_\_  
Kenneth L. Eskew , Commissioner

# ORDER

On this 10<sup>th</sup> day of January 2005, it appearing to the Fayette County Commission a recommendation from the Fayette County Planning Commission to rezone property applied for in the name James H. Whitlock and Mava I. Whitlock , owners, zoning case **Z-498-05-1** from B-2 (Business, Local District) to B-4 (Business, Major District) be and is hereby granted.



Matthew D. Wender  
President



John H. Lopez  
Commissioner



Kenneth L. Eskew  
Commissioner

*orig recorded  
in Co. Clerk's  
office*



recommendation of the Planning Commission and the merits of the applications.

The Commissioners received and reviewed a notice from Casto and Harris, Inc. and Election Systems and Software (ES&S) inviting the Commission to attend an Election Seminar on January 27, 2005.

The Commissioners received and reviewed a fax from the State Treasurers' Office informing they will notify the Commission several days before depositing the Lottery Commission's monthly Limited Video Lottery proceeds into the bank account. A copy of the fax forwarded to Tom Woodrum, Chief Tax Deputy.

The Commissioners received and reviewed a letter from the State Auditor regarding new provision of the Social Security Protection Act of 2004. A copy of the letter forwarded to Debbie Aliff, Payroll Clerk.

The Commissioners received and reviewed a copy of the Assessor's PVC Budget submitted to the State Tax Department for approval.

The Commissioners received and reviewed checks for Jail Fees reimbursements from the City of Oak Hill (\$1,309.50) and the Town of Fayetteville (\$97.00); 911 Fees from Business Telecom, Inc. (\$3.92), IDT Domestic Telecom, Inc. (\$78.00), mountain Communication, LLC (\$50.96), Z-Tele Communications, Inc. (\$32.00), Nos Communications, Inc. (\$4.00), and Bradley Communications, Inc. (\$534.50); Supreme Court Family Law Master rent reimbursement (\$2,025.900); WV Development Office HUD/SCBG Saturday Road/Horseshoe Creek Water Extension (\$2,557.85); reimbursement for TRIDENT overtime (\$1,614.00); Supreme Court-Magistrate Court Surplus Account (\$5,825.64) and New

River heritage Festival rent (\$123.50).

The Commissioners received and reviewed a letter from Stafford Consultants, Inc. enclosing five (5) copies of Estimate No. 10 for the New Haven Public Service District Contract No. 13 for review.

The Commissioners received and reviewed a memorandum from Stafford Consultants, Inc. informing of the change order for the New Haven Public Service District Contract 13-Paint Creek/Jenkins Fork.

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

The Commissioners received and reviewed from C-PAC their Activity Report, Monthly Revenue Report for the month of December, Weekly Fees collected for the week of December 10 to December 16, 2004 (\$115.00) the week of December 17 to December 23, 2004 (\$70.00), the week of December 24 to December 30, 2004 (\$75.00) and the week of December 31, 2004 (\$0).

The Commissioners received and reviewed a fax from the Fayette County Animal Control Center thanking the Commission for letting Mark Campbell assist as the Animal Control Officer in the absence of Stacy Workman, Dog Warden.

The Commissioners received and reviewed a fax from Steve Cruikshank, OES Director informing that the Smithers Fire Department is now current with mandatory incident reporting requirements.

The Commissioners received and reviewed a list from the SunTrust Bank that represents securities pledged as of December 31, 2004.

The Commissioners received and reviewed from St. Paul Fire and Marine Insurance Company rescission notice withdrawal of cancellation.

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

The Commissioners received and reviewed a letter from Daimler Chrysler regarding safety recall-upper ball joint regarding the 2000 through early 2003 model year Dodge Durango 4x4 vehicles and Dodge Dakota 4x4 pick up trucks. Original forwarded to Earl Pauley, Park Superintendent.

The Commissioners received and reviewed a letter from Ford Motor Company informing that they are providing additional coverage under Customer Satisfaction Program 04M05 to owners of certain 2004 and 2005 Crown Victoria Police and Commercial Heavy Duty Vehicles in police and taxi service who may experience a cracked steel road wheel. Original forwarded to Earl Pauley, Park Superintendent.

The Commissioners received and reviewed a letter from Senator Robert Byrd informing of his assistance in getting the Senate and the President to sign the Fiscal Year 2005 Consolidated Appropriations Act.

The Commissioners received and reviewed a letter from St. Paul Fire and Marine Insurance Company regarding claimant Tom Delon (Claim # GP0931280709T006).

The Commissioners received and reviewed a letter from Sheriff William Laird informing that Access Systems will be at his office tomorrow to begin the preliminary work required for the installation of a file-trac system (Records Management Grant).

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

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

The Commissioners received and reviewed a letter from Anthony (Tony) W. Barlage introducing his self as the Operations Manager for Charter Communications in this area.

The Commissioners received and reviewed a letter from Charter Communications enclosing Charter Communication's ("Charter") annual rate justification filing for 2005.

The Commissioners received and reviewed a notice from the West Virginia State Auditor's Office informing that an Orientation Seminar for County Clerks and Deputies has been scheduled for January 20-21, 2005 at the Days Inn Convention Center in Flatwoods.

The Commissioners received and reviewed from the American Federation of labor and Congress of Industrial Organizations, Report on the Community Impact of the Horizon Natural Resources Bankruptcy and the subsequent purchase of the Mining Operations by the Massey Energy Company. This report was issued by the West Virginia Community Impact Board.

Ms. Holly informed the Commissioners that they need to go back to the Reorganization Order.

Commissioner Lopez offered a motion to approve Debbie Berry as Assistant Purchasing Agent and authorize Charlotte Holly, County Administrator, Earl Pauley, Park Superintendent, Steve Cruikshank, OES Director and David Neal, 911 Coordinator to make purchases up to \$600.00, all purchases in excess of \$600.00 must be authorized by John H. Lopez or by a majority vote of the Commission. Commissioner Eskew

seconded. Unanimous.

Commissioner Eskew informed the Commissioners that they need to address the ATV issue county-wide.

Commissioner Wender suggested putting on the agenda for January 31, 2005 to discuss along with the Adena Village matter.

Commissioner Eskew offered a motion to approve the Reorganization order. Commissioner Lopez seconded. Unanimous. Order signed.

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

January 31, 2005	Monday	1:00 P.M.	
February 3, 2005	Thursday	9:00 A.M.	
February 9, 2005	Wednesday	1:00 P.M.	
February 14, 2005	Monday	1:00 P.M.	(Industrial hearings)
February 18, 2005	Friday	9:00 A.M.	(Mineral hearings)
February 25, 2005	Friday	1:00 P.M.	

The Commissioners signed the legal for the Review and Equalization of Assessments.

Commissioner Eskew offered a motion to approve the schedule for the Board of Equalization and Review hearings. Commissioners Lopez seconded. Unanimous.

Ms. Holly reminded the Commissioners that February 3 and 4 election supplies would be given out, February 5 special election, and February 14 canvass.

The Commissioners discussed a tentative schedule for the month of March: March 4 meet with the elected officials to discuss their budget, March 11 and March 21, 2005.

Attorney James Blankenship informed the Commissioners that both parties agree to reschedule the petition to abandon an unused street,

petitioner Stephanie A. Davenstott Gouge. This matter has been rescheduled for February 9 at 9:30 a.m.

The Commissioners recessed for five minutes.

Upon reconvening, Commissioner Wender informed that on November 30 the Commission invited Earl Pauley, Elwood maples and Adona (Smith) Pugh to the Commission meeting and presented plaques in recognition for their work on the lights and displays at the Fayette County Park. Commissioner Wender informed that at that time Ms. Pugh could not make it.

Commissioner Wender informed that at this time they would like to present to Ms. Adona (Smith) Pugh her plaques in recognition of all the time and work dedicated in putting up the lights and displays at the Fayette County Park.

Commissioner Wender asked Earl Pauley, Park Superintendent if he had any comments.

Mr. Pauley presented for 2004 the Financial Statement, Website Voting Results and a proposal to rename "Lacy's Lights and Maples Display" to the Commissioners. (See attached)

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

Upon reconvening at 12:05 p.m. from the Executive Session, Commissioner Wender informed the matter discussed was a legal matter.

Commissioner Lopez offered a motion to approve materials for completion of the stairwell and steps at the Danese Volunteer Fire Department amount not to exceed \$4,000.00. Commissioner Eskew seconded. Unanimous.

# *Lacy's Lights & Maples Display*

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## **2004**

### **Financial Statement**

Canteen sales - \$1,549.52 (15% increase from 2003)

Donations received - \$4,470.57 (20% increase from 2003; most donations in a single year)

Number of ornaments sold - 74

Total visitors - 11,161 (19% increase from 2003)

Total money deposited - \$6,058.04

### **Website Voting Results**

Favorite Display - Guardian Angel

Best New Display - Animated Santa at Entrance

Most Beautiful Display - Miniature Village (inside the Canteen)

New Character for 2005 - Sesame Street

New Display for 2005 - Peace on Earth/Doves

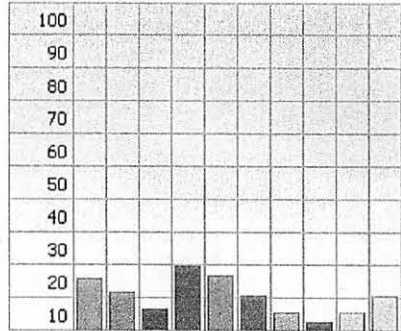
### **Proposal to Rename "Lacy's Lights & Maples Display"**

Welcome to:

- Smith & Maples Festival of Lights
- Fayette County Festival of Lights
- Lacy's Lights of Hope Holiday Spectacular
- WV's Winter Wonderland of Lights
- A Rainbow of Light - Fayette County's Holiday Spectacular
- Home for the Holidays Festival of Lights
- Gifts of the Heart - Celebration of Lights
- Mountain Memories - Fayette County's Holiday Lights Spectacular

### Favorite Display

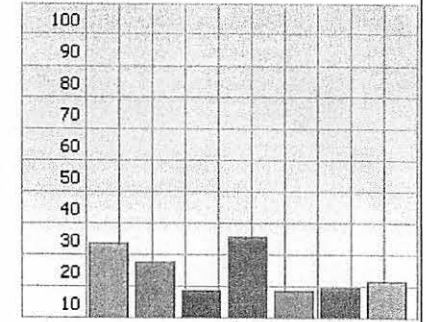
1.	Care Bears (Shelter 7)	79 (15%)
2.	USA/Patriotic Scene (Shelter 1)	56 (11%)
3.	Bridge	31 (6%)
4.	Guardian Angel	101 (19%)
5.	Looney Tunes	83 (16%)
6.	M & M's	50 (10%)
7.	Swans	26 (5%)
8.	Skating Snowmen	19 (4%)
9.	Scooby Doo	26 (5%)
10.	Winnie the Pooh	55 (10%)



Total Votes: 526

### New Character for 2005

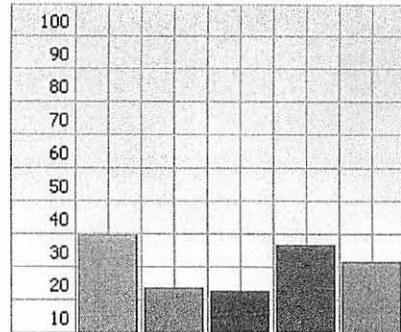
1.	Snoopy	121 (23%)
2.	Garfield	87 (17%)
3.	Spongebob	40 (8%)
4.	Sesame Street	130 (25%)
5.	Rocky & Bullwinkle	44 (8%)
6.	The Flintstones	47 (9%)
7.	The Muppets	57 (11%)



Total Votes: 526

### Best New Display

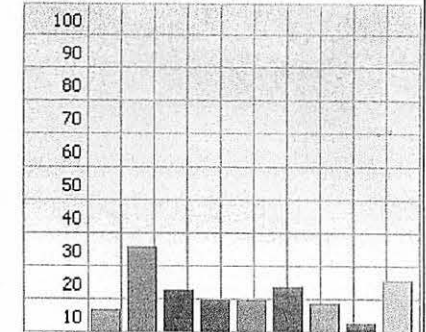
1.	Animated Santa at Entrance	154 (29%)
2.	USA/Patriotic Scene (Shelter 1)	66 (13%)
3.	Snowflakes, Stars & Poinsettias on Roadway	61 (12%)
4.	Care Bears (Shelter 7)	135 (26%)
5.	"Joy"	110 (21%)



Total Votes: 526

### Most Beautiful Display

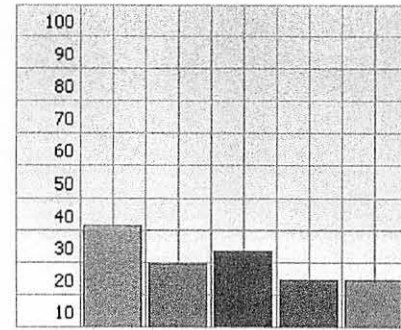
1.	Candles & Poinsettias (Ballfield)	31 (6%)
2.	Miniature Village (Inside the Canteen)	134 (25%)
3.	Animated Santa at Entrance	61 (12%)
4.	Rainbow	46 (9%)
5.	Quilt	46 (9%)
6.	Care Bears (Shelter 7)	67 (13%)
7.	Office/Entrance	42 (8%)
8.	Bridge	21 (4%)
9.	"Joy"	78 (15%)



Total Votes: 526

### New Display for 2005

1.	Peace on Earth/Doves	161 (31%)
2.	Nativity Scene	100 (19%)
3.	Seasons Greetings	120 (23%)
4.	Steamboat	72 (14%)
5.	Airplane Santa	73 (14%)



Total Votes: 526





The Commissioners signed letters to the Assessor, and the Prosecuting Attorney informing them of the dates and times scheduled for the Board of Equalization and Review hearings.

Commissioner Eskew offered a motion to enter the new mileage rate of forty and one half cents (40.5¢) per mile effective January 1, 2005. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve minutes for July 9, July 19, and November 19, 2004. Commissioner Eskew seconded. Unanimous.

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

Commissioner Eskew offered a motion to approve 92½ hours overtime for James Perdue, Maintenance Supervisor. Commissioner Lopez seconded. Unanimous.

Commissioner Eskew offered a motion to approve 36 hours overtime for Debbie Aliff, Payroll Clerk. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve 19 hours overtime for Okey Skidmore, Manager Fayette County Memorial Building. Commissioner Eskew seconded. Unanimous.

The Commissioners recessed for lunch at 12:15 p.m.

The Commissioners reconvened at 1:38 p.m.

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

Mr. Snead informed the Commissioners that he had called the contractor regarding the changes on the contract. The Contractor told

Mr. Snead he had no problem with the revisions.

Mr. Snead told the Commissioners that the contractor plans to come down Wednesday or Thursday of this week to install a window.

The Commissioners authorized Commissioner Eskew, Pat Wendell and Ann Skaggs to review after installation.

Commissioner Wender asked Ms. Holly if she was okay with the contract. Ms. Holly replied once Carl Harris, Assistant Prosecuting Attorney has reviewed she have no problem with it.

Commissioner Lopez offered a motion to authorize Commissioner Wender to sign the contract upon the review by Carl Harris, Assistant Prosecuting Attorney. Commissioner Eskew seconded. Unanimous. Contract signed.

The Commissioners recessed to review jail at 1:50 p.m.

The Commissioners reconvened at 2:30 p.m.

Ms. Holly presented a list of the polling places for the upcoming Special Levy Election to the Commissioners.

Ms. Holly informed the Commissioners that Falls View Armory polling place may have to be moved, Frank Rhodes is checking on the schedules. Ms. Holly asked the Commissioners if the Falls View Armory not available, would Gauneka-Ruritan Club be okay. The Commissioners replied yes.

Commissioner Lopez offered a motion to approve the polling place list for the Special Levy Election. Commissioner Eskew seconded. All approved.

The Commissioners signed a letter to the West Virginia Development Office requesting third drawdown for the Christians

Helping Others Food Pantry, amount \$3,855.74.

The Commissioners received a request from Daniel Wright, Circuit Clerk requesting to transfer \$1,050.00 out of his travel expense to supplies to be used to purchase a copier and laser printer.

Commissioner Eskew offered a motion to approve the request of the Circuit Clerk to transfer \$1,050.00 from his travel expenses to supplies to be used to purchase a copier and laser printer. The Commissioners asked Ms. Holly to coordinate with Mr. Wright regarding the Circuit Clerk's request for a computer, monitor and laser printer. Commissioner Lopez seconded. All approved.

Dan Snead with J. Dan Snead Associates appeared before the Commission to inform them that after reviewing the jail the gutters are a significant part of the problem they need to be repaired, joints needed to be repainted.

Commissioner Wender suggested to Mr. Snead to write a letter giving a review of what all need to be done with the jail.

Commissioner Wender asked Mr. Snead to come back on February 3 to discuss the jail and the handicap ramp.

Commissioner Wender asked Daniel Wright, Chairman of the Fayette County Landmark historic Commission if the Landmark Commission would apply for a Legislative Digest Grant for funding to repair jail. Mr. Wright replied he would be glad to put this on the Landmark Commission agenda.

Commissioner Wender discussed with the Commissioners writing a letter in support of the citizens of Page-Kincaid for cellular service to the Federal Communications Commission regarding Highland Cellular

request for a waiver.

Discussion was held regarding putting a moratorium on B-4 (Business, Major District) zoning applications for U. S. Route 19 until the study is completed.

Commissioner Lopez offered a motion that the Commission put a moratorium on B-4 (Business, Major District) zoning applications, until a "future land use map for the U. S. Route 19 corridor displaying full build out potential for properties adjacent to the highway" can be completed. Commissioner Eskew seconded. All approved. Commissioner Wender asked Tim Richardson, Zoning Officer to write a press release regarding this matter.

The Commissioners signed letters to Meadow River Coal Company, Paul Blake, Prosecuting Attorney, Eddie Young, Assessor and the Department of Tax and Revenue informing that Meadow River Coal Company request for a hearing regarding property tax relief for the 2004 assessment has been scheduled for 9:30 a.m. on January 31, 2005.

Commissioner Lopez offered a motion to approve and sign petitions to combine or divide and segregate land as submitted by the Assessor's Office for Ruby Stonestreet, Daniel H. and Mary Brooks, Jr., Robert L. Jackson and Samuel Black. Commissioner Eskew seconded. All approved.

The Commissioners received/reviewed and signed from Tim Richardson, Zoning Officer, the minutes and Order of James and Mava Whitlock hearing.

The Commissioners received and reviewed a letter from Sheriff William Laird requesting purchase of a new CMI primary breath test (PBT) and two digital cameras to be paid out of the Home Confinement

# **FAYETTE COUNTY ZONING OFFICE**

**COURT HOUSE ANNEX  
FAYETTEVILLE, WEST VIRGINIA 25840**

**TIM RICHARDSON**  
Zoning Officer  
574-4273

**DAVE POLLARD**  
Resource Coordinator  
574-4258

## **PRESS RELEASE**

The Fayette County Commission has instituted a moratorium, January 10, 2005, on B-4 (Business, Major District) zoning applications, until a “future land use map for the U. S. Route 19 Corridor displaying full buildout potential for properties adjacent to the highway ” can be completed. This study’s projected date of completion is June, 2005. For additional information, please contact Tim Richardson, Zoning Officer, at (304) 574-4273.

Fund, amount \$1,000.00. Commissioner Eskew seconded. All approved.

The Commissioners approved C-PAC allotment for the month of January 2005, amount \$9,849.89.

Commissioner Wender informed the Commissioners that he received a call from Mayor Howard Hughes of the Town of Pax informing that they are working with E. L. Robinson in preparing the Corridor Management Plan for the Paint Creek Scenic Trail under the By-Way-Back-Way program.

Commissioner Wender told the Commissioners as part of the proposal they must present a budget. The budget requires they list contributors so they can be eligible for matching funds.

Commissioner Wender told the Commissioners they are asking Raleigh, Fayette and Kanawha County Commissioners for \$3,000.00 each.

Commissioner Eskew offered a motion that the Commission commits \$3,000 for the Paint Creek Scenic Trail for Fiscal year 2005-2006 funding. Commissioner Lopez seconded. Unanimous.

Commissioner Wender told Ms. Holly she does not need to do anything.

Commissioner Lopez offered a motion to approve second half payrolls for January, payroll to be released January 28, 2005. Commissioner Eskew seconded. Unanimous.

The Commissioners approved to release check for \$5,000.00 for the Litter Control Supervisor Larry Parsons to the Fayette County Solid Waste Authority.

The Commissioners received and reviewed a fax from Carl Thompson requesting purchase of a computer for his office.

Commissioner Eskew offered a motion to authorize Ms. Holly to make purchase of a computer for Carl Thompson. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a copy of a letter to Judge Charles Vickers from the Supreme Court of Appeals authorizing the Fayette County Commission to expend funds from the Fayette County Magistrate Court Fund to cover the cost of purchasing two laser jet printers for the magistrate court offices.

Commissioner Lopez offered a motion to purchase two laser jet printers for the magistrate Court, amount not to exceed \$1,020.62 plus shipping cost. Commissioner Eskew seconded. Unanimous.

The Commissioners received and reviewed a letter from Judge Janet Frye Steele requesting three color cameras that are for video only and one camera that is audio and video, as well as any necessary receiver for the audio/video camera, and a color monitor that is capable of a four-camera view simultaneously.

The Commissioners asked Ms. Holly to ask Sheriff William Laird if this would be considered for payment out of the Court Security Funds.

The Commissioners received and reviewed a copy of a letter to Dave Pollard, County Resource Coordinator from Tom Oxley, City Manager of Oak Hill regarding Route 19 Land Use Committee.

The Commissioners approved the 50% Hotel Occupancy Tax allocation to the New River Convention and Visitors Bureau, amount \$12,876.05.

The Commissioner received and reviewed a letter from Timothy Fish informing of his decision to resign his position of Treasurer effective December 31, 2004 as a member of the Fayette County Urban

Renewal Authority.

The Commissioners received and reviewed from the U. S. Department of labor brochures informing of GovBenefits.gov websites.

The Commissioners received and reviewed a fax from Phil Lewis representative from the Office of John D. Rockefeller, IV regarding the Wolf Creek Park project.

The Commissioners received and reviewed a list from Eddie Young regarding the number of employees interested in the Dental Plan through the West Virginia Association of Counties.

Commissioner Wender asked Ms. Holly to hold for the March budget session.

The Commissioners signed a letter to Kelvin Holliday, County Clerk regarding the controversy that has arrived over his comments in the Christmas card to Bruce Todorvich.

The Commissioners received and reviewed a reminder from Kelvin Holliday, County Clerk regarding the dates for issuing supplies, the date early voting begins and ends for the Special Levy Election, February 5, 2005.

The Commissioners received and reviewed a copy of an article from the Charleston Daily Mail regarding the West Virginia Association of Counties meeting.

The meeting was adjourned at 4:05 p.m. The next scheduled meeting is January 31, 2005.



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FAYETTE COUNTY COMMISSION AND  
BOARD OF EQUALIZATION AND REVIEW  
REGULAR SESSION  
JANUARY 31, 2005  
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 31<sup>st</sup> day of January 2005.

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

Commissioner Lopez offered a motion to approve and sign exonerations as presented by the Assessor's Office. Commissioner Eskew seconded. Unanimous.

Commissioner Lopez offered a motion to approve vouchers and invoices as presented. Commissioner Eskew seconded. Unanimous.

Commissioner Wender informed the Commissioners that he had spoke with Danny Wright, Circuit Clerk regarding the courthouse old plans for the second floor Circuit Clerk' Office

Mr. Wright informed the Commissioners he had met with Dan Snead regarding the shelving for the Circuit Clerk's Office. Mr. Wright told the Commissioners that the shelving weighs 4 tons and Mr. Snead told him that the second floor may not be able to hold cabinets.

Commissioner Wender suggested that if the Commission cannot come up with old plans write a letter to Dan Stark's widow and see if she could find a copy of the renovation on the second floor.

Mr. Wright told the Commissioners that Dan Snead can make a proposal if they find old plans.

Theresa White appeared before the Commissioners to present two Resolutions for the Buyout Application for the Federal Emergency

management Agency (FEMA) Fayette County Hazard Mitigation Grant Program.

Commissioner Eskew offered a motion to pass Resolution to submit Buyout Application on behalf of the Office of Emergency Services. Commissioner Lopez seconded. Unanimous. Resolution signed.

Commissioner Lopez offered a motion to pass the second Resolution to include Beckwith, Wriston, page and Brownsville in the Buyout Application for the FEMA Fayette County hazard Mitigation Grant Program. Commissioner Eskew seconded. Unanimous. Resolution signed.

Commissioner Wender informed the Commissioners that the Commissioners had received an earlier request from the Upper Kanawha Valley Economic Development Corporation (UKVEDC) requesting continued financial support of the on-going economic development efforts.

Commissioner Wender told the Commissioner that he felt this request could wait until the budget in March, but he was approached by Guy Dooley to ask that the Commission speed up request due to a late payment that is due.

Commissioner Wender told the Commissioner he would like to see request made soon.

Commissioner Eskew offered a motion to approve the request of Upper Kanawha Valley Economic Development Corporation, amount \$2,500 for continued financial support of the on-going economic development effort. Commissioner Lopez seconded but to amend the \$2,500 to come out of the \$140,000 fund designated for the Berwind Land Project. Unanimous.

The Commissioners met with Tom Thorne and Chuck O'Boyle (Pitson

Coal) Meadow River Coal Company, Eddie Young, Assessor, Carl Harris, Assistant Prosecuting Attorney, Steve Judy and Rob Cutbert, State Tax Department regarding property tax relief for the 2004 assessment of Meadow River Coal Company.

Commissioner Wender swore in persons present for the hearing.

Chuck O'Boyle told the Commissioners that he feels this is a clerical error.

Meadow River Coal Company contends the coal preparation plant was inadvertently assessed for 2004 personal property taxes as a full value operating plant instead of a salvage value inactive plant by the West Virginia Tax Department.

Mr. Harris informed the Commissioners that this is not a clerical error, does not feel appropriate for Meadow River Coal Company to ask for relief they could not find letter the State Tax Department sent.

Mr. Harris told the Commissioners that on behalf of the State Tax Department and the Assessor they did what they were supposed to do. Mr. Harris told the Commissioners he feels the Commission should not change but it is up to the Commission.

Mr. Judy told Meadow River Coal Company and the Commission that he could get a copy of the letters the State Tax Department sent from the Assessor's Office.

Commissioner Lopez offered a motion to take under advisement until February 9, 2005. Commissioner Eskew seconded.

The Commissioners signed a letter to Meadow River Coal Company informing the matter is not properly before it because it is a result of the negligence of the taxpayer and not a clerical error or a



FAYETTE COUNTY COMMISSION

FAYETTEVILLE, WV 25840-0307

TELEPHONE (304) 574-4290

FAX (304) 574-4255

JOHN H. LOPEZ  
SMITHERS, WV  
COMMISSIONER

MATTHEW D. WENDER  
OAK HILL, WV  
PRESIDENT

KENNETH L. ESKEW  
FAYETTEVILLE, WV  
COMMISSIONER

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

January 31, 2005

Meadow River Coal Company  
Attn: Charles F. O'Boyle, III  
Post Office Box 18100  
Richmond, Virginia 23226-8100

Dear Mr. O'Boyle:

The Fayette County Commission finds that the State Tax Department revalued the property after reviewing the documentation submitted by the Meadow River Coal Company.

In December 2003 the State Tax Department sent a letter to the Company showing the tax assessment as valued by the department.

No request was made for a hearing before the Board of Equalization and Review.

It is clear from the statements of the taxpayer's representatives that the department's letter is not in their records but due to confusion in their offices it may have been received.

The Fayette County Commission finds that the matter is not properly before it because it is a result of the negligence of the taxpayer and not a clerical error or a mistake occasioned by an unintentional or inadvertent act. The relief requested is denied.

Sincerely yours,

Matthew D. Wender  
President

mistake occasioned by an unintentional or inadvertent act. The Commission denied relief. (See attached letter)

Commissioner Lopez offered a motion to transfer the title of a 1997 Ford (Unit #18) to the City of Smithers to use in their Police Department. Commissioner Eskew seconded. Unanimous.

Commissioner Lopez offered a motion to approve purchase of a computer from D & D Computers for the new state mapping software, and to approve high back chairs for the 911 Center from Concept Seating, Inc. (\$3,015). Commissioner Eskew seconded. Unanimous. Commissioner Lopez informed the high back chairs would be payable out of the 9-1-1 Fund.

Commissioner Wender introduced the new employee Jody Crist hired by the Danny Wright, Circuit Clerk to the Commissioners.

Ms. Holly informed the Commissioners she had advertised for radios under the Homeland Security Grant. Ms. Holly informed the Commissioners that per Sheriff Laird the specifications are not in compliance with the guidelines of the grant.

Ms. Holly told the Commissioners that Sheriff Laird is requesting that the bids be rejected based on their prior specifications and that the proposed purchase of these radios be advertised using the revised specifications.

Commissioner Eskew offered a motion to reject bids based on their prior specifications, not in compliance with the required Homeland Security Grant guidelines. Commissioner Lopez seconded. Unanimous.

Sheriff Laird told the Commissioners that since the Homeland Security Grant is under a guideline the Commission would need to spend

as soon as possible. Sheriff Laird told the Commissioners they need to get funds expended in a time frame.

Sheriff Laird informed the Commissioners that he would proceed with rolled shelving for his office through the Records Management Grant. Sheriff Laird told the Commissioners they will need to expend the Records Management Grant as soon as possible.

Commissioner Eskew offered a motion to readvertise for the hand-held Radios under the P25 guidelines for the Sheriff's Department. Commissioner Lopez seconded. Unanimous.

Sheriff Laird presented the Seatbelt Proclamation to the Commissioners for their approval. The Commissioners reviewed.

Commissioner Lopez offered a motion to approve the Seatbelt Proclamation as submitted by the Sheriff. Commissioner Eskew seconded. All approved.

The Commissioners received and reviewed a letter from Paul Blake, Prosecuting Attorney requiring about replacing the Lanier copier in his office. Mr. Blake informed the Commissioners that the machine was repaired last week and as of today the machine is in operable.

Ms. Holly informed the Commissioners she received a quote from Lanier Company for a copier for the amount of \$9,154.00, she would have to see if it's under the State Contract.

Commissioner Wender suggested replacing the copier in the Prosecuting Attorney's Office.

Commissioner Lopez offered a motion to approve the copier for the Prosecuting Attorney's Office provided that it's under the State Contract. Commissioner Eskew seconded.

Commissioner Eskew offered a motion that if the copier not under State Contract to obtain two additional bids and purchase at the lower bid. Commissioner Lopez seconded. Unanimous.

The Commissioners received a letter from Carol Learmonth, Coach at the Fayetteville High School softball team requesting the use of the Fayette County Memorial Building for their bad weather practice facility.

Commissioner Eskew offered a motion to approve the request from the Coach of the Fayetteville High School softball team the use of the Memorial Building for their bad weather softball practice.

Commissioner Wender seconded. All 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 February 2005.

The Commissioners signed a letter to the West Virginia State Agency for Surplus Property advising that the Pax Volunteer Fire Department provides an essential public service to the citizens of Fayette County.

The Commissioners received and reviewed request for drawdown for the New Haven Public Service District-Paint Creek/Plum Orchard Water Extension, amount \$53,395.69.

Commissioner Eskew offered a motion to approve and authorize payment of services for the New Haven Public Service District-Paint Creek/Plum Orchard Water Extension, amount \$53,395.69. Commissioner Wender seconded. All approved.

Ms. Holly told the Commissioners she received the draft of the

Fayette County Personnel Policy from Chris Slaughter with Steptoe and Johnson. Ms. Holly told the Commissioners that everything is included except for the Workers' Compensation Policy per the Commission request.

Ms. Holly told the Commissioners she sent copies of the Fayette County Personnel Policy to Danny Wright, Circuit Clerk, Paul Blake, Prosecuting Attorney, Eddie Young, Assessor, and Kelvin Holliday, County Clerk to review and comment.

Ms. Holly told the Commissioners she needed to schedule a date to meet with Mr. Slaughter to discuss with the Elected officials.

Commissioner Wender suggested discussing on February 3, 2005.

The Commissioners approved to schedule Chris Slaughter and the Elected Officials on Thursday, February 3, 2005 at 9:30 a.m. to discuss the draft of the Fayette County Personnel Policy.

Carl Harris, Assistant Prosecuting Attorney appeared before the Commission to discuss the ATV Ordinance.

Mr. Harris informed the Commissioners that the State acted on putting the regulations on ATV owners. Mr. Harris told the Commissioners this put some counties in an extreme position.

Mr. Harris told the Commissioners that the County Park can authorize and they can control the use of ATV drivers in public.

Commissioner Lopez asked Mr. Harris about the Adena Village area.

Commissioner Lopez informed the Commissioners that the Commission would have to look at the age limit for drivers in the Adena Village area.

Mr. Harris informed the Commissioners that the revision of the



West Virginia Code would not allow the Commission to decide for Adena Village

Mr. Harris told the Commissioners they can authorize to operate where and when but the Commission does not have the authority to show who can.

Commissioner Eskew told the Commissioners that the State is going to look over during this session of the Legislature. Mr. Eskew suggested waiting to see what they come up with.

Commissioner Wender asked if the Fayette County Commission is in the position to enforce ATV laws.

Sheriff Laird informed the Commissioners would have to be careful to enforce, potential problems.

Sheriff Laird told the Commissioners it would be difficult to enforce in different areas.

Sheriff Laird told the Commissioners that the State Legislative is responsible for getting Legislation designed to be consistent to all areas.

Commissioner Lopez asked Sheriff Laird if he would be available to attend the next homeowners association meeting being held February 28, 2005 to give comments.

Mr. Harris told the Commissioners that they cannot control operators of the ATV.

Mr. Harris told Commissioner Lopez he doesn't mind meeting again with the homeowner's association of Adena Village to explain this to them.

Commissioner Wender informed the Commissioners he received a

letter from the Oak Hill Senior Center informing they have no way to get to the back of their building and asked if the County could lease a right-of-way.

Commissioner Wender asked Carl Harris if the County can lease a right-of-way.

Mr. Harris informed the Commissioners that the landowners are not liable, but he would review and advise. Commissioner Wender gave a copy of the letter to Mr. Harris to review.

Gene Watkins, Watkins Associates met with the Commissioners to review and discuss the telephone audit of the telephone bills.

Mr. Watkins told the Commissioners he feels recommendations are substantial and this would save the county a substantial amount on money and the County should proceed as soon as possible.

Mr. Watkins told the Commissioners it would give the County a \$2,700.00 a month savings.

Commissioner Lopez questioned the buy of our present phone system.

Ms. Holly informed the Commissioners of the items Mr. Watkins had recommended to change.

Ms. Holly told the Commissioners that Mr. Watkins feels because of the cost savings/wire maintenance cost recommends that the County do away with their current system.

Ms. Holly recommended to the Commissioners that they do not do away with their current system, we are constantly doing maintenance work.

Mr. Watkins questioned about the 10 lines that are not being

used.

Ms. Holly informed the Commissioners she would have to research, but one of the lines is the fax line in her office that's used for an emergency line.

Mr. Watkins questioned the Commissioners about the 20 phone lines flat rate plan/unlimited calls. Mr. Watkins recommended the Thrifty Calling Plan.

Ms. Holly told the Commissioners that the 911 Center, Danese, Montgomery Magistrate Offices, Smithers Detachment, Fayette County Park very heavy usage would need the flat rate plan.

Mr. Watkins questioned about the rental phones.

Commissioner Wender suggested getting an individual together to review records.

Ms. Holly told the Commissioners she would not recommend they do this.

Mr. Watkins recommends changing long distance.

Ms. Holly told the Commissioners that the County is on the State's long distance plan and it's the cheapest offered.

Commissioner Wender asked Ms. Holly how long would it take for her to review.

Ms. Holly told the Commissioners the Budget and the Board of Equalization and Review is coming up and at this time she does not have the time.

Mr. Watkins told the Commissioners he is recommending the best savings plan.

Commissioner Eskew informed he would like to have more

information on the liability.

Commissioner Wender asked Mr. Watkins to show information on carriers compared to bigger counties.

Commissioner Wender questioned about the fees.

Commissioner Lopez suggested tabling, the Commission not in a position to make decision.

Commissioner Wender informed the Commission will try to look at in mid-April 2005.

Beth Gardner representative of the White Oak Rail Trail appeared before the Commission to inform the Commission that they needed the Commissioner's signature agreeing to maintain the trail.

Carl Harris, Assistant Prosecuting Attorney informed the Commissioners that they can agree to maintain as long as funds are available.

Ms. Gardner told the Commissioners that she would make sure the trail would be maintained.

Ms. Gardner told the Commissioners that it's the Division of Highways that's requesting their signature.

Commissioner Wender asked if the Commission could take funds and put in a separate account for maintenance. Mr. Harris replied yes.

Commissioner Wender asked that a letter be written to earmark these funds.

Commissioner Wender suggested a \$250.00 annual amount, and maintenance fund over the 15-year period.

Ms. Holly asked if this should be written as an Agreement or Resolution.

Commissioner Lopez offered a motion that the Fayette County Commission pledge its support of the White Oak Rail Trail project and has agreed to accept ownership to maintain the trail corridor in an annual amount of \$250,00 not to exceed \$3,750.00 total over the 15-year period. Commissioner Eskew seconded. Unanimous.

Ms. Gardner to prepare letters the Fayette County Commission would need.

Harold Bragg appeared before the Commission to discuss the issue of the horses in the Glen Jean area.

Commissioner Wender asked if this was a Circuit Court issue.

Mr. Bragg told the Commissioners they need to tell their employee to do his job.

Mr. Bragg told the Commissioners he has showed the Zoning Officer records, the Assessor's Office does not have record that taxes are paid on the horses.

Commissioner Wender requested that Mr. Bragg present documentation to give to the Zoning Officer to review.

Mr. Bragg replied that Tim Richardson has the documents.

Mr. Bragg to send to send a letter to Mr. Richardson with all the information regarding this.

The Commission recessed at 12:04 a.m.

The Commission reconvened as the Board of Equalization and Review at 1:15 p.m.

Eddie Young, Assessor, Jerry Knight, Department of Tax and Revenue and Scott Burgess, Consultant appeared before the Commission to discuss coal property.

Commissioner Wender informed that no appointments for the Board of Equalization hearings were scheduled.

Commissioner Lopez offered a motion to adjourn as Board of Equalization and Review. Commissioner Lopez withdrew motion.

Commissioner Wender informed the Board of Equalization and Review is still in session.

Commissioner Wender swore in Jerry Knight, Eddie Young, and Scott Burgess.

Mr. Knight informed the Commissioners that the purpose of this hearing is to inform the Commission of the treatment of values of 2005 in the property books.

Mr. Knight told the Commissioners that only clerical error would be allowed to go back for corrections.

Mr. Knight presented two letters that he would like the Commissioners to send to Wade Thompson, Acting Director: 1) regarding the tax year 2005 values for reserve coal properties in Fayette County needs explanation as to why certain changes were made; 2) regarding the current and historical values for certain reserve coal properties in Fayette County regarding the finding of data for the appraisals they do not have. (See attached information)

Commissioner Wender asked that Carl Harris, Assistant Prosecuting Attorney review both letters.

Mr. Harris reviewed both letters and advised the Commissioners to send.

Mr. Knight suggested sending both letters via fax and copy to the Prosecuting Attorney and the Assessor.



FAYETTE COUNTY COMMISSION  
FAYETTEVILLE, WV 25840-0307  
TELEPHONE (304) 574-4290  
FAX (304) 574-4255

JOHN H. LOPEZ  
SMITHERS, WV  
COMMISSIONER

MATTHEW D. WENDER  
OAK HILL, WV  
PRESIDENT

KENNETH L. ESKEW  
FAYETTEVILLE, WV  
COMMISSIONER

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

January 31, 2005


Wade Thompson, Acting Director  
Property Tax Division  
Department of Revenue  
P.O. Box 2389  
Charleston, West Virginia 25324

Dear Mr. Thompson:

In reviewing the current and historical values for certain reserve coal properties in Fayette County, we find that there is data for the appraisals that we do not have. In this regard, we respectfully request the 10VBF files, in electronic format, for Fayette County for tax years 2000, 2001, 2002, and 2003. We currently have the files for tax years 2004 and 2005. In addition, we will need the following information:

1. The statewide aggregate present value per acre per coal bed for reserve coal properties for tax years 2001 through 2005 inclusive.
2. The aggregate value referenced in § 110-CSR-4.2.3.19 (unit market value) for reserve coal properties in West Virginia for tax years 2001 through 2005 inclusive.
3. The aggregate value referenced in § 110-CSR-4.2.3.20 in West Virginia for tax years 2001 through 2005 inclusive.

As this information is needed, in part, for the tax year 2005 Board of Equalization and Review hearing, your written response to this request as soon as possible is requested. Should you have questions regarding this request, please advise.

  
Sincerely yours,

Matthew D. Wender, President

cc: Eddie Young, Assessor  
Paul Blake, Prosecuting Attorney  
Scott Burgess  
Jerry Knight

## UNIT VALUATION FORMULA

Average Coal Price Per Ton  
X Average Royalty Rate  
Average Price Per Ton to Owner

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Average Price Per Ton to Owner  
X Average Annual Production  
Income Stream to Owner of Coal

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Income Stream to Owner of Coal  
/ Capitalization Rate  
Unit Value of Coal in West Virginia

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Unit Value of Coal in West Virginia  
Minus (Total Producing Coal Value)  
Unit Value of Reserve Coal in West Virginia

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



RESERVE COAL FORMULA INDEX VALUE

- [1] Sales price per million BTU \_\_\_\_\_  
X Royalty Rate \_\_\_\_\_  
Sales price to land owner [per million BTU] \_\_\_\_\_
  
- [2] Sales price to land owner \_\_\_\_\_  
X BTU and sulfur adjustment factor \_\_\_\_\_  
Adj. sales price to land owner [per million BTU] \_\_\_\_\_
  
- [3] Adj. sales price to land owner \_\_\_\_\_  
X Mid-year present worth factor \_\_\_\_\_  
Present worth per million BTU to land owner \_\_\_\_\_
  
- [4] Present worth per million BTU to land owner \_\_\_\_\_  
X [1 / 1,000,000] \_\_\_\_\_  
Present worth per BTU to land owner \_\_\_\_\_
  
- [5] Present worth per BTU to land owner \_\_\_\_\_  
X BTU content [one pound of coal] for seam and location \_\_\_\_\_  
Present worth per pound to land owner of seam \_\_\_\_\_
  
- [6] Present worth per pound to land owner of seam \_\_\_\_\_  
X 2,000 \_\_\_\_\_  
Present worth per ton to land owner of seam \_\_\_\_\_
  
- [7] Present worth per ton to land owner of seam \_\_\_\_\_  
X 1,800 tons per acre foot \_\_\_\_\_  
Present worth per acre foot to land owner of seam \_\_\_\_\_
  
- [8] Present worth per acre foot to land owner of seam \_\_\_\_\_  
X Recovery rate for seam \_\_\_\_\_  
Present recoverable worth per acre foot to land owner of seam \_\_\_\_\_
  
- [9] Present recoverable worth per acre foot to land owner of seam \_\_\_\_\_  
X Coal bed thickness \_\_\_\_\_  
Present recoverable worth per acre to land owner of seam \_\_\_\_\_

Eye Chart Regarding Valuation Accuracy

# PRODUCTION

## PERMITTING

Seam Thickness

BTU Content

Sulfur Content

Volatility

Nearness to Current Mining

Estimated Recovery Rate

Use Conflicts

Environmental Concerns

Probable Time of Mining

### Time/Value Effect on Income (@ 13.4%)

<u>Estimated Time of Mining</u>	<u>Presumed Income</u>	<u>Mid-Year Factor</u>	<u>Current Value</u>
20 Years	\$ 100,000	0.08086	\$ 8,086
40 Years	\$ 100,000	0.00654	\$ 654
80 Years	\$ 100,000	0.00004	\$ 4
3 Years	\$ 100,000	0.68574	\$ 68,574
5 Years	\$ 100,000	0.53325	\$ 53,325
15 Years	\$ 100,000	0.15164	\$ 15,164

**Permit Applications**  
**10-03-49-0001-0000-0000-000**

*all of*

<u>Permit #</u>	<u>Seam</u>	<u>Permitted Acreage</u>	<u>Minable acres</u>	<u>Tfactor</u>
U-3012-01	Eagle	350 acres	1390	40
U-3008-01	Eagle	600 acres	1390	40
S-3016-01	L. Eagle	320.24 acres	2988	80
"	Eagle	255.76 acres	1390	40
"	Eagle A	247.64 acres	-0-	40
"	Powellton	148.46 acres	990	80
"	# 2 Gas	91.28 acres	940	80
"	Peerless	6.05 acres	1464	40

## Changes Regarding Fayette County Coal Reserves

Parcel Seams Valued in 2004		<b>39,426</b>
Parcel Seams Valued in 2005		<b>23,551</b>
	Parcel Seams Lost	<b>15,875</b>
	% Lost	<b>40%</b>
Mapped Seams Valued in 2004 (geocode 4)		<b>6,351</b>
Mapped Seams Valued in 2005 (geocode 4)		<b>4,326</b>
	Mapped Seams Lost	<b>2,025</b>
	% Lost	<b>32%</b>
Mapped Mineable Acres (geocode 4) in 2004		<b>237,129</b>
Mapped Mineable Acres (geocode 4) in 2005		<b>153,417</b>
	Mapped Seams Lost	<b>83,712</b>
	% Lost	<b>35%</b>
Mineable Acres Valued in 2004		<b>741,983</b>
Mineable Acres Valued in 2005		<b>197,168</b>
	Mineable Acres Lost	<b>544,815</b>
	% Lost	<b>73%</b>
Total Appraised Value in 2004	\$	<b>46,820,320</b>
Total Appraised Value in 2005	\$	<b>29,433,452</b>
	Value Increase	<b>\$ (17,386,868)</b>

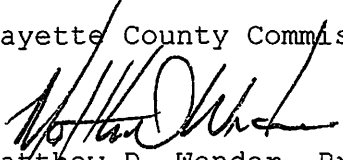
## APPRAISAL PROCEDURE IMPROVEMENTS

1. Multiple seams on same the property with a probable time of mining of 20 years.
2. Move due date of return forward to July 1<sup>st</sup>. of each year.
3. Create a minimum parcel size for a seam to receive a probable time of mining of 20 years.
4. Review process for annual consistency in values.
5. Lower the probable time of mining on permitted properties.

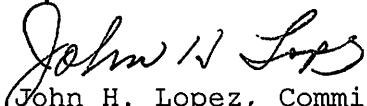
ORDER

The County Commission of Fayette County meeting in Regular Session on the 31st day of January, 2005, as a Board of Equalization and Review and having received a request from the Assessor of Fayette County for permission to make corrections to the initial assessment roll, does hereby order that any errors created by the West Virginia Department of Tax and Revenue or by the Assessor of Fayette County and found in the initial assessment roll be correct before the 27th day of February, 2005. Furthermore, the Assessor of Fayette County is hereby directed to take the necessary actions to fulfill this order.

Fayette County Commission



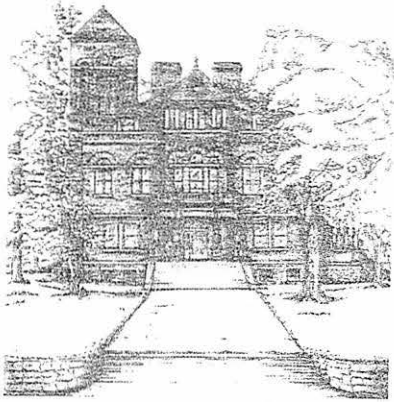
Matthew D. Wender, President



John H. Lopez, Commissioner



Kenneth L. Eskew, Commissioner



## FAYETTE COUNTY COMMISSION

FAYETTEVILLE, WV 25840-0307

TELEPHONE (304) 574-4290

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JOHN H. LOPEZ  
SMITHERS, WV  
COMMISSIONER

MATTHEW D. WENDER  
OAK HILL, WV  
PRESIDENT

KENNETH L. ESKEW  
FAYETTEVILLE, WV  
COMMISSIONER

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

January 31, 2005

Wade Thompson, Acting Director  
Property Tax Division  
Department of Revenue  
P.O. Box 2389  
Charleston, West Virginia 25324

Dear Mr. Thompson:

In reviewing the tax year 2005 values for reserve coal properties in Fayette County, we find that there are certain changes for which we are in need of an explanation. In this regard, we respectfully request an explanation for the following:

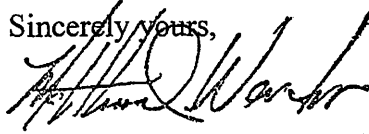
1. An explanation of why the number of seams on parcels that were valued by the Tax Department in Fayette County decreased from 39,426 in tax year 2004 to 23,551 in tax year 2005.
2. An explanation of why the number of mapped seams (geo code 4) in Fayette County decreased from 6,351 in tax year 2004 to 4,326 in tax year 2005.
3. An explanation of why the number of mapped minable acres (geo code 4) of reserve coal in Fayette County decreased from 237,129 in tax year 2004 to 153,417 in tax year 2005.
4. An explanation of why the number of minable acres in Fayette County decreased from 741,983 in tax year 2004 to 197,168 in tax year 2005.
5. An explanation of why the total appraised value of reserve coal property in Fayette County decreased from approximately \$46,820,300 in tax year 2004 to approximately \$29,433,500 in tax year 2005.



Wade Thomspson, Acting Director  
January 31, 2005  
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As this information is needed for the tax year 2005 Board of Equalization and Review hearing, your written response to this request as soon as possible is requested. Should you have question regarding this request, please advise.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Matthew D. Wender". The signature is written in a cursive style with a large, stylized "M" and "W".

Matthew D. Wender, President

cc: Eddie Young, Assessor  
Paul M. Blake, Prosecuting Attorney  
Scott Burgess  
Jerry Knight

Commissioner Eskew offered a motion to accept letters and fax both letters to the State Tax Department. Commissioner Lopez seconded.

Mr. Knight informed the Commissioners that there are valuations issues not geologist issues. Mr. Knight asked that the Commission request in writing the geologist values.

Ms. Holly informed the Commissioners the books will be brought over by the Assessor's Office for the Board of Equalization and Review.

Ms. Holly presented to the Commissioners the Order for permission to make corrections to the initial assessment roll, created by the West Virginia Department of Tax and Revenue or by the Assessor of Fayette County and found is the initial assessment roll be correct before the 27<sup>th</sup> day of February 2005.

Commissioner Lopez offered a motion to approve Order requesting the Assessor to make corrections prior to February 27, 2005. Commissioner Eskew seconded. Unanimous.

Commissioner Wender offered a motion to adjourn the Board of Equalization and Review hearing until February 3, 2005.

The Commissioner reconvened the County Commission meeting.

Ms. Holly asked the Commissioners if they had made a decision on the Meadow River Coal Company request for tax relief.

Carl Harris, Assistant Prosecuting Attorney informed the Commissioners he had drafted a letter for the Commission requesting they deny Meadow River Coal Company request for tax relief.

Commissioner Lopez offered a motion that President Wender's name

is stamped on the letter to Meadow River Coal Company on February 3, 2005 and copy to the State Tax Department. Commissioner Eskew seconded.

Commissioner Eskew offered a motion that the Commission denies relief to Meadow River Coal Company for 2004 Tax assessment. Commissioner Lopez seconded. All approved.

Commissioner Eskew offered a motion to approve 44 hours overtime for James Perdue, Maintenance Supervisor for the month of January. Commissioner Lopez seconded. All approved.

Commissioner Eskew offered a motion to appoint Carl Thompson to fill the vacancy at Mountain Transit Authority. Commissioner Wender seconded. All approved.

Commissioner Wender asked that a letter be sent to Gayle Koone wishing good things upon his retirement as Transport Officer.

Commissioner Wender informed the Commissioners they need to check with Sheriff Laird regarding the Fiscal Year 2006 Grant Funds on February 3, 2005.

Commissioner Wender asked the Commissioners about appointment of a Public Defender and if they received recommendations from Judge John Hatcher.

The Commissioners received and reviewed a letter from Howard Hughes, Mayor, Town of Pax requesting the annual donation of \$1,000 for Fiscal Year 2004 and Fiscal Year 2005 total amount requesting \$2,000 for Flood Control. The Commissioners asked Ms. Holly to review.

Ms. Holly informed the Commissioners that Dan Snead with J. Dan

Snead Associates reviewed the situation of the first floor annex and recommended removal of the carpet. The Commissioners asked that this be continued on February 3, 2005.

Commissioner Lopez informed the Commissioners that Eddie young, Assessor would like to come back during Budget Session to discuss the Dental/Vision Plan with the WV Association of Counties.

Commissioner Wender suggested meeting with Allen Ballard, Okey Skidmore, Chris Dyer, C-PAC and the 911 Center to discuss the Budget.

Commissioner Wender asked the status of the Legislative Grant monies for the Horseshoe Pit.

Ms. Holly informed the Commissioners she had asked the Legislative to redirect the monies to the Fayette County Park but she has not received a response.

Commissioner Lopez suggested to Ms. Holly to check with Delegate David Perry or Senator Shirley Love regarding this matter.

The Commissioners asked Commissioner Eskew to unlock ballot room on February 2, 2005 at 4:00 p.m. to get the early voting can. Commissioner Eskew is to get the key from Ms. Holly.

The Commissioners signed a letter to James E. Gilleran, Director Office of Thrift Supervision urging them to withdraw Proposal No. 2004-53 that would make a sweeping change to the definition of community development activity for purposes of Community Reinvestment Act (CRA) regulations.

The Commissioners signed a letter to the Elected Officials requesting that each office, prior to March 2, 2005 submit detailed request for appropriation for anticipated or expected expenditures for

its respective office, including the compensation for its assistants, deputies, and employees for the ensuing fiscal year.

Commissioner Wender informed he would review the minutes of January 10, 2005.

Commissioner Wender asked if the County should carry Workers' Compensation for the Elected Officials. Ms. Holly replied feels the County should.

The Commissioners scheduled March 4, 2005 County Commission meeting to meet with the Elected Officials and Department Heads to discuss Fiscal Year 2005-2006 budget.

Ms. Holly informed the Commissioners that she received a notice from Kelvin Holliday, County Clerk informing that Midland Trail High School and Meadow Bridge High School will be having their youth's basketball Saturday morning.

The Commissioner informed they have no problem with this as long as it won't interfere with voting.

Ms. Holly informed the Commission that all polling places are okay.

The Commissioners received and reviewed a letter from C-PAC advising that the new name for the former Citizens for the prevention of Animal Cruelty, Inc. (C-PAC) has been changed to the New River Humane Society, Inc.

The Commissioners approved maintenance of a copier for the County Clerk's Office.

The Commissioners received and reviewed checks for 911 Fees from Metro-Teleconnect Co., amount \$19.60, Public Service Commission,

amount \$58,419.91, VarTec, amount \$7.76, Mountain Communications, amount \$50.96, IDT Corporation, amount 76.00, Grante Telecommunication, LLC, amount \$100.00, Citizens Communication, amount \$56.26, Verizon, amount \$35,680.42, AT&T Communication of WV, amount \$1,590.00; Franchise Fees from Charter Communications, amount \$1,908.12; Miscellaneous Revenue Dog Tax Fund, amount \$448.00; WV Development Office Legislative Digest Grant-Christians Helping Others, amount \$1,480.22; TRIDENT overtime, amount \$1,071.00; Vending Commission, amount \$36.83; Family Law Master Rent reimbursement, amount \$2,025.00; Secretary of State-filing fees, amount \$2,842.00; Fayette County Animal Shelter Weekly Fees for the week of January 1, to January 16, 2005, amount \$263.00, the week of January 7 to January 13, 2005, amount \$240.00, the week of January 14 to January 20, 2005, amount \$65.00 and the week of January 21 to January 27, 2005, amount \$85.00.

The Commissioners received and reviewed from Beth Gardner transportation Enhancement Program Grant Application.

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

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

The Commissioners received and reviewed from the Department of Health and Human Resources a copy of the Assessing the Technical Managerial Financial Capabilities Report for the Kanawha Falls Community Water System.

The Commissioners received and reviewed from the Division of

Highways a copy of the December 2004 Public Involvement Process Document.

The Commissioners received and reviewed Audit Report from the Gauley River Public Service District for the Fiscal year ended June 30, 2004 and 2003.

The Commissioners received and reviewed a letter from J. Dan Snead and Associates, Inc. informing that since the window replacement contract has been approved and executed the contractor's Bid Bond in the form of a bank draft is no longer required.

The Commissioners received and reviewed a letter from J. Dan Snead and Associates, Inc. enclosing the submittals for window lift hardware for the Fayette County Courthouse Window project.

The Commissioners received and reviewed thank-you card from Larry Parsons Family and a thank-you card from the Fayette Toy Fund, Inc.

The Commissioners received and reviewed from Region 4 Planning and Development Council a drawdown request for the New Haven Public Service District-Paint Creek/Plum Orchard Water Extension.

The Commissioners received and reviewed a press Release from the Zoning Office informing that the Fayette County Commission has instituted a moratorium January 10, 2005, on B-4 (Business, Major District) zoning applications.

The Commissioners received and reviewed a letter from the Fayette County National Bank confirming that the County of Fayette made a tax deposit in the amount of \$32,499.50 on May 17, 2004.

The Commissioners received and reviewed a letter from the State Tax Department informing that their records indicate that Fayette

County Commission is eligible for the Homestead Exemption Program.

The Commissioners received and reviewed from the State Office of Emergency Services informing that Governor Bob Wise has issued an Executive Order No. 20-04 effective December 23, 2004, this Executive Order established the National Incident Management System (NIMS) as the standard for emergency management within West Virginia.

The Commissioners received and reviewed a letter from the State Office of Emergency Services informing that the 2005 LEPC Grant package will be delayed. The grant application is being reworked in an effort to assist LEPC's in the application process. A copy forwarded to Steve Cruikshank, OES Director.

The Commissioners received and reviewed a letter from Louis Tabit, a member of the Committee to Upgrade U. S. Route 60 regarding the conference with Commissioner VanKirk and Deputy Commissioner Randy Epperly has been scheduled for February 16, 2005 at 1:00 p.m.

The Commissioners received and reviewed a letter from the State Tax Department responding to the Fayette County Commission request for a review of the increase in assessment on an oil/gas account (Acct. #10-03-9999-0817-6868).

The Commissioners received and reviewed a letter from the West Virginia Infrastructure and Job Development Council regarding a binding commitment for a \$599,000 loan on July 9, 2004 to the Fayette County Urban Renewal Authority to assist in the financing of its \$4,616,000 project to develop approximately 300 acres to support a mixed use industrial park.

The Commissioners received and reviewed from the West Virginia



Division of Culture and History informing that applications are now being accepted for historic preservation development grants through the State Historic Preservation Office (SHP0).

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

The Commissioners received and reviewed a letter from the National Resources Conservation Service thanking the Commission for expressing their continued interest in the Dunloup Creek Watershed Study. A copy forwarded to Dave Pollard, County Resource Coordinator.

The Commissioners received and reviewed a letter from the West Virginia Division of Culture and History informing that the Records Management and Preservation Board (RMPB) is hosting a Basics Records Management Training Workshop for county officials and staff on Wednesday, January 26, 2005 at the Radisson Hotel.

The Commissioners received and reviewed a letter from Region 4 Planning and Development Council informing that the next scheduled meeting for the City of Mount Hope Project #03SCBG0065-Kilsyth Sewer Extension/Plant Upgrade is Tuesday, January 18, 2005 at 10:30 a.m. at the Mount Hope Housing Authority.

The Commissioners received and reviewed minutes and attendee sheets of the December 7, 2004 joint Community Water Committee meeting.

The Commissioners received and reviewed a letter from the West Virginia Development Office thanking the Commission for their

attendance and participation at the Implementation meeting for the Fayette County Commissioner's Page-Kincaid Public Service District Wastewater Extension, Project #04SCBG0057.

The Commissioners received and reviewed a notice from Earl Pauley, Park Superintendent asking that the 1997 Ford Crown Victoria be removed from insurance, no longer on the road and a 1997 Ford Crown Victoria be removed and title pulled going to the City of Smithers.

Commissioner Lopez offered a motion that the 1997 Ford Crown Victoria Vendor #2FALP71W6VX160354, and the 1997 Ford Crown Victoria Vendor #2FA1P71W7VX126312 be removed and the title is pulled.

Commissioner Eskew seconded. Unanimous.

The Commissioners received and reviewed an Official Oath of Office from Daniel Wright, Circuit Clerk for his Chief Deputy Cathy Jarrett.

The Commissioners received and reviewed an amended budget informing that beginning January 18, 2005 the monthly salary increases for each employee in the Fayette County Circuit Clerk's Office: Cathy Jarrett, Chief Deputy (\$2,300.00), Sue Massey, Deputy (\$2,387.18), Mary Crist, Deputy (\$1,857.59), Deborah Smith, Deputy (\$1,707.59), Mary Beth Whisman, Deputy (\$1,507.59), Anna Vandall, Deputy (\$1,507.59), and Stephanie Crist, Deputy (\$1,416.67).

The Commissioners received and reviewed a letter from the Public Service Commission inviting the Commission to attend the Public Service District Board Members' Mandatory Training Seminar being held February 17-19, 2005 at the Charleston Civic Center, Charleston, West Virginia.

The Commissioners received and reviewed a request from Mrs. Carolyn Triotino requesting that her check in the amount of \$25.00 written in October for the brass plaque for the Fayette County Soldiers and Sailors Memorial Building be returned.

The Commissioners received and reviewed a letter from the Division of Criminal Justice Services acknowledging receipt of the Fiscal Year 2004 Local Law Enforcement Block Grant application.

The Commissioners received and reviewed the Status Report of calls received to the 911 Center for the Year 2004.

The Commissioners received and reviewed a notice from the West Virginia Association of Counties informing of the 2005 Annual Meeting being held March 13 to March 15, 2005.

The Commissioners received and reviewed an e-mail from the Office of the State Treasurer regarding December limited Video Lottery proceeds.

The Commissioners received and reviewed an e-mail from the Office of the State Treasurer regarding the distribution of Coal Severance Tax.

The Commissioners received and reviewed an e-mail from Carl Thompson informing of his e-mail address ([cthomps7@wvstate.edu](mailto:cthomps7@wvstate.edu)).

The Commissioners received and reviewed several e-mails regarding the Fayette County Personnel Handbook.

The Commissioners received and reviewed an e-mail from Harold Bragg regarding county vehicles gassing up at local gas stations instead of at a State Gasoline facility.

The Commissioners received and reviewed an e-mail from the

Fayette County Animal Control Center requesting that Earl Pauley, park Superintendent supply another load of gravel on the hill to the new animal shelter.

The Commissioners received and reviewed an e-mail from W. D. Smith, Director Region 4 Planning and Development Council informing that a meeting has been scheduled for Thursday, January 20 at 9:00 a.m. to discuss the Region 4 Assessment Structure.

The Commissioners received and reviewed an e-mail from Commissioner Eskew informing that he would be out of town Tuesday, January 28 through Saturday, January 29, 2005.

The Commissioners received and reviewed an e-mail from the WVU Institute for Public Affairs informing of the hotel information for a conference being held April 9 through April 10, 2005.

The Commissioners received and reviewed an e-mail from Commissioner Wender to Dave Pollard, County Resource Coordinator asking if the Letter of Credit Road Access is on the Agenda for January 31, 2005.

The Commissioners received and reviewed from Judy Radford, Director 4-C Economic Development Authority regarding the Longacre Bottom.

The Commissioners received and reviewed an e-mail from Dave Langford, Appalachian Power regarding Appalachian Power Inspections.

The meeting was adjourned at 3:45 p.m. The next scheduled meeting is February 3, 2005.



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FAYETTE COUNTY COMMISSION  
SPECIAL SESSION  
JULY 1, 2005  
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a special session on this 1<sup>st</sup> day of July 2005.

Commissioner Wender called the County Commission meeting to order at 9:00 a.m. The Commission recessed the County Commission meeting and convened to have the canvass of the June 25, 2005 Statewide Pension Bond Amendment Election at 9:10 a.m.

The Canvass was concluded at 11:40 a.m.

The Commission reconvened the County Commission meeting at 11:45 a.m.

Ms. Holly informed the Commissioners she received a call from the Supreme Court requesting that the Fayette County Commission prepare an order to increase the fees charged by the Sheriff of Fayette County for service of process, writs and having determined that said increase would provide financial benefits to the County and would provide a uniform schedule of fees.

Commissioner Eskew offered a motion that the fees to be charged by the Sheriff of Fayette County be increased in accordance with WV Code 59-1-14 as amended. Commissioner Lopez seconded. Unanimous.

The Commissioners approved to pay from the Homeland Security Citizen Corporation an invoice received from Virgil Berry for the purchase of a Sharp PG-B10SLCD Projector, amount \$799.99.

Ms. Holly presented to the Commissioners invoices to be approved.

Commissioner Lopez offered a motion to approve all vouchers as presented applicably to the Fiscal Year June 2005. Commissioner Eskew seconded. Unanimous.

Ms. Holly informed the Commissioners that a check in the amount of \$1,500.00 was sent to the Minden Community Center for Fiscal Year 2004-2005 allocation.

The Commissioners received and reviewed from the Division of Criminal Justice Services awarding the amount of \$89,000 to the Fayette County Commission for funds to pursue a community corrections program in Fayette County.

The Commissioners received and reviewed a letter from the Division of Criminal Justice Services awarding the amount of \$16,200 to the Fayette County Commission for funds to provide for officer overtime to continue a multi-jurisdictional drug and violent crime control task for (TRIDENT).

The Commissioners received and reviewed a fax from the West Virginia Division of Culture and History regarding the Records Management and Preservation Grant informing that if there are other activities which were to be addressed in the grants which have not been conducted or completed, which will extend beyond the 30<sup>th</sup> of June, and for which the county seeks reimbursement from any remaining balance in this component of the county's records grant, an extension would have to be requested.

The Commissioners signed a letter to the West Virginia Division of Culture and History requesting an extension of the County Clerk's Records Preservation Grant project.

The Commissioners received/reviewed and signed HUD Attachment 5-5 "Contract for Professional Services-Part 11-Terms and Conditions" that need to be made a part of your contract for the Fayette County Commission Project #03SCBG0102 504 Compliance to Courthouse-Elevator Project from Region 4 Planning and Development Council.

The Commissioners received and reviewed a letter from the Fayette County National Bank informing that \$700-FNMA cusip 31359MPF4 security pledged will not be available for pledge as of June 30, 2005, they will be substituting \$700-FNMA cusip 3136F3CZ7 as security.

Commissioner Lopez offered a motion to approve the substitution of the security pledged by the Fayette County National Bank. Commissioner Eskew seconded. Unanimous.

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

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

The Commissioners received and reviewed notice of the swearing in of the Mayor and Council members for the Town of Gauley Bridge.

The Commissioners received and reviewed a letter from the United States Environmental Protection Agency informing they approved an amendment to the referenced Assistance Agreement which extends the budget and project periods to March 30, 2006 at no additional cost to the Federal government, for the project entitled Fayette County Wastewater Equivalency Plan. Two originals of Assistance Amendment #2 have to be signed.

Commissioner Eskew offered a motion to approve the extension of

the Fayette County Wastewater Equivalency Plan and to sign Assistance Amendment #2. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed checks for 911 Fees from Citynet Holding, LLC, amount \$7.76, a check from the Public Service Commission, amount \$65,333.50; reimbursement for TRIDENT overtime, amount \$428.88; Jail Fees check from the City of Mount Hope, amount \$48.50; Soldiers and Sailors Memorial Fund, amount \$250.00; reimbursement from the WV Association of Counties, amount \$100.00.

The Commissioners received and reviewed an invoice from the County Commissioners' Association of WV for Special Assessment for reimbursement of legal fees incurred by the Cabell County Commission in the suit regarding regional jail expense, amount \$485.00.

Commissioner Eskew authorized the payment of \$85.00 to the County Commissioners' Association of WV for reimbursement of legal fees incurred by the Cabell County Commission in the suit regarding regional jail expense. Commissioner Lopez seconded. Unanimous.

The Commissioners signed the Application for Certificate to Operate the Courthouse Incinerator for the period July 1, 2005 to June 30, 2006.

Commissioner Eskew offered a motion to approve payment of the Sheriff's Commission, amount \$15,000.00. Commissioner Lopez seconded. Unanimous.

Ms. Holly informed the Commissioners of the complaints she received regarding the auction that was held June 27, 2005.

The Commissioners received and reviewed a letter from Senator Randy White informing the Commission that the Fayette County



Commission has been identified in the Legislative Budget Digest for funding in the amount of \$25,000.00.

The Commissioners received and reviewed a letter from the West Virginia Development Office informing their request for a change of scope for Fiscal year 2004 Local Economic Development Assistance Grant has been approved.

The Commissioners received and reviewed a recall notice from Chevrolet.

The Commissioners received and reviewed an e-mail from Harold Bragg regarding the addressing system in Glen Jean area.

The Commissioners received and reviewed a letter from Eddie Young, Assessor regarding the Wolf Creek Property. A copy of the letter forwarded to Dave Pollard, County Resource Coordinator.

The Commissioners signed a letter for the West Virginia State University Extension informing they are seeking a grant in the amount of \$300,000 to develop a model shared-use hospitality training center in Wolf Creek Park, a mixed-use "Live, Work, Learn and Play" community presently being developed in central Fayette County.

The Commissioners received and reviewed an Official Oath of Office from John Eades member of the Fayette County Board of Health.

The Commissioners received and reviewed a memo from Carl Harris, Assistant Prosecuting Attorney regarding the Fayette County Board of Education lease of the Memorial Building.

The Commissioners received and reviewed a remittance by the Assessor's Office to the State Treasurer's Office in the amount of \$186.00 to the Courthouse Facilities Improvement Fund.

The Commissioners received and reviewed an e-mail from the Office of the State Treasurer the 25% of the distribution of Oil and Gas Severance Tax, amount \$22,388.84.

The Commissioners received and reviewed Budget Statements for Fiscal Year 2005-2006 from the Prosecuting Attorney, Circuit Clerk, Sheriff, Assessor, Zoning and the County Clerk Office.

The meeting was adjourned at 12:00 p.m. The next scheduled meeting is July 8, 2005.

A handwritten signature in blue ink is positioned above a solid horizontal line. The signature is stylized and appears to consist of several overlapping loops and strokes, possibly representing the initials 'HOL' or a similar set of initials.

FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
JULY 8, 2005  
COURTHOUSE

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

The Fayette County Commission met in a regular session on this 8<sup>th</sup> day of July 2005.

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

Commissioner Lopez offered a motion to approve vouchers and payrolls, payrolls to be released July 15, 2005. Commissioner Eskew seconded. Unanimous.

Commissioner Wender informed he has not received any minutes since last meeting.

Ms. Holly presented the results of the election to be certified to the Commissioners.

Commissioner Lopez offered a motion to certify the results of the Special Pension Bond Amendment Election, held on June 25, 2005.

Commissioner Eskew seconded. Unanimous.

John David invited the Commissioners to attend their recognition of the Work Camps tonight at 7:30 p.m. at the Oak Hill High School.

Mr. David introduced Robin Gathman to the Commissioners. Mr. David informed the Commissioners that Ms. Gathman worked on 65 homes this week.

Commissioner Wender commended Ms. Gathman for all the work the groups do.

Ms. Gathman informed the Commissioners she would like to see officials at the camps.

Commissioner Lopez informed the Commission has contributed in the past, but right now the Commission does not have funds. Offices have experienced cuts.

Commissioner Wender informed the Commission would like to look at in March 2006, hope the Coal Severance Funds improve.

Commissioner Wender congratulated Mr. David for receiving the Rural Development Funds.

Eddie Young, Assessor presented exonerations and refunds to be approved to the Commissioners.

Commissioner Lopez offered a motion to approve exonerations as submitted by the Assessor. Commissioner Eskew seconded. Unanimous.

Commissioner Lopez offered a motion to approve refunds for Eugene Wallace as submitted by the Assessor. Commissioner Eskew seconded.

All approved.

The Commissioners received and reviewed a letter from Paul Blake, Prosecuting Attorney to Pocahontas Land Corporation informing that the Pocahontas Land Reassessment Fayette County hearing acknowledges their earlier written request for a continuance of the July 8, 2005 hearing. Said continuance has been granted and the County Commission has rescheduled the hearing for Wednesday, August 24, 2005 at 9:00 a.m.

Bud Fox with Bud Body Shop and Towing appeared before the Commission to ask if the County would pay wrecker service to impound cars. Mr. Fox informed the Fayette County Commission would charge storage and would have to deal with the individuals or the Fayette County Commission would allow the wrecker service to deal with the individuals. The county would have Sheriff Sale on Courthouse steps,

whoever buys a vehicle would pay storage to wrecker service.

Mr. Fox told the Commissioners right now he has a lot of junk on his lot.

Mr. Fox told the Commissioners it would be legal to have a Sheriff sale.

Carl Harris, Assistant Prosecuting Attorney informed the Commission he would need to look at the Code.

Mr. Fox told the Commissioners he has talked with Senator Shirley Love. Senator Love contacted the Department of Motor Vehicles. The Department of Motor Vehicles informed Senator Love that the Sheriff could have a sale.

Ms. Holly asked Mr. Fox to talk with the Sheriff regarding this matter.

Mr. Fox told the Commissioners that his son has talked with the Sheriff, feels the Sheriff is not willing to participate.

Commissioner Wender suggested Mr. Harris facilitate a meeting with the Sheriff and Mr. Harris to contact Mr. Fox of the meeting.

Mr. Fox informed the Commissioners he would work up a proposal.

Mr. Fox told the Commissioners it's required to have a fence if you impound cars.

Mr. Fox told the Commissioners that in June 2004 he paid more than \$1,000 for building permits and he has not seen a Building Inspector. Mr. Fox told the Commissioners he has not received anything for his permits.

Commissioner Wender told Mr. Fox that the Inspection process has just started at that time the inspection process was not in place.

The Commissioners signed the Bill of Sale for the vehicles Bud Fox bought at the auction.

Earl Pauley, Park Superintendent informed the Commissioners he had contacted Brian Miller regarding the gas line at the Fayette County Park.

Commissioner Wender asked Mr. Pauley if he had contacted Equitable.

Mr. Pauley replied no contact with Equitable at this time.

Commissioner Wender request that Equitable supply gas from Allegheny Power and cover all the dog pound buildings.

Mr. Pauley told the Commissioners there are no lines in the Fayette County Park at all.

Mr. Pauley said he would contact Paul Thurmond with Allegheny Power to try and get a contract signed.

Commissioner Wender told the Commission they need a letter or contract to sign.

Mr. Pauley told the Commissioners he has a copy of last years contract.

Commissioner Eskew asked who will maintain lines once installed.

Mr. Pauley informed either way they will maintain or Allegheny Power.

Commissioner Wender asked the Commission if it would be okay if he sign the contract.

Commissioner Wender asked Mr. Pauley to give the contract to Carl Harris, Assistant Prosecuting Attorney to review, once Mr. Harris has reviewed he would sign.

Commissioner Lopez offered a motion that President Wender be authorized to sign contract on behalf of Allegheny Power.

Commissioner Eskew seconded. Unanimous

Earl Pauley asked the Commissioners about the complaint they received from Gary Reynolds. No decision was made.

Commissioner Eskew offered a motion to approve overtime for Debbie Aliff. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from David Neal, E911 Coordinator informing the Commission that as requested he reviewed the bid for the E-911 Radio Console Upgrade. Mr. Neal informed the Commissioners he found the bid proposal to be complete and satisfactory for the needs of the E-911 Center. Mr. Neal informed the Commissioners he recommends acceptance of the bid as submitted.

Commissioner Eskew offered a motion to approve purchase of the new E-911 Radio Console Upgrade from Motorola/Two Way Radio, Inc. to be paid out of the 911 Fund. Commissioner Lopez seconded. Unanimous.

Mr. Neal made a request to the Commissioners to purchase a repeater.

Commissioner Wender asked Mr. Neal to present a written request to the Commissioner for the repeater.

Kelvin Holliday, County Clerk appeared before the Commission to express his concerns regarding the increase in the Excise Tax for the Farmland Preservation. Linda Johnson Chief Deputy was present.

Ms. Johnson asked if this would be a separate fee, need to send copies of the Order to the Auditor's Office. Ms. Johnson will send the attorney's copies of the new chart.

Attorney Jamie Blankenship appeared before the Commission to present a Petition of Stephanie A. Davenstott Gouge to abandon an unnamed and unused street.

Commissioner Wender swore in Stephanie Gouge and John Wriston. Attorney Blankenship questioned Ms. Gouge.

Attorney Blankenship informed the Commissioners they are here today to ask that the Commission abandon an unnamed and unused street outside the corporate limits.

Commissioner Wender asked Mr. Wriston if he had any comments.

Carl Harris, Assistant Prosecuting Attorney informed the Commissioners that they have heard all the facts.

Mr. Harris asked the Commission to take under advisement and get back with them at the end of the month.

Commissioner Wender suggested to Attorney Blankenship and others to come back on the 29<sup>th</sup> of July to hear the Commission's decision.

Attorney Blankenship told the Commissioners that his appointment that was scheduled at 11:30 a.m., Petition to remove Carl Harris as Administrator in the Estate of Milton O. Kiddy will be rescheduled for July 29, 2005, no interested parties appeared.

Steve Pilato and Helen Whitehair from the Fayette County Board of Education appeared before the Commission to inform them that they did receive the Lease to the Memorial Building.

Mr. Pilato told the Commissioners that he would be presenting this to the Board members at their next meeting.

The Commissioners received and reviewed a contract from J. Dan Snead and Associates for the Courthouse elevator.



Commissioner Eskew offered a motion that the Fayette County Commission enters into an agreement with J. Dan Snead and Associates regarding the Courthouse elevator. Commissioner Lopez seconded. Unanimous.

Ms. Holly informed the Commissioners she received a letter from Richard Day, Coordinator on behalf of the Meadow Bridge High School and Elementary requesting a grant from the Commission to help complete the baseball/softball/playground equipment program for Meadow Bridge High School and Elementary.

The Commissioners asked that a letter be sent to Mr. Day informing him that the Fayette County Board of Education receives approximately 70% of all county tax revenue and since their request is for funding for school improvements programs, the Commission feels that the funding is the responsibility of the Board of Education. Therefore, the Commission does not approve this request for funding for school improvements. A letter signed.

Ms. Holly presented a copy of the Fayette County Personnel Manual to the Commissioners.

Ms. Holly presented to the Commissioners for their signature a letter to the Elected Officials and Department Heads informing them to notify each of their employees to pick up his/her copy of the personnel manual from Debbie Aliff, Payroll Clerk and to sign and return the "Proof of Review of Manual" to the payroll clerk within seven days of receipt.

Ms. Holly presented Budget Revisions for the General County Fund and Coal Severance Fund for Fiscal Year 2005-2006 to the

Commissioners.

Commissioner Eskew offered a motion to approve Budget Revisions for the General County Fund and the Coal Severance Fund for Fiscal Year 2005-2006. Commissioner Lopez seconded. Unanimous. Orders signed.

The Commissioners received/reviewed and signed the Quarterly Tax Report for the Fayette County Park.

The Commissioners received and reviewed a letter from Spillman, Thomas, Battle regarding the \$11,600,000 County Commission of Fayette County, WV Solid Waste Disposal Facility Revenue Bonds (Georgia-Pacific Project), Series 1995 informing that because they serve as bond counsel for the initial issuance of the Bonds, they are requesting that the Commission waive any potential conflict of interest and consent to their continuing representation before the Internal Revenue Service.

Commissioner Eskew offered a motion that the Fayette County Commission sign waiver of release to Spillman, Thomas and Battle. Commissioner Lopez seconded. Unanimous.

Ms. Holly presented to the Commissioners from the Assessor petitions to combine or divide and segregate land for John C. and Barbara A. Chester, II, Charles Biggs, Sherd L. and Shirley M. Maynard, Charlotte Vandall, Garret and Deborah Richmond, John L. and Constance Witt, Darrell L. and Judy M. Myles and Melvin C. and Ronda G. Hodge.

Commissioners Lopez offered a motion to approve petitions to combine or divide and segregate land for the above names as submitted

by the Assessor's office. Commissioner Eskew seconded. Unanimous.

Ms. Holly informed the Commissioners she received from the West Virginia Division of Culture and History approval of their request to extend the time to complete the work activities of its Records Management and Preservation County Records grant, the Records Management and Preservation Board agrees to provide an extension of sixty (60) days to complete the grant.

Ms. Holly informed the Commissioners that she worked with Dan Snead he has prepared window advertisement for pre-bid meeting July 21, bids would be due July 28, will open bids July 29 at 10:15 a.m.

Ms. Holly informed the Commissioners she received an invoice for the Regional Jail for the month of June, amount \$47,627.00.

The Commissioners received and reviewed amended Budget Statement from the Assessor's Office.

The Commissioners received and reviewed from the West Virginia Division of Labor a notice that effective July 1, 2005, the Operations fee for elevators and lifting devices regulated by West Virginia Code §21-3C, the Elevator Safety Act, will increase from \$25.00 per device to \$50.00 per device.

Commissioner Lopez offered a motion to proceed with the cost of the elevator repairs. Commissioner Eskew seconded. Unanimous.

The Commissioners received and reviewed an invoice from Lee's Carpet estimate of cost for bas for the Tax Department and the Assessor's office on the ground floor hallway at the Courthouse Annex, amount \$789.00.

Commissioner Lopez offered a motion to approve repairs to the Tax

Department and Assessor's Office hallways and base, amount \$789.00.  
Commissioner Eskew seconded. Unanimous.

The Commissioners received/reviewed and approved C-PAC allotment, amount \$10,344.32 for the month of July 2005.

The Commissioners received and reviewed from Kelvin Holliday, County Clerk, a copy of a fax from Access Systems informing that the workstation for the Minolta 603Z cost would be \$295.00.

Commissioner Eskew offered a motion to approve a stand for the Minolta 603Z Reader/Printer, cost \$295.00. Commissioner Wender seconded. Unanimous.

The Commissioners received and reviewed a fax from the State Auditor's Office regarding inquiry related to the Farmland Protection Fees.

Ms. Holly presented her mileage from July 2004 to June 2005 for approval to the Commissioners.

Commissioner Eskew offered a motion to approve Ms. Holly's reimbursement for travel for the period July 2004 to June 2005. Commissioner Wender seconded. Unanimous.

Commissioner Wender offered a motion to go into Executive Session with Paul Blake, Prosecuting Attorney at 1:05 p.m.

The Commission reconvened the County Commission meeting at 2:10 p.m.

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

Commissioner Lopez offered a motion to reappoint Al Gannon, Eugene Kistler, Charles Dummit, Pat Day and Leon Cooper as members of

the Fayette County Planning Commission. Commissioner Eskew seconded. Unanimous.

The Commissioners received and reviewed from the Fayette County Animal Control Center/C-PAC Activity Report, Monthly Revenue Report for the month of June, and Weekly Fees Collected for the week of June 24 to June 30, 2005, amount \$190.00.

The Commissioners received and reviewed a letter from One Book One West Virginia inviting everyone to share the story of Mary Draper Ingles' escape across frontier Appalachia.

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

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

The Commissioners received and reviewed a letter from the Supreme Court of Appeals regarding House Bill 2296, fees to be charged by sheriffs passed April 8, 2005, in effect July 1, 2005.

The Commissioners signed invoices to the City of Oak Hill, amount \$873.00, the Town of Fayetteville, amount \$145.50, the City of Mount Hope, amount \$48.50 and the City of Smithers, amount \$48.50 for the confinement of inmates at the Southern Regional Jail for the month of June.

The Commissioners signed a letter of support on behalf of the Medical Runners, Inc. to the West Virginia Public Service Commission for a certificate to provide nonemergency medical transportation to

and from medical appointments for ambulatory clients in Fayette, Nicholas, and Raleigh Counties that do not have the means to transport themselves.

The Commissioners received and reviewed an Official Oath of Office from Katheryne Hoffman, Director of the Fayette County Public Defender Corporation.

The Commissioners received and reviewed a letter from SunTrust Bank informing the Commission of the securities pledged effective June 30, 2005.

The Commissioners received and reviewed from Wachovia Bank a report showing what they have pledged to the Fayette County Commission by Branch Banking and Trust (BB&T) as of July 7, 2005.

The Commissioners received and reviewed from the Bank of New York Cash Statements and Asset List as of June 30, 2005.

The Commissioners received and reviewed 911 Fees from Trinsic Communications, Inc. amount \$30.00.

The Commissioners received and reviewed a copy of a letter from Judge John Hatcher to Senator Shirley Love requesting that he do all that is necessary to overcome any bureaucratic obstacles which may stand in the way of the County Commission receiving the \$6,000.000 in order that he may purchase nineteen (10) chairs for the jury room.

The Commissioners received and reviewed Quarterly Report (April 2005 to June 2005) from the Boomer Volunteer Fire Department, Inc.

The Commissioners received and reviewed from Chief Deputy Steve Kessler a list of the Fayette County Sheriff's Department Leave as of June 30, 2005.

The Commissioners received and reviewed a copy of a letter from Congressman Nick J. Rahall, II to Dr. Charles Bayless, President, West Virginia University Institute of Tech confirming the appointment for Monday, August 8, 2005 at 10:00 a.m. in his Beckley Office.

The Commissioners received and reviewed a letter from Jim Lively Insurance informing that it is not in the best interests of the Fayette County Commission to add the Minden Community Meeting Center, Inc. onto the County's liability insurance policy as an additional insured.

The Commissioners received and reviewed a letter from Jim Lively Insurance, Inc. Informing he had a preliminary discussion with the underwriting department of our insurer, St. Paul Travelers, relative to a possible shooting range being developed at the Fayette County Park. Based on past experience they strongly discourage any of their insured risks from involvement, as a principal, in shooting ranges due to the inherently dangerous activities conducted.

The Commissioners approved 24 hours of overtime for Debbie Aliff, Payroll Clerk.

The Commissioners received and reviewed Trail Balance as of June 30, 2005 and Final Budget Report for the Enhanced Community 911 Fund for 2006 Fiscal Budget.

The Commissioners received and reviewed a copy of a letter to the West Virginia Division of Highways requesting they include the Gauley Mountain Tower Road in the maintenance program.

The Commissioners received and reviewed a letter from Motorola informing that currently there is no contract in place between

Motorola and the State of West Virginia, the last having expired almost 12 months ago.

The Commissioners received/reviewed and signed from Otis Elevator Company approval to change their monthly maintenance billing cycle to an annual payment plan.

The meeting was adjourned at 2:30 p.m. The next scheduled meeting is July 29, 2005.



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FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
JULY 29, 2005  
COURTHOUSE

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

The Fayette County Commission met in a regular session on this 29<sup>th</sup> day of July 2005.

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

Commissioner Lopez offered a motion to approve exonerations of real and personal property. Commissioner Eskew seconded. Unanimous.

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

Commissioner Lopez offered a motion to approve refund for Patricia Hunsaker (\$321.60) and Leslie A. Foster (\$215.53). Commissioner Eskew seconded. Unanimous.

Eddie Young, Assessor informed the Commissioners that the real property assessment ticket they received will be canceled. The Assessor's Office will issue a new property assessment ticket exempting the Fayette County Commission.

Commissioner Wender offered a motion to approve the new property tax exempt ticket as issued by the Assessor's Office. Commissioner Eskew seconded. Unanimous.

The Commissioners received and reviewed a signed Lease from the Fayette County Board of Education for lease of the Fayette County Memorial Building for the upcoming year.

Commissioner Eskew offered a motion that the Fayette County

Commission enters into a motion to lease the Fayette County Memorial Building to the Fayette County Board of Education for one (1) year beginning July 1, 2005 and ending at midnight on June 30, 2006, no change to lease is as written by the Fayette County Commission. Commissioner Lopez seconded. Unanimous. The Fayette County Commission signed the Lease.

Doug Kincaid, Supervisor, Southern Soil Conservation District from Fayette County, Becky Floyd, Administrative Officer, Curtis Murphy, Supervisor Southern Soil Conservation District from Mercer County, Alan Wickline, Supervisor, Southern Soil Conservation from Fayette County and Denise Burns appeared before the Commission to make a presentation about the Soil Conservation Program.

Mr. Kincaid gave a brief presentation of the Southern Conservation District. (See attached)

Ms. Floyd presented several brochures to the commission regarding their plan of works, what the program does, and went over their Annual Report. Ms. Floyd told the Commissioners that the small brochures list all the Flood Control programs.

Commissioner Wender asked Ms. Floyd if she worked with Armstrong Creek or Arbuckle Creek in any of those areas.

Ms. Floyd replied she has worked with some them.

Mr. Murphy informed the Commissioners that he buys new equipment and replaces the old equipment. Mr. Murphy presented rates to the Commissioners.

Mr. Wickline gave a summary and answered any questions the Commission may have.

**Charlotte Holly**

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**From:** "Douglas L. Kincaid" <dkincaid4443@charter.net>  
**To:** <cthumps7@wvstateu.edu>; <cholly@zoomnet.net>; <mwender@cwv.net>;  
 <kennethsq@charter.net>  
**Sent:** Saturday, July 02, 2005 12:21 PM  
**Subject:** SOUTHERN CONSERVATION DISTRICT.doc

SOUTHERN CONSERVATION DISTRICT  
 463 RAGLAND ROAD  
 BECKLEY, WV 25801  
 304-253-0261

The Southern Conservation District was formed in 1944 for the purpose of promoting soil and water conservation. We are directed to provide for the conservation of the soil and soil resources of WV, for the control and prevention of soil erosion, for the prevention of floodwater and sediment damage, and to further the conservation, development, utilization and disposal of water.

We review plans of contractors, developers and landowners when they do any earth disturbance and we encourage the use of sediment and erosion control measures. We supervise the conservation activities in Fayette, Raleigh, Mercer, Wyoming, McDowell and Summers counties. We are one of fourteen conservation districts in WV.

We give priority to flood control and emergency flood clean-up over all other operations. We have our own crew and equipment that we use to build ponds, clean waterways, and maintain dams. We help FEMA and other Federal and State agencies during emergency situations such as floods, hurricanes, etc. Currently we have three dozers, an excavator, a track loader, loader with backhoe, two farm tractors, three dump trucks, a lime truck, hydro-seeder, tractor trailer (auto car), seven pick up trucks, and numerous pieces of small equipment including welders, pumps, sprayers, chippers, chain saws, fertilize spreaders and air compressors. We currently have a maintenance crew of five employees who utilize this equipment on a daily basis.

The following equipment is available:

Excavators available for pond work and stream cleaning

Straw mulcher available for reclaiming critical areas

Dozers and endloaders available for land clearing, grading, building farm ponds and flood work

Hydro-seeder available to seed, fertilize and mulch critical areas

Deliver and spread lime upon request

The District crew is available to assist cooperators with spring developments, fencing and building farm roads.

There are twelve Supervisors on the Southern Conservation Board authorized to execute agreements for the District under approved programs of the various federal and state farm agencies.

Congress set up the Conservation Districts in 1935 and they were enacted by FDR in 1937. All states now have the districts; about 3,000 local districts throughout the U. S.

We are a legal sub-division of state government covered by Chapter 19-21A of the West Virginia Code. It identifies our responsibilities as:

Identify local conservation needs and develop, implement, and evaluate programs to meet identified needs

Educate and inform landowners and operators, the general public and local, state and federal legislators on conservation issues and programs.

Administer the District, raise and budget District funds and report District activities to the public.

Coordinate assistance and funding from federal, state and local government, district association and private groups.

Supervise paid staff and volunteers working with our District.

Landowners can call the Southern Conservation District office at 304-253-0261 to schedule work or to request a cost estimate for farm work.

The Southern Conservation District office is open Monday thru Friday, from 8:00 a.m. to 4:00 p.m. The Executive Assistant is Becky Floyd.

Commissioner Wender thanked everyone for coming.

David Neal, E911 Coordinator appeared before the Commission to request purchase of a UHF radio repeater for the 911 Center.

Mr. Neal told the Commissioners he received a bid for approximately \$16,000. Mr. Neal told the Commissioners this was presented at their last meeting.

Commissioner Eskew offered a motion to approve purchase of a UHF radio Repeater for approximately \$16,000.00 for the 911 Center. Commissioner Lopez seconded. Unanimous.

The Commissioners called a public hearing regarding increases in the county excise tax imposed in Fayette County from \$1.10 for each \$500 value or fraction thereof to \$2.20 (\$3.30 total inclusive of current State excise tax) for each \$500 value or fraction thereof for the privilege of transferring title to real estate in accordance with §8A-12-21 and §11-22-1 et seq. of the Code of West Virginia.

Commissioner Wender presented the Order to sign regarding the increase in the County excise tax fee for funding of the Farmland Preservation Project.

Commissioner Lopez offered a motion to approve increases in the County excise tax imposed by the Fayette County Commission from \$1.10 for each \$500 value or fraction thereof to \$2.20 (\$3.30 total inclusive of current State excise tax) for each \$500 value or fraction thereof. Commissioner Eskew seconded. Unanimous. Original signed and filed in the County Clerk's Office. The Commission asked Kelvin Holliday, County Clerk to post in his office.

Commissioner Eskew offered a motion that the Fayette County

Farmland Protection Board be the keeper of the funds. Commissioner Lopez seconded. Unanimous.

Commissioner Wender informed the Commissioners he would like to express his comments regarding the New River Gorge.

Commissioner Wender informed the Commissioners there are two large scale housing projects that in his opinion threatens the New River Gorge. Commissioner Wender informed one project will involve a zoning change, and the other will require annexation.

Commissioner Wender read his objections and comments to the Commissioners.

After reading his comments, Commissioner Wender informed that he is speaking only for his self and in no way representing this Commission as a whole, he will withhold his support for both projects unless and until no part of the development occurs below the rim, within the view shed of the gorge.

Commissioner Lopez replied this is Commissioners Wender statement.

Commissioner Eskew informed that regardless of Commissioner Wender statement, the Commission will follow the due process.

Commissioner Wender informed the Commissioners he had talked with J. San Snead regarding the window replacement. Commissioner Wender informed the Commission that Mr. Snead is requesting an extension for bids for the window replacement for the Phase II project.

Commissioner Wender informed the Commission the bid date has been extended from Thursday, July 28, 2005 at 2:00 p. m. to August 11, 2005 at 2:00 p.m.

Floyd McKnight appeared before the Commission to present a petition to remove John David as a member of the Page-Kincaid Public Service District.

Commissioner Lopez asked Carl Harris, Assistant Prosecuting Attorney to give his opinion regarding this matter.

Mr. Harris told Mr. McKnight that a formal petition to remove John David needs to be filed with the Circuit Court. Mr. Harris told the Commissioners that either side can appeal to the Circuit Court.

Mr. Harris told the Commissioners that the proper procedure has to be followed, need to file a formal petition, a copy of the petition has to be served on John David for an appropriate hearing, both parties need to be present.

Commissioner Wender informed if the Commission going to proceed they need to present this in a formal matter, needs to set out the reasons for the removal.

Mr. Harris informed the Commissioners that they would have to send out the notices.

Commissioner Wender asked Mr. McKnight to get with Mr. Harris to discuss.

The Commission recessed the Commission meeting at 10:45 a.m.

The Commission reconvened the Commission meeting at 10:55 a.m.

Attorney James Blankenship appeared before the Commission to present a petition of Stephanie A. Davenstott Gouge to abandon an unnamed and unused street.

Attorney Blankenship informed the Commissioners on behalf of Ms. Gouge he would like to withdraw the petition, would present it in the

Circuit Court.

Commissioner Lopez offered a motion to appoint Wand Dickinson to the Fayette County Planning Commission to fill the vacancy that exists due to the death of G. Lee Massey. Commissioner Eskew seconded. Unanimous.

The Commissioners signed a letter to Gene Kistler regarding his recent reappointment to the Fayette County Planning Commission.

The Commissioners signed a letter to Governor Joe Manchin expressing their support of Paul Blake, prosecuting Attorney to fill the vacancy of the judgeship in the 12<sup>th</sup> Judicial Circuit Court.

The Commissioners signed a contract with the Division of Criminal Justice Service.

The Commissioners signed a letter to the Fayette County Weatherization Program enclosing a check in the amount of \$2,500.00 contribution for fiscal year 2005-2006.

The Commissioners signed a letter to the West Virginia Development Office requesting fifth and final drawdown for the Christians Helping Others Food Pantry.

The Commissioners received and reviewed a letter from the Fayette County Public Libraries informing that the terms of Felice Stark and Randall Paterson will expire on June 30, 2005. The Board is requesting that they be reappointed for another five (5) year term.

Commissioner Lopez offered a motion that Randall Patterson be reappointed to the Fayette County Public Libraries Board, term to expire June 30, 2010. Commissioner Eskew seconded. Unanimous.

Commissioner Lopez offered a motion that Felice Stark be



reappointed to the Fayette County Public Libraries Board, term to expire June 30, 2010. Commissioner Eskew seconded. Unanimous.

The Commissioners signed several Fayette County Fire Levy Protection Agreements for Ansted Certified Fire Department, Danese Volunteer Fire Department, the Town of Fayetteville Fire Department, Gauley Bridge Volunteer Fire Department, Gauley River Volunteer Fire Department, Meadow Bridge Volunteer Fire Department, Mount Hope Volunteer Fire Department and the City of Oak Hill Fire Department for the period of July 1, 2005 to June 30, 2006.

Attorney Graydon Ooten appeared before the Commissioners to present an annexation of certain additional territory into the municipality of Fayetteville.

Carl Harris, Assistant Prosecuting Attorney reviewed the documents and informed Mr. Ooten that corrections needed to be made to the documents.

Mr. Harris asked that this be scheduled for August 12, 2005 County Commission meeting.

The Commissioners signed a letter to Michael Proop, Controller, Family Law Masters requesting reimbursement for rent in the amount of \$2,025.00 for the month of August.

The Commissioners received and reviewed from the Assessor's Office petitions to combine or divide and segregate land.

Commissioner Lopez offered a motion to approve petitions for Warren Wilson and Anna G. Hudnall to combine or divide and segregate land as submitted by the Assessor's Office. Commissioner Eskew seconded. Unanimous.

The Commissioners received and reviewed a letter from Dunn Engineers, Inc. regarding Arbuckle Public Service District request for Boundary Revisions. The Commission asked that this be forwarded to Paul Blake, Prosecuting Attorney to review.

Betty Ireland, Secretary of State and Trudy Oliver appeared before the Commission to discuss the election changes.

Ms. Ireland told the Commissioners the machines will be here by the end of the year. The State will purchase one handicap.

The State would purchase 39 machines handicap accessibility at no cost to the County, County can keep punch card system.

Ms. Ireland quoted to the Commissioners the estimated cost of the touch screens.

Ms. Ireland told the Commissioners that she needed to know how many machines they need by October 1, 2005.

The Commissioners adjourned for lunch at 12:30 p.m.

The Commission reconvened the County Commission meeting at 2:10 p.m.

Diane Meadows, WVU Extension Office appeared before the Commission to ask if they know a place where they can store some medical equipment.

Ms. Meadows told the Commissioners that right now it is being stored at Immogene Pennington's place and she is asking that it be removed.

The Commissioners suggested to Ms. Meadows to write the American Red Cross, Multi-Cap, the Health Department and the Fayette County Housing Authority to see if they have space to store this equipment.

Commissioner Lopez suggested to Ms. Meadows to check with Earl Pauley, Park Superintendent.

Commissioner Eskew offered a motion to match the Records Management Preservation Grant and Charlotte Holly to be project Coordinator. Commissioner Lopez seconded. Unanimous.

David Neal, E911 Coordinator gave the Commissioners an update on the signs for the Glen Jean area.

Mr. Neal told the Commissioners he has talked with Bob Baker and was told that the signs would be installed and/or changed as soon as they are delivered. Mr. Neal told the Commissioners that once these signs are installed this should take care of Mr. Bragg's issues.

Commissioner Wender asked Mr. Neal to write a letter to Bob Baker and explain to him how long this issue has gone on and asks that this project be completed as soon as possible.

Commissioner Lopez offered a motion to approve overtime for Jackie Hickman and James Perdue. Commissioner Eskew seconded. Unanimous.

Commissioner Wender informed the Commissioners he talked with Gary Reynolds regarding his complaint with the Fayette County Park. Commissioner Wender told the Commissioners that Mr. Reynolds is going to call Earl Pauley, Park Superintendent. They both are to get together and work out this matter.

Debbie Berry presented the previous minutes of May 31, June 10, and June 27, 2005 to the Commissioners.

The Commissioners received and reviewed a letter from the Water Stone Outdoors requesting permission to hold a slide show by

Whitewater luminary Willie Kern from 8:00 p.m. to 10:00 p.m. on the courthouse lawn.

Commissioner Eskew offered a motion to give the Water Stone Outdoors permission to use the courthouse lawn to hold a slide show by Whitewater luminary Willie Kern on September 3, 2005 from 8:00 p.m. to 10:00 p.m. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed from Ann Skaggs, Secretary Fayette County Historic Landmark Commission a letter informing that they reviewed the proposed flower garden and shrubbery for around the LaFayette statue. The Committee's opinion was that a flower garden would detract from the base, the Committee suggested that a flagstone walk (matching the current one) veering off the front walk and encircling the statue. Boxwood or other evergreens could hide the spotlight. The Committee informed the Commission that this would be attractive, low maintenance, and would keep a footpath from being worn around the statue as all like to view it close up.

The Commissioners suggested that James Perdue, Maintenance Supervisor get estimates.

The commissioners approved Kevin Burgess request for a copy of the Fayette County memorial Lease.

Commissioner Lopez made a motion to approve contribution of \$1,500.00 to the Laurel Paint Creek Watershed Association. Commissioner Eskew seconded. Unanimous.

Commissioner Wender informed the Commissioners he would send an e-mail to inform the Association of the contribution.

The Commissioners received and reviewed a proposal for fixing the

roof of the Fayette County Memorial Building from Tri-State Roofing and Sheet Metal Company, amount \$2,348.00.

Commissioner Lopez offered a motion that they approve the proposal from Tri-State Roofing and Sheet Metal Company, amount \$2,348.00 for fixing the roof at the Fayette County Memorial Building. Commissioner Eskew seconded. Unanimous.

Commissioner Wender asked that Okey Skidmore be scheduled to give an update on the Fayette County Memorial Building.

The Commissioners informed that Tri-State Roofing and Sheet Metal Company has made repairs to the porch of the courthouse.

Commissioner Wender suggested pursuing a letter to Dr. Margaret Staggers regarding General Ambulance performance during the incident at the White Oak Lane Bowling Alley.

Commissioner Eskew offered a motion to install a plaque for the Vandall Family. The Fayette County Commission will pay for the plaque, plaque not to exceed \$500.00. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a fax from the Office of the Secretary of State informing that their fax number for the Elections Division has changed.

The Commissioners received and reviewed a letter from the Kanawha County Commission enclosing a copy of the Kanawha County Public Nuisance and property Maintenance Ordinance.

The Commissioners received and reviewed a letter from Jim Lively Insurance regarding the legal fees for James E. Brown. Mr. Lively informed the Commissioners that the only alternative is that the

Fayette County Commission pay the balance due Attorney James Brown.

Commissioner Wender informed the Commission that he sees no problem with paying the fee.

Commissioner Wender signed a Progress Report for the Page-Kincaid Public Service District Small Cities Block Grant.

The Commissioners received and reviewed an introduction letter from Daniel W. Warnock, Regional President for the Southeast Region of the American Water Company.

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

The Commissioners received and reviewed a letter from the West Virginia Business Hall of Fame asking the Commission to take a few moments to contemplate the one person who, through personal experience, they believe the Awards Committee should seriously consider for recognition at its October 13, 2005 Awards Ceremony in Morgantown.

The Commissioners received and reviewed the Quarterly Report from the County Resource Coordinator. Commissioner Wender asked that Dave Pollard, County Resource Coordinator be scheduled on the Fayette County Commission agenda August 26, 2005 to present the report.

The Commissioners received and reviewed from the Bank of New York the Cash Statement and Asset List as of July 22, 2005.

The Commissioners received and reviewed from the U. S. Bankruptcy Court regarding Multi-County Community Action Against poverty, Inc. a Notice of Motion to Amend Order Approving Sale of Guthrie Project Site.

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

The Commissioners received and reviewed checks for 911 Fees from Granite Telecommunications, LLC, amount \$100.00, IDT Corporation, amount \$60.00, AT&T Communication of WV, amount \$1,234.00, Metro Teleconnect Co., amount \$9.80, Citynet Holding, LLC, amount \$5.82, Mountain Communications, LLC, amount \$52.92, Verizon, amount \$34,082.45, Citizens Communications Co., amount \$50.44 and VarTec Telecom, Inc., amount \$3.88; Franchise Fee-Bradley Communications, Inc., amount \$552.03; Jail Fees-City of Oak Hill, amount \$1,794.00, the Town of Fayetteville, amount \$291.00; West Virginia Development Office-Legislative Digest Grant-Fayette County Sheriff Department, amount \$1,499.92; Culture and History Division-Records Management Grant, amount \$16,616.00; West Virginia Housing Development Fund Grant, amount \$14,103.50, TRIDENT overtime, amount \$1,644.54; Reimbursement, amount \$250.00; Soldiers and Sailors Memorial Fund, amount \$75.00 and Family Law Master rent, amount \$2,025.00.

The Commissioners received and reviewed a copy of a memorandum to Jim Lively Insurance from Acordia regarding the Fayette County Commission Insurance renewal.

The Commissioners received and reviewed from Jim Lively Insurance, Employment Practices Liability in reference to the Fayette County Personnel Manual.

The Commissioners approved allocation of 50% to the New River Convention and Visitor's Bureau for Hotel Occupancy Tax for April thru

June 2005, amount \$4,760.35.

The Commissioners received and reviewed from the Fayette County Firefighters Association a request for authorization to bill non-Fayette County residents who are involved in incidents in Fayette County.

The Commissioners received and reviewed a letter from the State Tax Department informing they have reviewed the natural resources for property owner R. C. Simpkins and their record indicates that a clerical error was made and they have provided the recommended mineral appraisal changes.

The Commissioners received and reviewed a copy of a letter from the Public Service Commission to Joy McGraw regarding her request for new water service on "Arrowwood Road and Dotson Ridge Road" near Fayetteville, West Virginia. A copy forwarded to Dave Pollard, County Resource Coordinator.

The Commissioners received and reviewed a letter from Steven D. Canterbury, Executive Director Regional Jail and Correctional Facility Authority saying good-bye and thanks for the daily laboring, and to thank the Commission for their part in making the regional jail system a success.

The Commissioners received and reviewed an article in the Charleston Gazette regarding Federal investigators join probe of state's homeland security office.

The Commissioners received and reviewed a thank-you card from the Pax Regional Community Center.

The Commissioners received and reviewed a letter from the West



Virginia Development Office informing that the New Haven Public Service District Small Cities Block Grant time extension for their Small Cities Block Grant has been extended to June 30, 2006. A copy has been forwarded to Angie Groves, Region 4 Planning and Development Council and to Dave Pollard, Fayette County Resource Coordinator.

The Commissioners received and reviewed a letter from Region 4 Planning and Development Council regarding Fayette County Commission-Project Number 03SCBG0102-504 Compliance to Courthouse Elevator Project enclosing Secretary of Labor's Area Wage Decision WV20030006 dated July 8, 2005 with 19 modifications and the State of West Virginia 2004 Building Construction rates for Fayette County.

The Commissioners received and reviewed from Daniel Wright, Circuit Clerk interest earned on checking account from July 2004 through June 2005.

The Commissioners received and reviewed an invitation from the Fayette Nursing and Rehabilitation Center inviting the Commission to their Open House Friday, July 22, 2005.

The Commissioners received and reviewed a letter from Labelle Melesky expressing her sincere thanks for the quick response for cutting the unsightly weeds next to her home in Scarbro and a special thanks to Joe Carelli.

The Commissioners received and reviewed from the West Virginia Development Office a Notice of Approval of Evidentiary Materials and Release of Funds for the Courthouse Elevator Project #03SCBG0102. A copy forwarded to Alice King, Region 4 Planning and Development Council.

The Commissioners received and reviewed an invitation from the Energy Express inviting the commission to their annual Open House on July 22, 2005 at 10:00 a.m.

The Commissioners received and reviewed a letter from Governor Joe Manchin, III informing of an exciting new tool created during the 2005 legislative session for the benefit of local government authorities. The passage of Senate Bill 319 created the Local Government Flexibility Act (WV Code §7-23-1, et. Seq.), which establishes an application and review process for county commissions, municipalities and county boards of education to apply for a waiver of a specific policy, rule or regulation from the Governor through the Secretary of the West Virginia Department of Commerce.

The Commissioners received and reviewed a thank-you letter from Senator Robert Byrd thanking the Commission for their letter regarding requests for federal funding for wastewater projects in Fayette County.

The Commissioners received and reviewed a thank-you letter from the Public Service Commission thanking the Commission for their letter filed with their office regarding the Medical Runners, Inc. Proceeding.

The Commissioners approved Dave Pollard 40 hours' vacation leave for July 18 to July 23, 2005.

The Commissioners received and reviewed from the Division of Criminal Justice Services a grant award for the Court Security Fund from July 1, 2005 to June 30, 2006. A copy was forwarded to Sheriff Bill Laird.

The Commissioners received and reviewed a Certificate to Operate Courthouse incinerator for the period July 1, 2005 to June 30, 2006. A copy forwarded to James Perdue, Maintenance Supervisor.

The Commissioners received and reviewed comments from citizens expressing their concerns over the Roaring River Development Proposal. Original forwarded to Tim Richardson, Zoning Officer.

The Commissioners received and reviewed a copy of the 911 Center Status Report for the months of January through June 2005.

The Commissioners received and reviewed from the new River Engineering, Inc. amendment to be filed with a copy of the Community Impact Statement application originally submitted for Appalachian Fuels, LLC, S-3002-96 Amendment #1 Community Impact Statement Revision in 2002. Original forwarded to Tim Richardson, Zoning Officer.

The Commissioners received and reviewed Official Oath of Offices for R. Leon Cooper, member Fayette County Planning Commission and Robert L. Brash, Fire protection Engineer.

The Commissioners received and reviewed a letter from Southern Appalachian labor School thanking the Commission for their support of their YouthBuild program.

The Commissioners received and reviewed a letter from the West Virginia Development Office thanking the Commission for submitting an application to the Governor's Community Partnership Grant Program for the Fayette County Commission. This grant would be used to implement a branding initiative to expand the tourism industry in Fayette, Nicholas, Raleigh, and Summers Counties.

The Commissioners received and reviewed a letter from the West

Virginia Development Office regarding Fiscal Year 2004 Small Cities Block Grant for Fayette County Commission-Page-Kincaid Public Service District Ingram Branch Sewer System Extension. Original forwarded to Alice King, Region 4 Planning and Development Council.

The Commissioners received and reviewed a copy of a letter from Paul Blake, Prosecuting Attorney informing that a meeting between the Assessor's office and Pocahontas land is scheduled for August 15, 2005 at 10:30 a.m.

The Commissioners received and reviewed a letter from the West Virginia Development Office informing that J. Dan Snead and Associates does not appear on the current "Lists of parties Excluded from Federal Procurement or Nonprocurement Programs" and is, therefore, an eligible firm for contracting associated with your Small Cities Block Grant.

The Commissioners received and reviewed a copy of a letter from the West Virginia Development Office regarding time extensions to June 30, 2006 for the Governor's Community Partnership Program, Local Economic Development Assistance Program and the Industrial Park Assistance Program.

The Commissioners received and reviewed a letter from Page-Kincaid Public Service District asking that the Commission consider reappointing John David a member of the Page-Kincaid Public Service District.

The Commissioners received and reviewed from the SunTrust Bank pledge statement as of June 30, 2005.

The Commissioners received and reviewed a letter from the Branch Banking and Trust (BB&T) informing as of June 30, 2005 a list of

securities were held as collateral to secure the deposits of Fayette County Commission.

The Commissioners received and reviewed Weekly Fees Collected by the Fayette County Animal Control Center/C-PAC for the week of July 1 to July 7, 2005, amount \$275.00, the week of July 8 to July 14, 2005, amount \$155.00, the week of July 15 to July 21, 2005, amount \$260.00, and the week of July 22, to July 28, 2005, amount \$210.00.

The Commissioners received and reviewed a copy of a letter from FEMA thanking the Commission for their community's participation in the National Flood Insurance program and for their commitment to reduce future flood losses. Original forwarded to Tim Richardson, Zoning Office and a copy forwarded to Steve Cruikshank, OES Director.

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

The Commissioners received and reviewed a fax from Allen Ballard informing that the outside lights at the Memorial Building have been installed and are working.

The Commissioners received and reviewed a fax from the Office of the State Treasurer informing that the fund for the July Limited Video Lottery proceeds will be directly deposited into the bank account on July 26, 2005, amount \$5,049.77 and the funds for the distribution of wine, liquor and private club taxes will be deposited on July 14, 2005, amount \$339.97.

The Commissioners received and reviewed an e-mail from Commissioner Wender regarding the Fayette County employment data for

2003 and 2004.

The Commissioners received and reviewed an e-mail from Charlotte Holly regarding the invoice of Bud Fox.

The Commissioners received and reviewed a copy of an e-mail informing of Rapid Communications contact person, address and telephone number.

The Commissioners received and reviewed a fax from John David inviting the Commissioners to attend the closing of the summer youth program.

The Commissioners received and reviewed a fax from Commissioner Wender regarding iTown Communications announces Beckley Area Feasibility Study and Consultant Team.

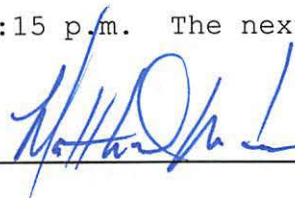
The Commissioners received and reviewed an e-mail from Commissioner Wender informing of the 2005 Digital Counties Survey.

The Commissioners received and reviewed a fax sent to Jim Lively Insurance asking them to issue a Certificate of Insurance to the Fayette County Farmland Protection Board (members appointed by the County) they need a certificate showing that they are covered under the County's policy for bonding purposes.

The Commissioners received and reviewed several different Counties Leash Laws.

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

The meeting was adjourned at 3:15 p.m. The next scheduled meeting is August 12, 2005.



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FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
JUNE 10, 2005  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS Present: Matthew D. Wender, Kenneth L. Eskew

The Fayette County Commission met in a regular session on this 10<sup>th</sup> day of June 2005.

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

Commissioner Eskew offered a motion to approve payrolls, payrolls to be released on June 15, 2005. Commissioner Wender seconded. All approved.

Commissioner Eskew offered a motion to approve vouchers as submitted. Commissioner Wender seconded. All approved.

Commissioner Wender informed that Commissioner Lopez is not present today due to the death of his mother.

There were no exonerations presented today.

Paul Blake, Prosecuting Attorney appeared before the Commission to give them an update on Pocahontas Land Company.

Mr. Blake told the Commissioners that he had talked with their attorney, and they are in the process of going over documentation. The attorney informed they are not ready to write a check at this time.

Mr. Blake told the Commissioners he would know more by the end of June. Mr. Blake told the Commissioners he would let them know if this would be contested.

The Commissioners set July 8 to continue the discussion with Pocahontas Land. The Commission decided to add additional dates of

July 18 or July 26 if July 8 not available.

The Commissioners received and reviewed a copy of a letter from Paul Blake, Prosecuting Attorney to King and Spalding informing that Georgia-Pacific is in the best position to respond to the inquiry regarding the \$11,600,000 County Commission of Fayette County, West Virginia Solid Waste Disposal Facility Revenue Bonds (Georgia-Pacific), Series 1995.

Ms. Holly informed the Commissioners she had talked with William Holly, attorney with King and Spalding informing they will respond to the Internal Revenue Service inquiry, but they needed the Fayette County Commission power of attorney to authorize to represent the Commission and respond to the Internal Revenue Service.

Ms. Holly told the Commissioners that this has to be signed by the President of the Fayette County Commission.

Commissioner Wender asked Paul Blake, Prosecuting Attorney if he attended the meeting with the Fayette County Board of Education and the Reverend John Sauvage regarding the tract of land that used to be the Oak Hill High School football field. Mr. Blake replied no.

Commissioner Wender informed the Commission that the Reverend Sauvage is requesting that the Fayette County Commission write a letter of support on behalf of the Lewis Community Foundation to the Fayette County Board of Education. The letter was signed.

Commissioner Eskew offered a motion to allow Commissioner Wender to sign the power of attorney agreement for the Pocahontas Land Company. Commissioner Wender seconded. All approved.

Tim Richardson, Zoning Officer appeared before the Commission to



discuss the building permits for nonprofit entities.

Mr. Richardson told the Commissioners that the building permit fees need to be addressed across the board for nonprofit entities.

Mr. Richardson told the Commissioners he can amend the ordinance to waive fees.

The Commissioners asked Mr. Richardson to make recommendation and explain the breakdown of fees.

The Commissioners informed Ordinance requires inspection should waive inspection requirements or substitute other inspections.

The Commissioners asked Mr. Richardson to get with Allen Ballard, Building Code Officer and Carl Harris, Assistant Prosecuting Attorney and prepare a letter informing the Commission of the process for making a change to the amendment.

Commissioner Wender asked that Tim Richardson and Allen Ballard be scheduled for the County Commission meeting on June 27 to discuss the building permit fees.

Commissioner Wender asked Mr. Richardson to send John David a copy of the letter.

Jean Wilson appeared before the Commission to express her concerns regarding the response of General Ambulance Service to an emergency call on June 2 at White Oak Lanes in Oak Hill.

Ms. Wilson told the Commissioners that General Ambulance could not get the gurney into the bowling area. Ms. Wilson told the Commissioners that the same thing happened to her when she made an emergency call for her husband a few years ago. Ms. Wilson told the Commissioners that General Ambulance did not have the equipment to get

her husband down the stairs.

The Commissioners asked David Neal, E911 Coordinator to address Mr. Neal told Ms. Wilson that these concerns should be addressed to Dr. Margaret Stagers, EMS Squad Medical Director.

Commissioner Wender asked Ms. Wilson to address concerns in a letter to the Commission and the Commission will write a letter to Dr. Stagers and General Ambulance requesting that they review and investigate these concerns to ensure that proper equipment and standards are in place and have been followed by General Ambulance Service.

Debbie Aliff, Payroll Clerk appeared before the Commission to give results of the survey done for direct deposit.

Ms. Aliff told the Commissioners that out of eighty-eight responses returned there were 25 for, 61 against and 2 no opinion.

Commissioner Wender informed he would like for the County to implement this program.

Commissioner Eskew suggested waiting until Commissioner Lopez is present, readdress on June 27, 2005.

Ms. Holly informed the Commissioners that Tri-State Sheet Metal and Roofing called to inform her that they would do an estimate on the Memorial Building roof.

Commissioner Wender asked how many bids did they receive for the 911 radio dispatch equipment. Ms. Holly replied one.

David Neal, E911 Coordinator appeared before the Commission.

Mr. Neal told the Commissioners that the Gauley Mountain Tower road is in bad condition needs maintenance. Mr. Neal told the

Commissioners if heavy rain would come they would have no access.

Commissioner Wender suggested to Mr. Neal to write a letter to the Division of Highways requesting they repair the state road, if the road is not in their system request that it be placed in the system.

Commissioner Wender asked Mr. Neal to write the letter.

Commissioner Wender informed they received one bid for the Fayette County 9-1-1 Console from Motorola-Two Way Radio, Inc. For a 4-position MCC5500 Dispatch Console, cost \$173,860.70 include installation, programming, training, configuration, first years' system warranty and maintenance with 7x24, 365 days a year and delivery charges.

The Commission gave Mr. Neal a copy of the bid to review.

Attorney Joseph Cometti failed to appear for appointment regarding the Estate of Sammy Joe Fragale to remove the administrator.

The Commissioners received and reviewed from Sheriff William Laird a list of real estate in the County delinquent for the non-payment of taxes for the year 2004. The list is to be sent to the State Auditor Office.

Ms. Holly told the Commissioners that in conjunction with the Fayette County Building Code they needed to create a Fayette County Building Code Appeal board.

Commissioner Wender asked Ms. Holly to make a request to Allen Ballard about getting By-Laws for the Appeals Board to function regarding the term, appointments etc.

Commissioners Eskew offered a motion that the Fayette County Commission creates a Fayette County Building Code Appeals Board and

appoints Sherman Bobbitt, Building Construction Professional, Jim Criniti, Structural Engineer, Bruce Coleman, Mechanical Engineer, Tom Ballard, Electrical Engineer and bob Brash, Fire Protection Engineer. Commissioner Wender seconded. Unanimous. The Commissioners signed Order and appointment to serve letters.

The Commissioners signed title for a 1998 Jeep for the Assessor's office.

Commissioner Eskew offered a motion to approve request of tax payers' Janet R. Hypes, Rite-Aid of WV and Sherd L. And Shirley M. Maynard to combine or divide and segregate land as submitted by the Assessor's Office. Commissioner Wender seconded. All approved.

Ms. Holly presented the following Orders: 1) to transfer from the Fayette County Worthless Check Fund to the General Fund for reimbursement of previous expenditures, amount \$17,573.44:(2) an order ordering the sum of \$39,443.57 for the fiscal year 2004-2005 to be transferred from the Magistrate Court Fund to the Fayette County General Fund and (3) an order ordering the balance of the Fayette County General School Fund in the amount of \$127,708.32 to be transferred to the Fayette County General Fund to defray the balance due said fund for the cost of care and feeding of misdemeanor prisoners incarcerated by magistrates to the Commissioners.

Commissioner Eskew offered a motion to approve the orders as submitted by Ms. Holly. Commissioner Wender seconded. All approved.

Floyd McKnight appeared before the Commission to request that he be rescheduled to appear to present a petition to remove John David as a Board member of the Page-Kincaid Public Service District. The

Commissioners rescheduled Mr. McKnight for 10:00 a.m. on June 27, 2005.

Ms. Holly presented Budget Revision for the General County and Coal Severance Fund to allow her to make any adjustments for this fiscal year to the Commissioners.

Commissioner Eskew offered a motion to approve Budget Revision for the General County Fund and the Coal Severance Fund. Commissioner Wender seconded. All approved.

Ms. Holly informed the Commissioners she received lights for the Memorial Building. Total cost \$2,330.20 and she have prepared Legislative Digest drawdown request for \$2,000.00. A letter signed.

Commissioner Wender asked Ms. Holly to see if Okey Skidmore, Manager can install lights prior to the Heritage Festival if possible.

The Commissioners signed a drawdown request to the West Virginia Development Office for the Fayette County Sheriff's Department for renovation, amount \$1,243.34.

The Commissioners signed second and final drawdown request to the West Virginia Development Office for the Upper Kanawha Valley Ball Field Lights, amount \$272.00.

Ms. Holly presented to the Commissioners a letter to the West Virginia Development Office requesting that the scope of the Legislative Digest Project #04LEDA0047 be changed from the Fayette County Courthouse Ramp to address numerous accessibility projects including but not limited to an ADA survey, parking, pool access ramp, restroom and changing area renovations etc. for various county owned facilities.

Ms. Holly told the Commissioners the cost for the ADA survey is \$3,750.00, and this includes mileage, site survey, and a detailed report including pictures and corrective suggestions.

Commissioner Eskew offered a motion to change the scope of the Legislative Digest project #04LEDA0047 from the Fayette County Courthouse Ramp to Accessibility Project. Commissioner Wender seconded. Unanimous.

Ms. Holly asked the Commission if they wanted her to contact the Center for Independent Living regarding the ADA Survey.

Commissioner Eskew offered a motion to contact the City for Independent Living regarding the ADA survey. Commissioner Wender seconded. Unanimous.

The Commissioners received and reviewed request from James Perdue, Maintenance Supervisor to purchase air conditioners for the Jury and Witness Rooms and the Voter's Registration Office, cost for 6,000 BTU Unit-K-Mart \$139.00, Lowe's \$119.00; cost for 10,000 BTU Unit-Lowe's \$536.92.

Commissioner Eskew offered a motion to approve the purchase of air conditioners for the Voter's Registration Office, Jury and Witness Rooms from the lowest bidder Lowe's.

Ms. Holly informed the Commissioners that she had contacted Dan Snead regarding the specs for the second phase for the Courthouse windows, but she has not received any as of today.

Commissioner Eskew offered a motion to change the July 15th County Commission meeting to July 8, 2005. Commissioner Wender seconded. All approved.

Ms. Holly informed the Commissioners she has received no response from Chris Slaughter regarding the updates and changes she faxed to him on the Fayette County Personnel Manual.

Commissioner Eskew offered a motion to authorize Ms. Holly to proceed with additional bids and get the Fayette county Personnel Manual printed and distributed to the employees. Commissioner Wender seconded. Unanimous.

The Commissioners asked Ms. Holly to write a letter of instruction regarding the periodic changes.

The Commissioners recessed the County Commission meeting for five minutes.

The Commission reconvened the County Commission meeting at 11:40 a.m.

Jodie Ward, Don Davis, Jack Hilneyer, Bob Meadows and Wayne Bird appeared before the Commission to ask if they would consider putting a skeet and trap field at the Fayette County Park.

Mr. Ward told the Commissioners that there's one in Danese but that's to far to go. Mr. Ward told the Commissioners he talked with Senator Shirley Love and Delegate Dave Perry and they suggested the Fayette County Park and if they got permission to put the skeet and trap field at the Fayette County Park they could get funding. Mr. Ward told the Commissioners that the Department of Natural Resources would put the rifle, pistol bow range in.

Commissioner Eskew asked Mr. Ward how much land they are talking about. Mr. Ward replied about 15 acres. Mr. Ward said there would be no expense to the County.

Commissioner Eskew asked Carl Harris, Assistant Prosecuting Attorney if he see any problem. Mr. Harris replied that it is becoming more popular.

Earl Pauley, Park Superintendent informed Mr. Ward they need to go and check where they would put the range on the property.

Commissioner Eskew suggested they go down and look at the lay of the lay.

Ms. Holly told the Commissioners they need to check with Jim Lively Insurance regarding the liability.

Commissioner Wender informed he's anxious to see what the feasibility of this might be.

Commissioner Wender suggested the following items to address prior to the next meeting: 1) Jodie, Earl and others look at sites and accessibility, 2) incorporating the pistol range into the site, ask Steve Kessler to be available, 3) to contact the Department of Natural Resources to see if they have other improvements, 4) have an ideal of how it operates, a proposal on how it would function from day to day, proposal for maintenance, a proposal on revenue the County might see, and 5) Ms. Holly to check with Jim Lively Insurance regarding liability.

Commissioner Wender asked Carl Harris about leasing and Mr. Wards group be responsible for the insurance.

Mr. Harris told the commissioners he would have to check.

Jodie Ward to get in touch with Jackie Hickman when ready to be place on the agenda.

Carl Harris, Earl Pauley and Pattie Payne appeared before the



Commission to discuss ownership of horse and cost of care and feeding.

Mr. Harris informed the Commissioners that this is regarding the bills for the vet (\$103.00) and the bill for horse feed (\$108.00).

This horse was picked up by Stacy Workman when she was the Dog Warden.

Mr. Harris told the Commissioners they did not pursue criminal charges, the person has a mental problem and was not pursued through Magistrate Court.

The horse was signed over to C-PAC/New River Humane Society.

Patti Payne told the Commissioners that the horse was signed over to the Fayette County Animal Control Center not New River Humane Society.

Mr. Harris told the Commissioners that his question is who is going to pay the vet and feed bill for the initial period of time and ownership.

Commissioner Wender asked the New River Humane Society to pay the \$211 for the vet and feed bill and asked Mr. Harris to find out how the county would proceed.

Commissioner Eskew offered a motion to authorize the New River Humane Society to pay invoices and submit for reimbursement. Carl Harris to check and make decision regarding the disposition of the horse. Commissioner Wender seconded. All approved.

Earl Pauley, Park Superintendent appeared before the Commission and presented estimated cost of propane at the Fayette County Park.

The Commissioners received and reviewed a request from Mr. Pauley requesting that Peggy Bennet's salary go back to \$8.00 per hour during the pool season.

Commissioner Eskew offered a motion to increase Peggy Bennett's salary from \$6.95 per hour to \$8.00 per hour as CPO for the Fayette County Park effective June 1, 2005. Commissioner Wender seconded. Unanimous.

The Commissioner received and reviewed a request from Earl Pauley requesting that a revision be made to the Central Garage 2004-2005 budget. The Commission recessed the County Commission meeting for lunch at 1:15 p.m.

The Commission reconvened the County Commission meeting at 2:30 p.m.

Ms. Holly informed the Commissioners that she received a memo from Carl Harris regarding the horse that was discussed early today. Ms. Holly told the Commissioners that Mr. Harris decision in the matter is that the adoption papers should be completed and the horse should be transferred to Stacy Workman. (See attached)

Commissioner Eskew offered a motion that based on the guidance of counsel to prepare adoption of horse to Stacy Workman. The County will recognize no cost beyond the \$211.00. The County asked that the New River Humane Society pay. Commissioner Wender seconded. Unanimous.

The Commissioners received from Karen Martin an invoice from Morris Greenhouses, amount \$178.75 for purchase of flowers for the Courthouse lawn. The Commission approved.

Commissioner Eskew offered a motion to approve 27 hours of overtime for Debbie Aliff, Payroll Clerk. Commissioner Wender seconded. Unanimous.

# MEMO

TO: Fayette County Commission

FROM: Carl L. Harris

RE: Horse

I am of the opinion that the horse can be and should have been disposed of in the same manner as a dog or cat that comes into the possession of the Shelter.

The provisions requiring an auction of the animal deals with a finding of criminal liability for abuse or abandonment by the Court and the disposition of the animal by auction to pay costs, etc.

Therefore, I believe that adoption papers should be completed and transfer the horse to Tracy.

I would further recommend that written regulations regarding livestock acquisition, maintenance, and disposition be adopted by the New River Humane Society and submitted to the Commission and Sheriff for review.

Commissioner Wender informed that prior to this meeting Commissioner Lopez asked the Commission if they would release the 2005-2006 Fiscal Year allotment to the Upper Kanawha Valley Little League, amount \$1,000.00.

Commissioner Eskew offered a motion to release Fiscal Year 2006 allotment to the Upper Kanawha Valley Little League in the amount \$1,000.00. Commissioner Wender seconded. Unanimous.

The Commissioners received and reviewed an invoice from the County Commissioners' Association of West Virginia in the amount of \$296.00 for filing an amicus brief in support of the West Virginia state Tax Department, on behalf of the entire County Commissioners' Association of West Virginia membership regarding continued payment of coal severance taxes on tonnage exported to foreign counties.

Commissioner Eskew offered a motion to pay the \$296.00 as submitted by the County Commissioners' Association of West Virginia. Commissioner Wender seconded. Unanimous.

The Commissioners received and reviewed a memo from David Neal, E911 Coordinator informing of a recent employment change for the E911 Center. Jewel Crites resigned as Communications Specialist effective, June 30, 2005, Samantha Sanson will begin part-time employment immediately at an hourly rate of \$6.50.

The Commissioners received and reviewed a letter from the Fayette County Board of Education informing that due to the proposed closure of Gauley Bridge High School they are requesting that the polling place for Precinct 38 be moved to the Gaul Bridge Elementary School.

Commissioner Eskew offered a motion to relocate the polling place

from Gauley Bridge High School to Gauley Bridge Elementary School for the June 25, 2005 election. Commissioner Wender seconded. Unanimous.

Ms. Holly informed the Commissioners that the Contractor who installed the Courthouse windows called to request final payment. Ms. Holly asked if it was okay to release final payment of \$23,675.00 for the window project.

Commissioner Eskew offered a motion to release final payment for the courthouse window project, amount \$23,675.00. Commissioner Wender seconded. Unanimous.

The Commissioners received and reviewed from Kelvin Holliday, County Clerk quote from the Access Systems for the Minolta 603Z, amount \$5,716.00.

Commissioner Eskew offered a motion to approve the purchase of the Minolta 603Z. Commissioner Wender seconded. Unanimous. The Commissioners received and reviewed from Kelvin Holliday book order quotes for the fiscal year to be approved. The Commissioners asked Ms. Holly to send book order quotes back to the County Clerk, inform him that money is budget, assume he will select lower quote of the two bids.

The Commissioners received and reviewed a letter from the Medical Runners, Inc. requesting that the Commission send a letter of support to the West Virginia Public Service Commission for a certificate to provide nonemergency medical transportation to and from medical appointments for ambulatory clients in Fayette Nicholes, Raleigh Counties that do not have the means to transport themselves.

Commissioner Eskew offered a motion to send a letter of support

to the West Virginia Public Service Commission on behalf of the Medical Runners, Inc. Commissioner Wender seconded. Unanimous.

Commissioner Wender informed the Commissioners that there are two vacancies on the Fayette County Board of Health.

Commissioner Wender offered a motion to reappoint John Eades for an additional modified term to the Fayette County Board of Health, term to expire June 30, 2007. Commissioner Eskew seconded. Unanimous. The Commissioners signed Order and letter of appointment to serve.

Commissioner Wender offered a motion to appoint Debra Fragala, Democrat to replace John Frazier for a five year term to the Fayette County Board of Health, term to expire June 30, 2010. Commissioner Eskew seconded. Unanimous.

Commissioner Eskew informed the Commission that the Public Defender Corporation needed to replace Kenneth E. Roop.

Commissioner Eskew offered a motion that Katherine Hoffman be appointed to replace Kenneth E. Roop as a Director of the Fayette County Public Defenders Corporation. Commissioner Wender seconded. Unanimous.

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

The Commissioners received and reviewed from the Fayette County Animal Control Center Weekly Fees Collected for the week of May 20 to May 26, 2005, amount \$145.00, the week of May 27 to May 31, 2005, amount \$120.00 and the week of June 1 to June 2, 2005, amount \$20.00; Activity Report, Monthly Revenue, and C-PAC monthly allotment, amount

\$8,603.79 for the month of May.

The Commissioners signed a letter to the Plateau Action Network pledging their support of their efforts to providing solutions for our future wastewater needs.

The Commissioners signed a letter to Senator Robert Byrd and Congressman Nick Rahall regarding Plateau Action Network soliciting for funding of wastewater projects through their office.

The Commissioners received and reviewed a notice from the Fayetteville Fairs and Festival Committee asking the Commission to join them for the Heritage Day Parade on July 2, 2005 at 5:30 p.m.

The Commissioners received and reviewed a thank-you letter from the West Virginia Association of Counties thanking everyone who attended the Spring Board Meeting.

The Commissioners received and reviewed a notice from the Fayetteville Junior Women's Club asking the Commission to join them in Summer Kickoff 2005 for a fun filled night of fund-raising and karaoke at the Holiday Inn, Tuesday, June 21, 2005.

The Commissioners received and reviewed from Steptoe and Johnson correspondences regarding lawsuits that are pending.

The Commissioners signed a letter to Jim Lively Insurance regarding the outstanding legal fee's due James E. Brown, attorney.

The Commissioners received and reviewed from the SunTrust Bank a list of securities pledged as of May 31, 2005.

The Commissioners received and reviewed from the Bank of New York Cash Statement and Asset List as of March 23, 2005 and March 31, 2005.

The Commissioners received and reviewed from St. Paul Travelers

informing that the renewal quote or policy will reflect changes of the insurance policy.

The Commissioners received and reviewed minutes of the Joint Community Water Committee for February 1, March 1, and April 1, 2005.

The Commissioners received and reviewed a letter from Region 4 Planning and Development Council enclosing portions of an application submitted to the USDA-Rural Utilities Service by the Danese Public Service District for a water extension and upgrade project.

The Commissioners received and reviewed a copy of a letter to the Southern Conservation District from the Dunloup Creek Watershed Association informing that their next step in the process of flood control along their watershed is a formal request from our primary sponsor, Southern Conservation District, to the Natural Resources Conservation Services agency in Morgantown.

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

The Commissioners received and reviewed the Annual Reports for the period beginning June 1, 2004 through May 31, 2005 from Paul Blake, Jr., Prosecuting Attorney, Kelvin Holliday, County Clerk, and Sheriff William Laird.

The Commissioners received and reviewed an order from the Division of Highways ordering the abandonment of Keeney's Creek Road, County route 85/2.

The Commissioners received and reviewed a memorandum from the Office of the State Treasurer informing that during the 2005 legislative session SB-716 was passed and signed into law by the



Governor and the State Treasurer will establish a new fund titled "Regional Jail Operations Partial Reimbursement Fund."

The Commissioners received and reviewed a letter from Branch Banking and Trust Company (BB&T) informing of the securities held as collateral to secure the deposits of Fayette County Commission as of May 31, 2005.

The Commissioners received and reviewed Certificate of Insurance from Verizon Select Services.

The Commissioners received and reviewed a letter from the Ford Motor Company informing that a defect which relates to motor vehicles safety exists in certain 2003-2005 Model Year Ford Crown Victoria Police interceptor and Commercial Heavy Duty (Taxi) vehicles.

The Commissioners received and reviewed a letter from the Secretary of State enclosing a list of qualified newspapers for the upcoming fiscal year.

The Commissioners received and reviewed a letter from the West Virginia Employers' Mutual Insurance Company informing in January with passage of Senate Bill 1004, which paves the way to a competitive market of private insurance carriers who can offer workers' compensation insurance coverage to our state's 42,000 business.

The Commissioners received and reviewed a letter from the Town of Ansted inviting the Commission to attend their hometown Mountain Heritage Festival scheduled for June 17-18, 2005.

The Commissioners received and reviewed a remittance by the Assessor to the State Treasurer's Office for the month of May 2003, amount \$262.50.

The Commissioners received and reviewed checks for Franchise Fees from Bradley Communications, Inc., amount \$542.83, Nos Communications, Inc., amount \$4.00, Trinsic Communications, Inc., amount \$44.00; Soldiers and Sailors memorial Fund amount \$550.00; Jail Fees from the City of Mount Hope, amount 48.50; Records management Grant, amount \$11,320.00; a refund from Raleigh County Solid Waste Authority, amount \$57.82; St. Paul Fire and Marine Insurance Company, amount \$3,980.00; and reimbursement Fayetteville Midget Football League, amount \$25.00.

The Commissioners received and reviewed a letter from the West Virginia Development Office enclosing the Annual Program Income (PI) Activity Reporting Forms for the Small Cities Block Grant Program- Fayette County Commission/New Haven Public Service District Water (Project #97SCBG0009).

The Commissioners received and reviewed an invitation from the State Fair of West Virginia inviting the Fayette County Commission to the 2005 Community Leaders Luncheon being held Wednesday, June 8, 2005.

The Commissioners received and reviewed invitation to attend Whitewater Wednesday, June 22, 2005.

The Commissioners received and reviewed a letter from Charter Communications informing of the two channel changes of Viacom.

The Commissioners received and reviewed a letter from J. Dan Snead and Associates, Inc. informing that he and Ms. Holly have reviewed the screen installation for the window replacement project at the Courthouse.

The Commissioners received and reviewed letters from the Public

Service Commission and the Office of the Secretary of State requesting the annual listing of the Public Service Districts and Board Members.

The Commissioners received and reviewed the layout of the LaFayette Flower Planter from James Perdue, Maintenance Supervisor. The commission asked that this be forwarded to Daniel Wright to present to the Fayette County Historic Landmark Commission for review and approval.

The Commissioners received and reviewed Statement of Expenditures for the Regional Jail, Central Garage and the Fayette County Park.

The Commissioners received and reviewed an e-mail from Charlotte Holly to Commissioner Wender regarding the Heritage Festival sponsors' logo to be printed on the banner and T-shirt.

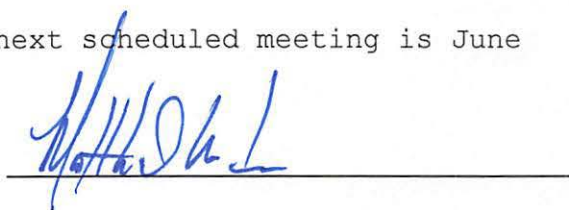
The Commissioners received and reviewed an e-mail from Bart Jackson inviting the Commission to attend their meeting on June 14<sup>th</sup> along with Frasure Creek Mining regarding protecting our water supply from the result of blasting.

The Commissioners received and reviewed an e-mail from the Office of the State Treasurer informing of the Distribution of Coal Severance tax deposited on June 8, 2005 and June 10, 2005.

The Commissioners received and reviewed an e-mail from Carl Thompson regarding the Public Notice for the Farmland Protection Board.

The Commissioners received and reviewed an e-mail from Charlotte Holly to Allen Ballard regarding further discussion on the Building Permit Fees for nonprofit on June 10<sup>th</sup> agenda at 9:00 a. m.

The meeting was adjourned. The next scheduled meeting is June 27, 2005.



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FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
JUNE 27, 2005  
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 27<sup>th</sup> day of June 2005.

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

Commissioner Lopez offered a motion to approve exonerations for real and personal property as presented by the Assessor's Office. Commissioner Eskew seconded. Unanimous.

Commissioner Lopez offered a motion to approve the 2<sup>nd</sup> half payrolls, payrolls to be released June 30<sup>th</sup> invoices to be paid today. Commissioner Eskew seconded. Unanimous.

Commissioner Wender offered a motion to approve April 29 and May 16, 2005 minutes. Commissioner Eskew seconded. Unanimous.

Jesse Bibb appeared before the Commission to request release of funds for the Minden Community Meeting Center.

Commissioner Eskew offered a motion to release the allocation to Minden Community Meeting Center in the amount of \$1,500.00. Commissioner Lopez seconded. Unanimous.

Ms. Holly informed the Commissioners that this original allocation was in 2003-2004 budget. The commissioners approved to extend that to the 2004-2005 budget.

Commissioner Wender asked Ms. Holly to write a letter to Jim Lively stating that since property was donated by Berwind Land Company ask if the County can name the Minden Community Meeting Center as an

additional insured.

Mr. Bibb stated that the Minden Community Meeting Center only has insurance on the property that surrounds the Center.

Commissioner Wender suggested asking Jim Lively write a letter informing that the County has coverage.

Commissioner Wender told Mr. Bibb he would like to get him on the agenda to discuss the different projects.

Allen Ballard, Building Code Officer appeared before the Commission to discuss their decision to waive fees for nonprofit organizations.

Mr. Ballard told the Commissioners Steve Fisher strongly told them not to amend the ordinance.

John David explained to the Commissioners the different types of projects Southern Appalachian Labor of School (SALS) works on.

Mr. David proposed to the Commission to charge new homes a fee, rehab homes no fee, and exempt weatherization fees.

Commissioner Wender asked Carl Harris, Assistant Prosecuting Attorney to prepare an amendment for issuing nonprofit building permit fees.

Commissioner Eskew offered a motion to amend building code showing that the new home's minimal cost of the inspection process from beginning to end is estimated by the building safety office to be \$400.00 per project for nonprofit organizations and the major rehab projects to look on as case by case for 12 month periods after. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from the Zoning

Officer, Building Safety Department, the Assessor's Office and the Prosecuting Attorney's Office responding to the Commission request for information concerning building permits issued in regard to nonprofit organization. (See attached)

Commissioner Wender informed that he will call an Executive Session this afternoon regarding a personal matter at 2:00 p.m.

Debbie Aliff, Payroll Clerk appeared before the Commission to discuss Direct Deposit for County employees.

Commission Wender informed that this was tabled from the last Commission meeting.

Commissioner Wender informed that a survey had been done, Ms. Aliff received 88 responses, 25 for, 61 against and 2 no opinion.

Commissioner Wender told the Commissioners that he had several discussions with Danny Wright, Circuit Clerk regarding this matter.

Mr. Wright told the Commissioners that when Direct Deposit started at the Fayette County Board of Education there were only 370 employees signed up out of the 1100 employees, now out of 1100 employees 800 has signed up.

Ms. Aliff explained the process of the Direct Deposit to the Commissioners.

Commissioner Wender asked Ms. Aliff to get a quote from Software Systems for license and installation and what the bank need and get back with the Commission.

The Commission recess the Commission meeting at 10:05 a.m.

The Commission reconvened the Commission meeting at 10:19 a.m.

Angie Graves, Region 4 Planning and Development Council appeared

# FAYETTE COUNTY ZONING OFFICE

COURT HOUSE ANNEX  
FAYETTEVILLE, WEST VIRGINIA 25840

June 14, 2005

**TIM RICHARDSON**  
Zoning Officer  
574-4273

**DAVE POLLARD**  
Resource Coordinator  
574-4258

Fayette County Commission  
Fayetteville, West Virginia

Dear Commissioners,

In response of your request for information concerning building permits issued in regard to nonprofit organizations. The Zoning Office, Building Safety Department, Assessor's Office and Prosecuting Attorney's office has compiled the following information.

A flow of information derived from building permits issued by the county is essential to the Assessor's Office to continue the ever changing assessments throughout the county in regard to residential housing and commercial construction.

Information contained in the building permit process such as zoning classification and flood plain information is necessary to all financial institutions and insurance companies in regard to their client's liabilities and in most situations is a part of their criteria.

The inspection process insures the home or business owner that the construction that they have invested in is indeed a quality product as inspected by the building safety department through the different phases of construction.

In discussions with West Virginia Housing it was revealed that they do final, on site inspections only. No footer, rough in of plumbing or electrical on site. This does not meet the ICC guidelines for inspection and the opinion of the prosecuting attorney's office is if we differentiate in our inspection process other than what has been adopted as ordinance we incur liability concerns.

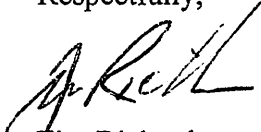
The fee structure for building permits will be 1% of the cost of construction as calculated by the building safety office by a formula derived from the ICC. The minimal cost of the inspection process from beginning to end is estimated by the building safety office to be

\$400.00 per project. This figure is derived from the cost of paying contractual inspector fees and the average mileage incurred to the project sites.

Any change in the fee schedule would have to be action by the commission as an amendment to the adoption of the building safety office and its guidelines.

Upon consideration of all the foregoing information, it is recommended that the Commission rescind its previous directive to allow nonprofit organizations to opt out of the ICC inspection process of the County and require all construction to be inspected for ICC compliance as the Ordinance was originally adopted. In the event the Commission desires to give the nonprofit entities some relief from the cost of the inspections, it is recommended that the minimum amount of \$400.00 be charged to prevent the County from losing any money for the inspections.

Respectfully,



Tim Richardson  
Zoning Enforcement Officer

Respectfully,



Allen Ballard  
Building Code Official



before the Commission to present an application seeking an \$80,000 Governor's Community Partnership Grant Funds to develop a branding initiative for the New River Gorge area including Fayette, Nicholes, Raleigh and Summers Counties. Judy Radford with 4-C Economic Development Authority is the designee.

Ms. Groves read the Resolution to the Commissioners.

Commissioner Eskew offered a motion to approve and authorize the adaption of the Resolution and to allow Fayette County Commission to be the applicant responsible for the \$80,000 Grant. Commissioner Lopez seconded. Application to the West Virginia Development Office and Resolution signed.

Jennifer Melesky of Scarbro appeared before the Commission to request that the lawn next door to her be mowed. Ms. Melesky told the Commissioners that it is the property FEMA had condemned and it now belongs to the Commission.

Commissioner Wender told Ms. Melesky he would ask Joe Carelli, Litter Control Officer to mow the lawn.

Commissioner Eskew offered a motion to approve James Perdue, Maintenance Supervisor 91 hours overtime. Commissioner Lopez seconded. Unanimous.

Attorney James Blankenship appeared before the Commissioners for his 10:30 appointment. Mr. Blankenship informed the Commissioners that the petitioner did not show and asked the Commission for a continuance.

Mr. Blankenship to call Jackie Hickman to reschedule appointment.

Mike Shumate, Board Member of the Dunloup Creek Watershed

Association appeared before the Commission to give an update.

Mr. Shumate told the Commissioners that Ernie Wickline, President of the Dunloup Creek Watershed Association has scheduled a meeting for tonight with the Natural Resource Conservation Service.

Mr. Shumate told the Commissioners they have made improvements along the creek.

Mr. Shumate told the Commissioners that the Dunloup Creek Watershed Association has a full-blown plan, they have drafted a letter for the Commission to send to the USDA-Natural Resource Conservation Service announcing their support of the ongoing efforts to eliminate flooding along the Dunloup Creek Watershed.

Commissioner Wender asked Mr. Shumate to come back in five months to give another status report update.

Mr. Shumate told the Commissioners that the natural Resources Conservation Service is holding up their end of the bargain.

Mr. Shumate told the Commissioners he will get more information at the meeting tonight.

Commissioner Wender told Mr. Shumate the Commission appreciate his update and asked Ms. Holly to read the letter addressed to the Natural Resource Conservation Service.

Commissioner Eskew offered a motion to sign a letter to the Natural Resource Conservation Service. Commissioner Lopez seconded. Unanimous. The letter was signed. (See attached)

Carl Thompson, Secretary for the Fayette County Farmland Protection Board appeared before the Commission to ask that they adopt the Farmland Protection Board Resolution. Also, present were Board



## FAYETTE COUNTY COMMISSION

FAYETTEVILLE, WV 25840-0307

TELEPHONE (304) 574-4290

FAX (304) 574-4255

JOHN H. LOPEZ  
SMITHERS, WV  
COMMISSIONER

MATTHEW D. WENDER  
OAK HILL, WV  
PRESIDENT

KENNETH L. ESKEW  
FAYETTEVILLE, WV  
COMMISSIONER

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

June 27, 2005

USDA - NRCS  
Ron Hilliard, State Conservationist  
75 High St. RM 301  
Morgantown, West Virginia 26505

Dear Mr. Hilliard:

Based upon discussions at the 16 May 2005 Dunloup Creek Watershed (DCWA) meeting and subsequent 22 May 2005 DCWA letter to the Southern Conservation District, the Fayette County Commission wants to announce its support of the ongoing efforts to eliminate flooding along the Dunloup Creek Watershed.

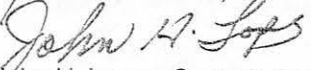
We feel we now have the best opportunity for completion of these efforts with your leadership as the new State Conservationist along with your new assistant Mr. Louis E. Aspey, II. We feel this tandem of professionals and existing staff can deliver the updated plans and solutions for flood control.

We must not forget the West Virginia Statewide Flood Protection Plan as an additional framework that can assist with guidelines and practical approaches that can lead to reduction of private and public property damages due to flooding.

DCWA has a longstanding history that dates back to 1965 with many requests for assistance and studies offered from 1976 to 1998. The citizens of Fayette County deserve the best we can provide in reducing the flooding along Dunloup Creek and its impact upon their lives. We look forward to the 27 June 2005 watershed meeting with detailed plans that will define the responsibilities and timeframes for completion of both the Watershed Plan - EIS and assist in securing the appropriate reviews and approvals. The start of this new process and understanding the responsibilities of sponsorship will assist all agencies in positioning itself to offer the support required.

Sincerely yours,

  
Matthew D. Wender, President

  
John H. Lopez, Commissioner

  
Kenneth L. Eskew, Commissioner

cc: Truman Wolfe, Executive Director WVCA  
C. W. Blankenship, Chairman SCD  
Ernie Wickline, President, DCWA



## FAYETTE COUNTY COMMISSION

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PRESIDENT

KENNETH L. ESKEW  
FAYETTEVILLE, WV  
COMMISSIONER

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

June 24, 2005

Raleigh County Commission  
John Humphrey, President  
Raleigh County Courthouse  
215 Main Street  
Beckley, West Virginia 25801

Dear John:

Based upon my participation and the large turnout at the 16 May 2005 Dunloup Creek Watershed (DCWA) meeting, support is growing to eliminate flooding along the Dunloup Creek Watershed. I feel we now have the best opportunity for completion of this effort with the new leadership at NRCS Morgantown. Mr. Ron Hilliard is the new State Conservationist and his newly selected assistant is Mr. Louis E. Aspey, II.

Dunloup Creek Watershed Association has demonstrated its ability to work with all county, state, and federal officials to get to solutions for flood control. The meeting on 16 May 2005 started the process to get to an updated Local Implementation Plan and Environmental Impact Statement on Dunloup Creek. The upcoming meeting on 27 June 2005 has the NRCS Morgantown staff ready to outline the tasks – milestones – associated dates – responsibilities – and sponsorship requirements to get to the end product of controlling the flood waters within the boundaries of both Raleigh and Fayette counties. Dunloup Creek is a sixteen mile long watershed originating off Batoff Mountain and flows through Oswald, Price Hill, Kilsyth, Mount Hope, Derryhale, Glen Jean, Red Star, Harvey, and Thurmond.

DCWA has a longstanding history that dates back to 1965 with many requests for assistance and studies offered from 1976 to 1998. The citizens of Fayette and Raleigh Counties deserve the best we can provide in reducing the flooding along Dunloup Creek and its impact upon their lives. I hope that your schedule will permit your attendance at the 27 June 2005 meeting at the HQ National Park Service facility in Glen Jean – start time is 7:00 p.m. The start of this new process and understanding the responsibilities of sponsorship will assist all agencies in positioning itself to offer the support required.

Sincerely yours,

Matthew D Wender, President



Ernie E. Wickline  
413 Monroe Street  
Mount Hope, West Virginia 25880

May 22, 2005

Southern Conservation District  
C. W. Blankenship, Chairman  
463 Ragland Road  
Beckley, West Virginia 25801

Dear Mr. Blankenship,

Based upon discussions at our 16 May 2005 Dunloup Creek Watershed (DCWA) meeting, all parties agreed the next step in the process for flood control along our watershed is a formal request from our primary sponsor, Southern Conservation District (SCD), to the Natural Resources Conservation Services (NRCS) agency in Morgantown. Your agency, along with the West Virginia Conservation Agency (WVCA), intervened on our behalf on 18 October 2004 and WVCA on 13 December 2004 for completion and update of the 1998 Dunloup Creek Watershed Study and Environmental Impact Statement. We are requesting your sponsorship once again by forwarding a letter to NRCS on our behalf. We now have the best opportunity for completion of these efforts with new leadership at USDA-NRCS under the direction of Mr. Ron Hilliard (State Conservationist) and his staff. We also have the new West Virginia Statewide Flood Protection Plan as an additional framework that can assist us all with guidelines and practical approaches that will lead to reduction of private and public property damages due to flooding.

DCWA efforts have a history that dates back to 1965 with many requests for assistance and studies offered from 1976 to 1998, but never progressed toward authorization or funding to implement flood control solutions. Our organization has shown tremendous patience. The citizens of Fayette County deserve the best we can provide in reducing the flooding along Dunloup Creek and its impact upon their lives. Mr. Hilliard and his staff are now prepared to return to our June 2005 watershed meeting with detailed plans which will define the responsibilities and timeframes for completion of both the Watershed Plan – EIS and assist in securing the appropriate reviews and approvals. The completion of these efforts will move us toward the appropriations process which will require us all to seek additional sponsors and legislative assistance, both at the Federal and State levels. Your sponsorship is paramount in this process.

Sincerely,

Ernie E. Wickline  
President  
Dunloup Creek Watershed Association

A handwritten signature in cursive script that reads "Mike Shumate".

Mike Shumate  
Board Member  
Dunloup Creek Watershed Association

Cc:

Truman Wolfe, Executive Director WVCA  
Matt Wender, President FCC  
Ron Hilliard, State Conservationist USDA-NRCS

**SOUTHERN  
CONSERVATION DISTRICT**

463 RAGLAND ROAD  
BECKLEY, WEST VIRGINIA 25801  
PHONE: (304) 253-0261  
FAX: (304) 253-0238



June 14, 2005

Natural Resources Conservation Service  
Ron Hilliard, State Conservationist  
75 High Street, Room 301  
Morgantown, WV 26505

Dear Mr. Hilliard:

The Southern Conservation District reviewed the attached request from the Dunloup Creek Watershed Association concerning the need for a Watershed Plan and Environmental Impact Study for Dunloup Creek in Fayette County.

The SCD board of supervisors, at their June 9, 2005 board meeting, voted to continue their support of the DCWA in their efforts to obtain a Watershed Plan and EIS for Dunloup Creek. We are requesting NRCS assistance in the completion of both studies. The SCD supports the efforts of the DCWA in their efforts to obtain solutions to the flooding problems in Fayette County.

If you have any questions concerning this request please contact the SCD office at (304) 253-0261. Thank you for your assistance.

Sincerely,

*C.W. Blankenship*  
(3-4)

C.W. Blankenship  
Chairman

cc: Ernie Wickline, DCWA  
Mike Shumate, DCWA  
Truman Wolfe, WVCA  
Greg Stone, NRCS

Members Brett Lively, Alan Wickline and Doug Kincaid.

Commissioner Eskew offered a motion that the Fayette County Commission adopts the Fayette County Farmland Protection Board Resolution as presented by the Board. Commissioner Lopez seconded. Unanimous.

Commissioner Wender informed the Commissioners that a public meeting was held June 21, 2005, no negative comments received.

Resolution was signed. (See attached)

Mr. Lively informed the Commissioners that the Fayette County Farmland Protection Board needs their financial support in order to effectively get this important program started.

Mr. Lively is requesting a \$1,000 from the Commission to be used as start-up funds for the Program. The much needed funds will be used exclusively for such start-up issues as establishing a Post Office Box, opening a bank account, program letterhead, establishing 501C3 nonprofit status for the program and promotional materials.

Commissioner Lopez offered a motion to approve the \$1,000 start-up fund to get the Fayette County Farmland Protection Program started. Commissioner Eskew seconded. Unanimous.

Commissioner Wender told the Commissioners he had talked with Carl Harris, Assistant Prosecuting Attorney by telephone and he informed him that the public hearing to increase the \$1.10 County Excise Fee for funding for the Farmland Protection Program has been scheduled for the last County Commission meeting July 29, 2005 at 10:00 a. m.

Commissioner Wender asked Carl Thompson to schedule the Farmland

RESOLUTION

WHEREAS, the Fayette County Commission on May 16<sup>th</sup>, 2005 by resolution created the Fayette County Farmland Protection Board; and

WHEREAS, the Fayette County Farmland Protection Board is required by WV Code §8A-12-3(2004) to develop a farmland protection program which is consistent with the intention of the Act; and

WHEREAS, the Fayette County Farmland Protection Board approved the Fayette County Farmland Protection Program on June 21, 2005; and

THEREFORE BE IT RESOLVED, by the County Commission of Fayette County and the Fayette County Farmland Protection Board that the enclosed Fayette County Farmland Protection Program is hereby adopted and enacted.

Fayette County Commission

Fayette County  
Farmland Protection Board

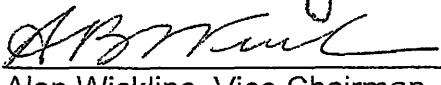
Dated this 27th day of June, 2005

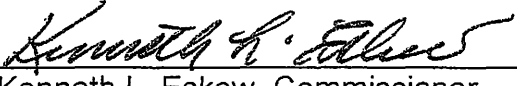
Dated this 27th day June, 2005

  
Matthew D. Wender, President

  
Brett Lively, Chairman

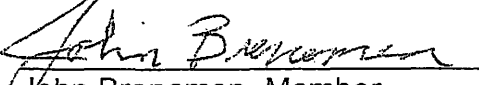
  
John H. Lopez, Commissioner

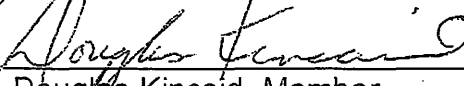
  
Alan Wickline, Vice Chairman

  
Kenneth L. Eskew, Commissioner

  
Carl Thompson, Secretary

  
David Alan Rice, Treasurer

  
John Brenemen, Member

  
Douglas Kincaid, Member

  
Matthew D. Wender, Member



Protection Program, Soil conservation, Doug Kincaid, Alan Wickline, Becky Floyd and Curtis Murphy for July 29, 2005 at 9:30 a.m.

Commissioner Wender left the County Commission meeting at 1:15 p.m. to conduct Auction on County-owned vehicles in front of the Courthouse.

The Commissioner received and reviewed written complaint from Jean Wilson regarding General Ambulance Service.

The Commissioners signed a letter to Dr. Margaret Staggers attaching a copy of Ms. Wilson's letter dated June 12, 2005 expressing her concerns regarding the response of General Ambulance Service to an emergency call on June 2 at White Oak Lanes in Oak Hill.

The Commissioners signed an Order appointing Katherine Huffman a Director to replace Kenneth Roop on the Fayette County Public Defenders Corporation. A letter of appointment to service was signed.

The Commissioners signed Orders reappointing John Eades, a member of the Fayette County Board of Health and appointing Debra Fragala to replace John Frazier as a member of the Fayette County Board of Health. A letter of appointment to serve was signed.

The Commissioners received and reviewed a letter from the Supreme Court of Appeals informing that the Court Security Board has approved a Court security Fund Grant for \$8,930.00 for the purpose of enhancing the county's court security.

Ms. Holly presented a Contract and Resolution to be signed by the Commission.

Commissioner Lopez offered a motion to adopt Resolution and sign contract for the Court Security Fund Grant. Commissioner Eskew

seconded. Unanimous.

The Commissioners signed a letter to Alison chambers, Director, Family Law Masters requesting reimbursement for rent in the amount of \$2,025.00 for the month of July 2005.

Ms. Holly informed the Commissioners that on May 16, 2005 they signed an order listing the incorporated Banking Institutions designating as Depositories of Public Monies of Fayette County.

Ms. Holly presented incorporated banking institutions within the County to act as County depositories for the Fiscal Year beginning July 1, 2005 from three banks, Fayette County National Bank, Branch Banking and Trust (BB&T) and the Bank of Mount Hope to the Commissioners.

Ms. Holly told the Commissioners she asked Tom Woodrum to check to see if its securities were sufficient.

Ms. Holly told the Commissioners that Paul Blake, Prosecuting Attorney received and reviewed documents.

Commissioner Eskew offered a motion to approve incorporated banking institutions within the County to act as County depositories for the Fiscal Year July 1, 2005 for Fayette County National Bank, Branch Banking and Trust, and the Bank of Mount Hope. Commissioner Lopez seconded. Unanimous. Order and letter signed.

The Commissioners discussed the leasing of the Memorial Building to the Fayette County Board of Education.

The Commissioners informed they had requested that the Fayette County Board of Education pay \$65,000 for lease of the Memorial Building.

The Commissioners suggested that the Fayette County Board of Education will no longer use the building until the lease is signed. The Commissioners informed they are unwilling to risk liability issues if the lease not signed.

The Commissioners asked Ms. Holly to have Carl Harris, Assistant Prosecuting Attorney prepare the lease. The Commissioners asked to include in the letter that if they do not plan to renew the lease, the Commission intend to terminate the lease if not signed by August 15, 2005.

The Commissioners received and reviewed a letter from the Fayette County Board of Education informing that it was the Board's consensus not to pay the additional \$5,000 for lease of the Memorial Building for the Fiscal Year 2004-2005.

The Commissioners received and reviewed an Elevating Equipment Inspection form from Otis Elevators. The Commissioners asked Ms. Holly to inform James Perdue, Maintenance Supervisor of this form and have him contact Otis Elevator as soon as possible too correct.

Ms. Holly presented Budget Revisions for the General County Fund and the Coal Severance Fund for fiscal year 2004-2005 to the Commissioners.

Commissioner Eskew offered a motion to approve Budget Revisions for the General County Fund and the Coal Severance Fund for fiscal year 2004-2005. Commissioner Lopez seconded. Unanimous. Orders signed.

Commissioner Lopez offered a motion to approve Debbie Berry overtime. Commissioner Eskew seconded. Unanimous.

The Commissioners received and reviewed a letter from Paul Blake, Prosecuting Attorney regarding hiring a custodian solely responsible for "household cleaning" of the Prosecuting Attorney's Office approximately three times per week for the upcoming fiscal year. The Commissioners asked that a copy of this letter be forwarded to James Perdue, Maintenance Supervisor.

The Commissioners received and reviewed from the Division of Highways a fully executed project Agreement for the Oak Hill Rail Transportation Enhancement Project in Fayette County.

Commissioner Wender asked Ms. Holly to e-mail Beth Gardner, Project Manager to inform her that the Fayette County Commission has received the project agreement for the Oak Hill Rail Trail project, notice to proceed with acquisition with steps outlined in the TE program manual setting forth program guidelines to be followed for the Grant.

The Commissioners received a letter sent to the National Park Services regarding a disability right complaint concerning access for individuals with disabilities to the Fayette County Park swimming pool.

The Commissioners has scheduled Doug Pate Accessibility Coordinator with Independent Living to come in the first week in August to discuss.

Ms. Holly told the Commissioners she has talked with Dan Snead regarding Phase 2 of the Courthouse window replacement.

Ms. Holly told the Commissioners she received a copy of the report from the West Virginia Division of Culture and History

regarding the Window Replacement Project.

The Commissioners received and reviewed a letter from Judge John Hatcher, Jr. informing he will be using the office below the Voter's Registration for his law clerk.

The Commissioners received and reviewed Fire Safety Inspection Report, sent to Earl Pauley, Park Superintendent.

Mr. Pauley informed the Commissioners if it's okay with them he would like to get back with the Fire Marshal to discuss and review this report. The Commissioners approved for Mr. Pauley to discuss the report with the Fire Marshal.

The Commissioners received and reviewed a letter from David Neal, 3911 Coordinator regarding the Radio Console Upgrade bid. The Commissioners asked that this be put on the agenda to discuss July 8, 2005.

Commissioner Lopez offered a motion to go into Executive Session to discuss personnel matter. Commissioner Eskew seconded. The Commission recessed the County Commission meeting at 2:05 p.m.

The Commission reconvened the County Commission meeting at 3:00 p.m.

Commissioner Wender informed the personnel matter was discussed related to budget matters. The Commissioners believe the matter will dissolve itself.

Commissioner Wender and Commissioner Eskew will be attending the County Commissioners Association of West Virginia meeting August 6 -9, 2005.

Commissioner Wender informed the Commissioners that the Pax

Community Center is requesting \$500.00.

Ms. Holly informed the Commissioners that the \$500.00 has already been allocated to the Pax Community Center and the Town of Gauley Bridge has already received their allocation.

Commissioner Wender suggested making September 16 an additional County Commission.

The Commissioners signed the Budget Statement for Fiscal Year 2005-2006 for the ensuing Fiscal Year beginning July 1 to June 30, 2005.

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

The Commissioners received and reviewed weekly Fees Collected from the Fayette County Animal Control Center for the week of June 3 to June 9, 2005, amount \$95.00, the week of June 10 to June 16, 2005, amount \$280.00, and the week of June 17 to June 23, 2005, amount \$155.00.

The Commissioners received and reviewed a letter from the Division of Highways asking that the Commission make available the enclosed lists of requested Recreational Trail (RT), Transportation Enhancement (TE) and Scenic Byway (SB) grant projects for which applications were reviewed for 2005.

The Commissioners received and reviewed from Ferris, Baker, Watts a list of the West Virginia Tax Increment Financing projects that they are serving as underwriters.

The Commissioners received and reviewed renewal policy from St. Paul Travelers Insurance.

The Commissioners received and reviewed an invoice from the Regional jail and Correctional Facilities Authority for the month of May, amount \$51,167.50.

The Commissioners received and reviewed from the Bank of New York Cash Statement and Asset List as of June 22, and June 23, 2005.

The Commissioners received and reviewed a letter from King and Spalding, LLP enclosing an IRS Form 2848, granting the representative authority to communicate with the Internal Revenue Service towards settlement of the audit regarding the \$11,600,000 County Commission of Fayette County WV Solid Waste Disposal Facility Revenue Bonds (Georgia-Pacific Project) Series 1995.

Ms. Holly informed the Commissioners that Allen Ballard passed the Residential Building Inspector examination.

The Commissioners received and reviewed a letter from the Division of Criminal Justice Services acknowledging the receipt of the application for Fiscal Year 2005 Justice Assistance Grant Program funds.

The Commissioners received and reviewed a letter from the US Department of Interior informing that this letter supersedes the earlier Payments in Lieu of Taxes (PILT) letter dated June 7, 2005. This letter is notification that Fiscal Year 2005 payments of \$17,341.00 and \$49,548.00 under the PILT Act will be sent by electronic funds transfer to the bank account number provided.

The Commissioners received and reviewed Status Report from the 911 Center for the period January through May 2005.

The Commissioners approved the purchase of the Fredricks air

conditioners from Camco for the Voter's Registration Office and the Witness Room.

The Commissioners received and reviewed a letter from the American Family Association Center for Law and Policy regarding regulating sexually oriented business before it's too late.

The Commissioners received and reviewed a memo from Boyd Dotson, Assistant Director of special Projects.

The Commissioners received and reviewed a letter from the West Virginia Division of Culture and History informing that the Year 2006 State historic Preservation Annual Work Program is available for public review and comment.

The Commissioners received and reviewed Official Oaths of Office from James R. Criniti, and Sherman Bobbitt members of the Fayette County Building Codes Appeals Board.

The Commissioners received and reviewed a letter from the South Central Educational Development, Inc. informing they will be hosting the "Southern WV State of Emergency Conference addressing HIV/AIDS and Hepatitis B&C."

The Commissioners received and reviewed copies of newspapers' articles regarding the plans to break ground this fall on Walk Creek Park and restructure of elections.

The Commissioners received and reviewed a copy of a letter from Multi-Cap, Inc. to John David, Director Southern Appalachian Labor School giving a response with an update on the collaboration between their two agencies and regarding SALS contributions to Multi-Cap, Inc. food distribution services over a 12-month period.



The Commissioners received and reviewed a letter from the West Virginia Department of Environmental Protection informing that effective July 1, 2005 Tim Hannah has been reappointed as a member of the Board of Directors of the Fayette County Solid Waste Authority. Mr. Hannah's term will expire June 30, 2009.

The Commissioners received and reviewed a letter from Senator Robert C. Byrd thanking the Commission for making space available in the courthouse for his staff members during their recent visit to Fayette County for a case work session.

The Commissioners received and reviewed a notice from the Town of Ansted informing they will be hosting a strategic planning meeting on June 28, 2005.

The Commissioners received/reviewed and signed Request for Approval of Evidentiary materials and Release of Funds for Project #03SCBG0102.

The Commissioners received/reviewed and signed invoices for the confinement of inmates at the Southern Regional Jail for the month of May for the City of Oak Hill, amount \$21.00, the Town of Fayetteville, amount \$291.00, and the City of Mount Hope, amount \$48.50.

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

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

The Commissioners received and reviewed checks for the 911 Fees from Verizon, amount \$34,626.20, VarTec Solutions, amount \$3.88,

Citizens Telecommunications Co., amount \$50.44, AT&T Communications of WV, amount \$1,368.00, Granite Telecommunication, amount \$106.00, Metro Teleconnect, amount \$11.76, IDT Corporation, amount \$76.00, and Operating Account, amount \$3,173.84; Alarm Fees amount \$8,976.00; Soldiers and Sailors Memorial Fund, amount \$200.00; Memorial Building Rent Fayette County Board of Education, amount \$13,749.99; Family Law Master rent, amount 42,205.00; Reimbursement City of Beckley, amount \$1,100.58; State Grant-memorial Building lights, amount \$2,000.00; Federal Grant-Citizen Corp. Homeland Security Grant, amount \$4,918.24.

The Commissioners received and reviewed an e-mail regarding purchase of cat food needed to put in traps.

The Commissioners received and reviewed an e-mail from David Neal, E911 Coordinator regarding a Public Service Announcement for addressing and mapping board.

The Commissioners received and reviewed an e-mail from the Office of the State Treasurer regarding the Distribution of Coal Severance Tax (75%) for the month of June 2005, amount \$74,835.47.

The Commissioners received and reviewed and e-mail from the Office of the State Treasurer regarding Distribution of Coal Severance tax (25%) for the month of June 2005, amount \$24,518.51.

The Commissioners received and reviewed an e-mail from the Office of the State Treasurer June Limited Video Lottery, amount \$5,238.43.

The Commissioners received and reviewed an e-mail from Environmental protection Agency, amount \$58,308.05.

The Commissioners received and reviewed an e-mail from Patti Payne regarding the adaption of the horse to Stacy Workman and

invoices for the vet and Southern States feeds.

The Commissioners received and reviewed from Eddie Young, Assessor the total Dog Tax Collected for the period July 1, 2004 to June 30, 2005, amount \$6,056.00

The meeting was adjourned at 3:20 p.m. The next scheduled meeting is July 1, 2005.



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FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
MARCH 4, 2005  
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 4<sup>th</sup> day of March 2005.

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

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

The Commissioners approved and signed exonerations as submitted by the Assessor's Office.

John David and Kathy South with Southern Appalachian Labor School appeared before the Commission with a proposal to seek funding for the Group Work Camps, Energy Express, and SALS Beards Fork for the Fiscal Year Budget 2005-2006.

Mr. David told the Commissioners that the Group Work Camp has 800 volunteers coming this spring.

Mr. David is requesting \$10,000.00 for the Group Work Camp project.

Mr. David is told the Commissioners that he had applied matching funds with the Benedum Foundation.

Mr. David presented a letter to the Commissioner asking the City of Montgomery to support.

Mr. David is requesting \$3,000.00 for the Energy Express Program and \$5,000.00 for the Community Center/beards Fork Clinic and Health Project.

Commissioner Wender told Mr. David the Commissioners appreciate presentation and appreciate everything that SALS has done.

Earl Pauley, Park Superintendent appeared before the Commission to discuss his budget for the Park and Central Garage for Fiscal Year 2005-2006.

Mr. Pauley is requesting that Donna Cooper hourly rate increase from \$5.15 to \$6.15 current salary \$10,712.00 proposed salary \$12,792.00 would like to make her a full time employee with no benefits.

Mr. Pauley told the Commissioner that 90% Richard Dix time is spent helping Dan Pauley in the garage.

Mr. Pauley is asking that Mr. Dix be transferred from the parks budget to the Garage budget asking for an increase in salary from \$6.15 to \$6.75.

Mr. Pauley is proposing raises for extra help.

Mr. Pauley told the Commissioners that his budget proposal is \$287, 215.07.

Mr. Pauley presented the Camp and FOOTMAD schedule for 2005.

Mr. Pauley informed the Commissioners that he has two employees (Kristin Lilly and Richard Dix) is interested in becoming Certified Pool Operators (CPO).

Commissioner Wender asked Mr. Pauley to cut back on anything he can without interrupting services.

Mr. Pauley told the Commissioners the Contractual Services totaled \$41,919.00.

Mr. Pauley told the Commissioners that the cost for maintenance on the copier is \$900.00, needs to replace cost would be \$2,945.00.

Commissioner Wender asked Mr. Pauley to find maintenance agreement for the copier.

Commissioner Lopez told Mr. Pauley he will check with Judson Wallace to see how often the Civitan building is being used.

Commissioner Wender told the Commissioners that the Personnel Services totaled \$287,215.00, salary and wages from \$116,977.44 to \$143,699.20.

Mr. Pauley told the Commissioners that there would be an increase in the Garage Expenses, requesting a new assistant for Dan Pauley, asking for a budget revision for this year to transfer Richard Dix to the Garage Expense, Dan Pauley salary the same.

Mr. Pauley informed the Commissioner that maintenance and repairs current amount budgeted \$75,000, for Fiscal Year now it's at \$58,000.

Commissioner Wender asked Mr. Pauley to look at his numbers again.

Commissioner Wender suggested to Mr. Pauley to talk about the Central Garage budget sometime next week.

Commissioner Wender told Mr. Pauley he will do some studying and get back with him.

Kelvin Holliday, County Clerk, appeared before the Commission to discuss his budget for Fiscal Year 2005-2006.

Mr. Holliday is requesting an additional employee; \$1400 a year for Linda Johnson and Judy Hess; other employees \$800 per year. Mr. Holliday told the Commissioners that the increase requested do not include any across the board raises; overtime for Linda Johnson \$2,000; \$4,000 extra help, travel \$2,500; dues \$200 and books \$13,250 total cost of budget requested \$309,621.00.

The Commissioners told Mr. Holliday they would review and get back with him.

Eddie Young, Assessor appeared before the Commission to discuss his budget for Fiscal Year 2005-2006.

Commissioner Wender asked Mr. Young if the PVC budget was okay. Mr. Young replied yes.

Mr. Young told the Commissioners that everything stays the same, requesting \$100.00 raise for his employees.

Mr. Young informed the Commissioners that one employee picked up insurance this year, adjusted FICA and insurance, no other changes from last year.

The Commissioners told Mr. Young the Commission would review and get back with him.

Paul Blake, Prosecuting Attorney appeared before the Commission to discuss his budget for Fiscal Year 2005-2006.

Mr. Blake is requesting a \$100.00 per month raise for each secretary and attorney, requesting that the Fayette County Commission pick up any PEIA annual increase, would take the Commission to give serious consideration for the dental insurance package plan advocated by the West Virginia of Counties, total budget \$535,563.53.

Discussion was held regarding the Regional Jail cost. Mr. Blake told the Commissioners they need to go to the Legislature to get changed.

Carl Harris, Assistant Prosecuting Attorney informed the Commissioners that the Sheriff had received an invoice from C-PAC requesting that this bill be paid by the County.

Mr. Harris told the Commissioners that this bill was where Stacy Workman, Dog Warden purchased food for the animals with her own money. She should be reimbursed by C-PAC.

Mr. Harris told the Commissioners that he and the Sheriff feel C-PAC should reimburse Ms. Workman.

The Commissioners approved for C-PAC to reimburse Ms. Workman and Mr. Harris to inform C-PAC of their decision.

Daniel Wright, Circuit Clerk appeared before the Commission to discuss his budget for Fiscal Year 2005-2006.

Mr. Wright total budget request is \$262,086.40.

Mr. Wright told the Commissioners that he reduced his travel from \$2,500 to \$1,000.

Mr. Wright told the Commissioners that his plans are to install a new counter for the front office. Mr. Wright told the Commissioner he received two estimates one for \$11,000 and one for \$2,500. Mr. Wright presented a drawing of the counter to the Commissioners.

Commissioner Wender asked Mr. Wright to check on ADA accessibility. Mr. Wright told the Commissioners he would.

Ms. Holly asked Mr. Wright about the entrance to the Circuit Clerk's Office once the elevator is installed and also asked Mr. Wright if the bids included state labor wages.

Commissioner Wender asked Mr. Wright to get good drawings.

Mr. Wright told the Commissioners that Dan Snead with J. Dan Snead Associates will be looking over the plans.

The Commissioners recessed for lunch at 12:00 p.m.

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

Diane Meadows, WVU Extension Agent appeared before the Commission to discuss her budget for Fiscal Year 2005-2006.

Ms. Meadows is asking the Commission to restore County's portion of the 4-H Agent's salary, (\$7,234); to increase travel (\$1,000); to increase the county's portion of the Agriculture Agent's salary via agreement reached in 2002 (\$3,500); to increase Capital Outlay and



Equipment for the replacement of an old computer for an agent and a much needed LCD projector for educational programming; to increase dues/subscriptions and program supplies (\$900.00).

Debbie Tate, 4-H Agent presented her budget request to the commissioners.

Ms. Tate told the Commissioners she is expecting 150 campers this year.

Commissioner Wender asked Ms. Meadows to show a breakdown of Agents salaries for the past two years.

The Elected Officials met with the Commissioners to discuss and review the Fayette County Personnel Policy.

Discussion was held regarding the overtime pay and how it's paid.

Commissioner Eskew offered a motion to adopt the Fayette County Personnel Policy today make effective March 15, 2005. Commissioner Lopez seconded. Unanimous. The Commissioners asked that copies be made available to all the employees.

Commissioner Wender asked the Elected Officials if they wanted to sign the Policy.

The Elected Officials told the Commissioners that since they were here during the discussion of the policy with them they would be satisfied with the three Commissioners' signatures on the policy.

Commissioner Eskew offered a motion that all three Commissioners sign the Policy. Commissioner Lopez seconded. Unanimous.

The Commissioners approved three ring binders and asked Ms. Holly to ask the printer the cost of printing on one side of copies and the cost for printing on both sides.

Steve Cruikhsnak, OES Director appeared before the Commission to discuss his budget for Fiscal Year 2005-2006.

Mr. Cruikshank is requesting that the Commission fund a full-time position under Emergency Services (\$17,680 annual salary. Benefits would amount to an additional \$3,209.00; requesting a raise for Lynn Holstine; requesting \$5,000.00 as an emergency fund, if no money is used during the year, up to \$2,000.00 is to be available to buy emergency surplus for the county in June.

Mr. Cruikshank informed the Commissioners that there are a lot of grants with the emphasis on Homeland Security. Mr. Cruikshank told the Commissioners he is working on a grant for \$30,000 for equipment.

Commissioner Wender asked Mr. Cruikshank to write a letter to the Firefighters Association urging them to pick up the salary for Theresa White.

David Neal, E911 Coordinator appeared before the Commission to discuss his Fiscal Year 2005-2006 budget.

Mr. Neal told the Commissioners that the 911 Center is 100% self sufficient, currently in the process of trying to take over the home confinement program. Mr. Neal told the Commissioners that the home confinement program has been installed.

Commissioner Wender suggested to Mr. Neal to push the issue of the 911 to handle the home confinement program.

Mr. Neal is requesting a \$.50 raise for his employers. Mr. Neal presented to the Commissioners the pay scale he is suggesting.

Mr. Neal told the Commissioners he have two unfinished projects (radio upgrade, and Computer-Aided Dispatch System).

Commissioner Wender told Mr. Neal they will deal with these items after Legislative Session.

Ms. Holly told Mr. Neal she would not recommend taking all the monies to pay for projects.

Mr. Neal told the Commissioners he would contact REI Consultants to see how long he can hold that price for the projects.

Commissioner Eskew informed Mr. Neal the Commissioners would take under advisement and get back with him.

Arnold Whitlow appeared before the Commission to request that the Fayette County Commission secure the use of the Gauley Mountain Fire tower for Fayette County RACES, for use as a location for our Amateur Radio equipment, in order for RACES to continue to furnish emergency communication to local government and other agencies.

Mr. Whitlow told the Commissioners that the Gauley Mountain Fire Tower has been leased for several years by the Plateau Amateur Radio Association. This year they decided not to pay the lease.

Mr. Whitlow told the Commissioners the lease is from the West Virginia Division of Natural Resources in the amount of Fifty Dollars (\$50.00) per year. Mr. Whitlow presented a copy of this year invoice to the Commissioners.

Mr. Whitlow told the Commission he is requesting that the Fayette County Commission secure the Gauley Mountain Fire Tower for use by Fayette County RACES and the Commission pay for the electric utility at that location (currently less than Fifteen Dollars per month) and that the Commission work with them in maintaining security at the site.

Commissioner Wender asked Carl Harris, Assistant Prosecuting Attorney to check to see if the Commission is the owners of the tower.

Okey Skidmore, Manager, Fayette County Memorial Building appeared before the Commission to discuss his budget for Fiscal Year 2005-2006.

Mr. Skidmore suggested to the Commissioners to making the road behind the Memorial Building one-way.

Commissioner Wender asked Mr. Skidmore to contact the Town of Fayetteville to see if the County owns the road or the Town and get back on the agenda to discuss.

Mr. Skidmore also suggested putting parking signs or barriers in the area.

Mr. Skidmore told the Commissioners that he has money left over to pay for the roofing and the ticket window replacement. Commissioner Wender suggested to Mr. Skidmore to get purchase order from Debbie Berry.

Commissioner Wender told Mr. Skidmore they will revisit repair of the doors at the Memorial Building.

Sheriff William Laird appeared before the Commission to discuss his budget for Fiscal Year 2005-2006.

Sheriff Laird told the Commissioners for his budget he will return to the appropriations parcel payment of overtime expense, included a \$10.00 longevity pay increase, he has two officers in the military, two full-time vacancy's he will fill sometime during the year; fifteen active vehicles' excess of 100 thousand miles; the State contract for the vehicles this year is \$29,749.00 plus \$619.00 markings and lighting; requesting five vehicles; Tax Department no change; Officer of Transportation no change; other expenses Regional jail cost need to be proactive and develop a way in which we can attack this problem.

Sheriff Laird told the Commissioners he plans to draft a grant proposal. Sheriff Laird told the Commissioners they need to come up with a way to make this community correction program concept.

Sheriff Laird told the Commissioners that there is a critical need to do something for the employees in Fayette County.

Commissioner Wender asked the Sheriff where would he go to make this happen.

Sheriff Laird informed the Commissioners he would like to increase the Chief Deputy's salary.

The Commissioners signed a letter to Gayle Koone, Fayette County Transport Officer offering their sincere appreciation for his 22 years of services to Fayette County and our citizens.

The Commissioners signed a letter to Alison Chamber, Director, Family Law Masters requesting reimbursements for rent in the amount of \$2,025.00 for the month of March 2005.

The Commissioners signed a letter to the West Virginia Armory Board informing they join with the City of Oak Hill in urging their cooperation in assisting the Lewis Community Foundation to obtain the existing armory on very favorable, perhaps nominal terms.

Ms. Holly informed the Commissioners she received a call from Dan Snead informing the contractors expects to receive windows by March 14, 2005. He will do preparation work and expect installation to start March 28, 2005. Work will be completed by the end of April 2005.

The Commissioners received and reviewed a letter from J. Dan Snead Associates enclosing released documents from Jeld-Wen Windows requesting permission to photograph the courthouse for use in their promotional literature.

The Commissioners received and reviewed a letter from the West Virginia Division of Culture and History requesting a current status report of work performed and expectation for completion of the goals and objections of the grant award announced in March 2004.

The Commissioners received and reviewed a letter from the West Virginia Courthouse Facilities Improvement Authority informing the

financial assistance request for courthouse improvements has been approved, amount \$80,000.00.

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 received and reviewed from Steptoe and Johnson a lawsuit (Gary Skaggs v. Micah Feltner-Civil Action 01-C-113V).

The Commissioners received and reviewed a letter from the West Virginia Development Office regarding an invitation to attend the public hearing to express their views on the State's proposed 2005-2009 Five Year Consolidation Plan for Housing and Community Development and associated Programs Year 2005 Action Plan.

The Commissioners received and reviewed a letter from the West Virginia Association of Counties regarding the Regional Jail Cost.

The Commissioners received and reviewed from the Fayette County Animal Control Center/C-PAC, Activity Report, Revenue Report, Weekly Fees Collected for the week of February 18 to February 24, 2005, amount \$270.00 and the week of February 25 to February 28, 2005, amount \$211.00.

The Commissioners received/reviewed and approved allotment to C-PAC, amount \$9,138.81 for the month of February.

The Commissioners received and reviewed several e-mails.

The Commissioners received and reviewed minutes of the Joint Community Water Committee.

Ms. Holly informed the Commissioners she received a call from Judge Charles Vickers to make the Commission aware that the Courthouse Annex does not get attention for snow removal.

The Commissioners received and reviewed from the West Virginia Association of Counties a letter informing they received a grant from the West Virginia Development Office to encourage county government officials from selected counties to attend West Virginia University's Local Government Leadership Academy's Spring 2005 Session.

The Commissioners received and reviewed a Return to Work Recommendation for Linda Casey.

The Commissioners received and reviewed a letter from Stafford Consultants, Incorporated regarding the New Haven Public Service District Contract Periodic pay Estimates #12.

The Commissioners received and reviewed a letter regarding the New Haven Public Service District Contract 14 Periodic Pay Estimates No. 8 Final.

The Commissioners received and reviewed a letter from Ace Adventure Center informing they support the proposed Land Resource development in its original form.

The Commissioners received and reviewed several thank-you letters regarding zoning lands adjacent to the New River gorge National River.

The Commissioners received and reviewed a letter from Lewis, Glasser, Casey and Rollins regarding hiring an outside General Council to represent the Commission.

The Commissioners received and reviewed a letter from the PEIA informing they have not received the insurance report for the month of January. The original forwarded to Debbie Aliff, Payroll Clerk.

The Commissioners received and reviewed a letter from Attorney Phil Tissue regarding the Estate of Sammy Joe Fragale. Original forwarded to the County Clerk's Office.

The Commissioners received and reviewed a letter from the National Flood Insurance program informing that the Federal Emergency Management Agency (FEMA) will be updating the NFIP map for the community as part of the countywide Flood Insurance Study (FIS) they are processing for Fayette County.

The Commissioners received and reviewed checks for 911 Fees from Metro-Teleconnect Companies, amount \$19.60. Trensic Communications, Inc., amount \$28.00, Nos Communications, Inc., amount \$4.00, Operating Account, amount \$1,503.50, Mountain Communications, LLC, amount \$50.00; Franchise Fees from Bradley Communication, Inc., amount \$539.04; Jail Fees, City of Oak Hill, amount \$630.00; a check for rent (reimbursement) from the Supreme Court, amount \$2,025.00.

The meeting was adjourned at 5:45 p.m. The next scheduled meeting is March 10, 2005.





FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
MARCH 10, 2005  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS Present: John H. Lopez, Kenneth L. Eskew

The Fayette County Commission met in a regular session on this 10<sup>th</sup> day of March 2005.

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

Commissioner Eskew informed the Commission that Commissioner Wender would be late. He has a meeting at Mountain State University.

Commissioner Lopez made a motion to approve exonerations as submitted by the Assessor's Office. Commissioner Eskew seconded. All approved. Vote passed 2-0.

Commissioner Lopez offered a motion to approve refunds as submitted by the Assessor's Office. Commissioner Eskew seconded. All approved. Vote passed 2-0.

Commissioner Lopez offered a motion to approve vendor, invoices and payrolls, payrolls to be released tomorrow. Commissioner Eskew seconded. All approved. Vote passed 2-0.

Commissioner Lopez offered a motion to approve July 26, 2004, August 6, 2004 and February 3, 2004 minutes. Commissioner Eskew seconded. All approved. Vote passed 2-0.

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

The Commissioners received and reviewed a fax from the Secretary of State Office informing that Betty Ireland will announce plans for new voting machines at the West Virginia Association of Counties Annual meeting.

The Commissioners received and reviewed a letter from Branch Banking and Trust Company informing of the securities held as collateral to secure the deposits of Fayette County Commission as of February 28, 2005.

The Commissioners received and reviewed a claim from the Unemployment Compensation Division (Tina DeQuasie).

The Commissioners received and reviewed a letter from the Workers' Compensation Division regarding Debra Ferrell.

The Commissioners received and reviewed a check from the Fayette County Board of Education for \$13,749.99 for rent for the Fayette County Memorial Building for the months of January, February, and March 2005.

The Commissioners received and reviewed a memorandum from Sheriff Bill Laird informing the Commissioners of the Administrative Order entered today by Chief Circuit Judge John Hatcher, Jr. informing sentencing and commitment orders are to be presented to the Court for entry within five (5) working days from date of the imposition of the sentence and the Clerk of the Court shall immediately send an attested copy of the order via a facsimile to the appropriate regional jail.

The Commissioners received and reviewed a copy of a remittance by the Assessors Office to the State Treasurer's Office for the month of February, amount \$3,259.50.

The Commissioners received and reviewed several e-mails.

The Commissioners received and reviewed Weekly Fees Collected by the Fayette County Animal Control Center for the week of March 1, to March 3, 2005, amount \$105.00.

The Commissioners received and reviewed a copy of a letter from

the Public Service Commission to Senator John Rockefeller informing that his letter dated October 7, 2004, to Chairman Edward Staats concerning Eleanor Huddleston's request for new water service in the "Rock Camp" area of Fayette County has been referred to the Water and Wastewater Division for response. A copy of the letter forwarded to Dave Pollard, County Resource Coordinator.

The Commissioners received and reviewed from Specialty Risk Services a General Liability Status Report and Strategy. A copy forwarded to Sheriff Bill Laird.

The Commissioners received and reviewed a letter from the West Virginia Development Office informing the Main Street West Virginia and the Coalfield Community Development Office will present the upcoming Downtown Revitalization Institute scheduled for April 5-6 in Lewisburg, West Virginia.

Commissioner Lopez made a motion to approve to combine or divide and segregate land for Manuel J. and Cami J. Suzza as submitted by the Assessor Office. Commissioner Eskew seconded. All approved. Vote passed 2-0.

The Commissioners received and reviewed a request for purchase orders from Sheriff William Laird for the Homeland Security Grant expenses, amount \$19,349.00.

Commissioner Lopez offered a motion to approve expenses for the Homeland Security Grant, amount \$19,349.00. Commissioner Eskew seconded. All approved.

The Commissioners received and reviewed a letter from Kenneth and Linda Goode regarding trash and old cars littering the roadway and yards in the Armstrong Creek area. The Commissioners asked that this

letter be forwarded to the Fayette County Solid Waste Authority to follow through.

Ms. Holly told the Commissioners the meeting to discuss the Community Corrections Program is scheduled for March 16, 2005 at 10:30 in Judge Hatcher's courtroom.

The Commissioners received and reviewed a memorandum from Kelvin Holliday, County Clerk regarding preparation for June 25, 2005 special election.

The Commissioners received and reviewed a certificate from the Town of Fayetteville for the annexation of additional territory pursuant to Chapter 8, Article 6, Section 4 of the West Virginia Code.

Carl Harris, Assistant Prosecuting Attorney informed the Commissioners that this applies to the Annexation statute.

Mr. Harris told the Commissioners he would have Attorney Grady Ooten prepare an order.

Commissioner Lopez offered a motion to accept the petition for annexation of certain additional territory into the municipality of Fayetteville, Fayette County, West Virginia. Commissioner Eskew seconded. Order signed to be filed in the County Clerk's Office.

Ms. Holly asked Mr. Harris if he had found anything on the Gauley Fire Tower.

Mr. Harris replied he couldn't find anything on it.

Patti Payne, Director Fayette County Animal Control Center appeared before the Commission to discuss the 2005-2006 Budget.

Ms. Payne request to the Commissioners was to at least maintain the present annual allotment of \$124,800 for the operation of the Fayette County Animal Control Center for this 2005-2006 budget.

Ms. Payne told the Commissioners the New River Humane Society, Inc. received another grant for the Spay/Neuter program.

Ms. Payne told the Commissioners in order for the New River Humane Society, Inc. to receive this grant they have to have a match. Ms. Payne is requesting that the Fayette County Commission donate a one time match for this grant, amount \$1,000.00 so that they can get this program off.

Ms. Payne told the Commissioners if any money left over there are major and minor repairs that needed to be done at the shelter.

Commissioner Eskew told Ms. Payne they could not make a commitment but would look at and get back with her.

Celi Van Dyke, James Sizemore with Just for Kids Program appeared before the Commission to present a video and give summary

Also, present were Brian Parson, Sharon McCall, and Rosalie Smith.

Mr. Sizemore gave a brief summary of the Just for Kids Program.

Ms. Van Dyke presented a letter requesting that the Commission donate \$7,500.00 to help with the operating of the center to the Commissioners.

Commissioner Lopez informed the Commission would take under advisement and will get back with them.

Commissioner Eskew asked if they have approached any clubs for funding of this project.

Ms. Van Dye replied yes.

Kelvin Holliday, County Clerk and Margaret Martin with the Fayette County Library Board appeared before the Commission to discuss spending of the record preservation grant.

Mr. Holliday informed the Commissioners that he had discussed with Ms. Martin storing the genealogical records at the Fayette County Public Library.

Discussion was held regarding renovating of the Oak Hill Library. Commissioner Wender arrived for the meeting at 11:15 a.m.

Mr. Holliday informed the Commissioners he will spend the record preservation grant funds in the amount of \$6,475.29 payable to the Fayette County Public Library for the microfilm reader/printer and the Library will be obligated for material purchases expected to equal that amount for needed improvements to the headquarters area which will be renovated to house these items.

Allen Ballard and James Perdue will assist with the renovations, estimated labor cost is \$5,866.00.

Commissioner Wender suggested making a motion.

Commissioner Lopez offered a motion that the Commission provides funding of all labor necessary to complete the project amount \$5,866.00 contingent on the approval by the Fayette County Library Board upon remodeling the Oak Hill Library to house the genealogical records. Commissioner Eskew seconded. Unanimous.

Mr. Holliday asked Paul Blake, Prosecuting Attorney to prepare a contract guaranteeing the public future access to these preserved records in a perpetual lease agreement between the County and the Library.

Paul Blake suggested to the Commissioners to write a letter to Chris Slaughter requesting that he give suggestions on how the Commission can work the overtime in Section 8 of the Fayette County Personnel Policy Manual.

Commissioner Lopez offered a motion that the Commission reappoints Tim Fish, a member to the Fayette County Urban Renewal Authority. Commissioner Eskew seconded. Unanimous.

Commissioner Eskew offered a motion to accept the resignation of George Smith from the Fayette County Planning Commission. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to appoint Norville Ellison to replace George Smith on the Fayette County Planning Commission. Commissioner Eskew seconded. Unanimous.

The Commissioners recessed for lunch at 12:00 p.m.

The Commissioners reconvened at 1:20 p.m.

Commissioner Wender informed the Commissioners that it would be inappropriate for him to vote on the annexation because the property is adjacent to his property. Commissioner Wender informed he would have to abstain.

Commissioner Eskew offered a motion to appoint Dean Kincaid, Tom Omley, Bill Klenk, Tamara Banks, Tom Grafton, Russell Bennett, Ken Toney members of the Fayette Transition Team. Commissioner Wender seconded. Vote passed 2-0.

Commissioner Eskew offered a motion to approve \$300.00 for the purchase of a fax machine for the Circuit Clerk's Office. Commissioner Wender seconded. Vote passed 2-0.

The Commissioners signed Orders and appointment to serve letters to Tim Fish, member of the Fayette County Urban Renewal Authority and Norville Ellison, member of the Fayette County Planning Commission.

Ms. Holly informed the Commissioners she received Legislative Digest Agreement for the Fayette County Multi-Cap Handyman Program

(\$5,000).

Commissioner Lopez offered a motion to approve and authorize Commissioner Wender to execute agreement. Commissioner Eskew seconded. Vote passed 3-0. Resolution signed.

Ms. Holly presented to the Commissioners a drawdown request for the New Haven Public Service District Water Extension Project, Contract #13/14, amount \$27,879.61 and a drawdown request for Page-Kincaid Public Service District Wastewater Extension Project-Ingram Branch Wastewater, amounts \$17,733.95.

Commissioner Lopez offered a motion to approve drawdown request in the amount of \$27,879.61 for the New Haven Public Service District Water Extension Paint Creek/Plum Orchard, Contract 13/14. Commissioner Eskew seconded. Unanimous.

Commissioner Lopez offered a motion to approve drawdown request in the amount of \$17,733.95 for the Page-Kincaid Public Service District-Ingram Branch Wastewater Extension. Commissioner Eskew seconded. Unanimous.

The Commissioners received and reviewed from Michael Hofe, REI Consultants, Inc. Copies of the report of findings conclusions, and recommendations pertaining to the mold sampling and water damage inspection done on February 28, 2005 on the ground floor of the Fayette County Courthouse Annex Building.

Commissioner Wender suggested putting on the agenda for March 25, 2005.

Ms. Holly asked the Commissioners what's their decision regarding the CPO Classes for the Fayette County Park employees.

The Commissioners told Ms. Holly they would approve one employee



to take the Certified Pool Operators Class.

Commissioner Eskew offered a motion to approve Richard Dix only to attend the Certified Pool Operator training. Commissioner Lopez seconded. Unanimous.

The Commissioners decided to meet on March 16, 2005 at 9:00 a.m. for Budget Work Session.

The Commissioners received and reviewed a fax from the County Commissioners' Association of West Virginia asking the Commission to comment on the proposed 8A-11-1 Amendment as soon as possible.

The Commissioners signed a letter to Vivian Parsons with the County Commissioners Association of West Virginia regarding the Proposed 8A-11-1 Amendment informing that the proposed amendment will have negative impacts on property values and will deny citizens the opportunity to plead their case as it relates to the placement of manufactured housing units amidst stick-unit homes.

The Commissioners adjourned the County Commission meeting at 1:45 p.m. and reconvened the Budget Work Session.

The County Commission meeting was adjourned at 3:38 p.m. The next scheduled meeting is March 16, 2005.



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FAYETTE COUNTY COMMISSION  
SPECIAL SESSION  
MARCH 16, 2005  
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a special session on this 16<sup>th</sup> day of March 2005.

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

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

The Commissioners signed a letter to Okey Skidmore Manager of the Fayette County Memorial Building approving the use of the building showers for the Fayetteville Christ Fellowship.

The Commissioners signed a letter to Okey Skidmore Manager of the Fayette County Memorial Building approving the use of the building for the Town of Fayetteville to conduct a public hearing on April 5, 2005.

The Commissioners recessed the Budget Session at 10:30 a.m. to met with Judge John Hatcher to discuss the Regional Jail cost and A Community Correction Program.

The meeting was adjourned. The next scheduled meeting is March 18, 2005.



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FAYETTE COUNTY COMMISSION  
SPECIAL SESSION  
MARCH 18, 2005  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS Present: Matthew D. Wender, John H. Lopez, Kenneth L. Eskew

The Fayette County Commission met in a special session on this 18<sup>th</sup> day of March 2005.

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

Judge Charles Vickers appeared before the Commission to question who is cleaning the Annex building?

Judge Vickers informed the Commissioners that they have problems but not on his level but other areas of the Annex

Judge Vickers told the Commissioners that the stair wells are dirty.

Commissioner Wender thanks Judge Vickers for making them aware of the problem, Commission Wender told Judge Vickers they will make sure that James Perdue, Maintenance Supervisor is aware of the problem.

Commissioner Wender told Judge Vickers they hope to have someone soon.

Chris Richmond with the Courthouse Authority appeared before the Commission to sign contracts for the Courthouse Authority Grant.

Ms. Holly informed the Commissioners that the Resolution was signed at a prior meeting (December 17, 2004).

Commissioner Lopez offered a motion to sign contracts as submitted. Commissioner Eskew seconded. All approved. Contracts signed.

Ms. Holly informed the Commissioners that the window installation

is scheduled for March 21, 2005 contract is from April 1, 2005 to April 1, 2006, amount awarded, \$80,000.00 reports due on the 2th of each month.

Ms. Holly asked if this would be a continuation of the project instead of advertising.

Ms. Richmond told Ms. Holly she will forward something in writing related to this.

Commissioner Lopez offered a motion to approve vouchers and invoices. Commissioner Eskew seconded. Unanimous.

Eddie Young, Assessor appeared before the Commission to inform them that they need to set up a meeting with Jerry Knight with the State Tax Department and Scott Burgess Consultant, and Paul Blake, Prosecuting Attorney or Carl Harris, Assistant Prosecuting Attorney to discuss the legal aspects of procedures for the Pocahontas Land Company.

The Commissioners asked that Steve Cruikshank, OES Director get on the agenda scheduled for March 25, 2005

The Commissioners asked that REI Lab be scheduled for 10:45 a.m. on March 25 to discuss the results of the inspection of the Courthouse Annex basement.

Commissioner Wender informed the Commissioners he received a fax from Beth Gardner with White Oak Rail Trail informing that the Division of Highways is looking for Fayette County Commission as a sponsor who will maintain the trail for 15 years.

Carl Harris, Assistant Prosecuting Attorney informed the Commissioners that they cannot commit 15 years. Mr. Harris told the

Commissioners they can commit to maintain year by year.

The Commissioners reviewed the letter from the Division of Highways, the letter dated February 1, 2005 indicates a commitment. The Commission asked to hold until Mr. Harris is present.

Mr. Harris told the Commissioners he wouldn't sign the contract without the attachment. Mr. Harris told the Commissioners that the paragraph no risk gives Fayette County Commission acceptable as written.

Commissioner Eskew offered a motion that Fayette County Commission enters an Agreement with the West Virginia Department of Transportation, Division of Highways to maintain the Oak Hill Rail Trail and surroundings with the understanding that Fayette County Commission has set a budget of \$3,750.00. Commissioner Wender seconded. Commissioner Lopez abstained. Vote passed 2-1.

James Perdue, Maintenance Supervisor recommended that Tammy Conley be hired to work maintenance night shifts at the Courthouse Annex.

Commissioner Lopez offered a motion to approve recommendation of James Perdue to employ Tammy Conley to work evening shifts at the Courthouse Annex, salary \$1,100.00 a month plus benefits. Commissioner Eskew seconded. Unanimous.

Sheriff Laird appeared before the Commission to discuss the Community Corrections Program for Fayette County. Sheriff Laird presented to the Commissioners a letter to Judge Hatcher with a preliminary list of possible appointees for the Community Criminal Justice Board, a memorandum to the Commission regarding letters of

appointment to the Community Criminal Justice Board and a letter requesting they accept appointment to serve as a member of the Fayette County Community Criminal Justice Board.

Commissioner Eskew offered a motion to accept Sheriff Laird preliminary lists of possible appointees to the Community Criminal Justice Board and after the recommendation from Judge John Hatcher approve members for appointment. Commissioner Lopez seconded. Unanimous.

Commissioner Wender asked Carl Harris, Assistant Prosecuting Attorney the status of the Urban Renewal Authority transferring property from Glen Jean to the Building Commission. Mr. Harris told Commissioner Wender that he is working on the deed.

Sheriff Laird presented a letter to the Commissioners informing of a revision to the grant previous submitted for the cameras.

Ms. Holly asked Sheriff Laird could the holster qualify for Courthouse Security Grant or the Homeland Security Grant.

Commissioner Eskew offered a motion to amend the grant as per the letter from Sheriff Laird regarding the cameras. Commissioner Lopez seconded. Unanimous.

Dave Pollard, County Resource Coordinator and Allen Ballard, Building Inspector Officer appeared before the Commission to discuss the Building Code Enforcement budget.

Mr. Ballard told the Commissioners that last years budget was \$85,000. The current budget is \$14,720.00.

Mr. Ballard told the Commissioners they have not adopted the Building Code. Carl Harris is working on.

Mr. Ballard told the Commissioners they need to approve forms and need to purchase software.

Mr. Ballard told the Commissioners that he might be able to start July 1, 2005.

Commissioner Wender asked why not start in June?

Mr. Pollard told the Commissioners they have purchased the books and they have two individuals studying to take the test.

Mr. Ballard has plans to take the test within a couple of weeks.

Commissioner Wender asked Mr. Ballard about the Code Inspection Forms?

Mr. Ballard replied Mr. Harris is looking at not sure if the Commission needs to approve.

Mr. Ballard told the Commissioners he has been to Berkley and Raleigh Counties has worked with those officials on calls to see how they are set up.

Commissioner Eskew offered a motion to approve the Code Inspection Forms prepared by Mr. Ballard. Commissioner Lopez seconded. All approved.

Commissioner Wender informed that Mr. Ballard needs to proceed with the program.

Mr. Pollard told the Commissioners they did not adopt the Fee Code. County adopted State Code. Mr. Harris is reviewing.

Mr. Ballard told the Commissioners that they may not need Ordinance may add to the unified Development Code.

Mr. Ballard told the Commissioners they are trying to educate contractors.

Mark Ehrnschwender developed the data base on all the contractors.

Mr. Ballard told the Commissioners they have to appoint an Advisory Board.

Commissioner Eskew asked Mr. Ballard to try to have the Advisory Board by the next meeting.

Commissioner Wender advised Mr. Ballard to get on agenda for any meeting to help this project get started. Commissioner Wender stated it's very important to the County to get this project implemented.

Commissioner Eskew asked Mr. Ballard how long it would take to get the two candidates started. Mr. Ballard replied within the next week.

Mr. Ballard told the Commissioners the third floor is not a good place to issue Building Permits for the general public.

Commissioner Lopez told Mr. Ballard they will talk about at future meetings.

Ms. Holly asked Mr. Pollard to look at a grant application for the Fayette County Historic Landmark Commission. Ms. Holly informed the Commission would be the applicant. The deadline is March 31, 2005.

Commissioner Wender informed on behalf of the Commission he asked Mr. Pollard to assist with the grant.

Mr. Pollard asked the Commission if they wanted to prioritize the project.

Commissioner Eskew offered a motion to go forward with the Historic Preservation Grant to renovate the Jail. Commissioner Lopez



seconded. Unanimous.

Diane Meadows, WVU Extension Agent presented the minutes of the WVU Extension Agricultural Agent Committee.

Ms. Meadows presented documentation of how the 4-H Agent and Agriculture Agent salaries are divided.

Ms. Meadows told the Commissioners she cannot find funds paid to the Agriculture Agent for January 2002.

Commissioner Wender informed Ms. Holly would have to review and research.

Ms. Meadows informed the Commissioners that Linda Casey is still off.

Commissioner Wender authorized Commissioner Lopez to approve funds for part-time work for WVU Extension Office.

Earl Pauley, Park Superintendent and Peggy Bennet appeared before the Commission to discuss the Budget for Fiscal Year 2005-2006.

Commissioner Wender told Mr. Pauley that last year overtime was \$10,000. The current overtime is \$9,000.

Mr. Pauley told the Commissioners that Mark Campbell has major overtime since part-time Dog Warden.

Mr. Pauley suggested transferring Richard Dix to Central garage. Commissioner Wender and Commissioner Lopez informed they had no problem with the transfer.

Commissioner Wender asked Sheriff Laird if he would approve to leave Mark Campbell as a Dog Warden if Patti Payne approve. Sheriff Laird replied okay.

Ms. Bennett asked the Commission when will she receive the

budget.

Commissioner Wender and Commissioner Lopez told Ms. Bennet the Budget has to be finalized by March 25, 2005.

Ms. Holly will notify after they lay the levy and when the budget is approved by the State.

Mr. Pauley asked about the Hotel/Motel Occupancy Tax. Ms. Holly told Mr. Pauley last years they received \$55,000.00 between the Convention Visitors Bureau and the Fayette County Park.

Sheriff Laird informed the Commissioners that the detectives are hauling crime scene material in their vehicles.

Sheriff Larid told the Commissioners that Mr. Pauley informed him that the Surplus Property has two SUV's and he asked Mr. Pauley if he would pursue these two SUV's Special Response Vehicles, cost \$15,000 or less.

Mr. Pauley told the Commissioner that Surplus Property will hold until the Governor orders sold.

Commissioner Eskew offered a motion to purchase the two SUV's for the Sheriff's Law Enforcement Department. Commissioner Lopez seconded. All approved.

Carl Harris, Assistant Prosecuting Attorney told the Commissioners that Allen Ballard made him aware that the Building Code has not been adopted, he will have to do an ordinance or something, he will look at and bring to the Commission for approval.

Commissioner Lopez informed the Commissioner that Charlton Heights Hill is having a problem, the 90 ft. culvert collapsed, Dan Hypes looked at and will repair in one day.

Commissioner Lopez asked the Commission if they would pay to have a culvert repaired.

Commissioner Wender offered a motion to approve \$500 to repair the culvert. Commissioner Eskew seconded. Unanimous.

Commissioner Eskew offered a motion to approve election boards for the Statewide Special Election being held June 25, 2005. Commissioner Lopez seconded. All approved.

The Commissioners received and reviewed Return to Work Recommendation for Linda Casey.

The Commissioners signed invoices for the confinement of inmates at the Southern Regional Jail for the City of Oak Hill, amount \$1,261.00, the Town of Fayetteville, amount \$339.50, and the City of Mount Hope, amount \$48.50.

The Commissioners received and reviewed Legislative Line-up for the 2005 Legislative Session Week 5.

The meeting was adjourned at 1:40 p.m. The next scheduled meeting is March 25, 2005.



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FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
MARCH 25, 2005  
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 25<sup>th</sup> day of March 2005.

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

Commissioner Wender asked to move the approval of the Budget for 2205-2006 to 11:00 a.m.

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

Commissioner Lopez offered a motion to approve the refund as submitted by the Assessor's Office. Commissioner Eskew seconded. Unanimous.

The Commissioner received minutes of various meetings (January 31, February 9, February 14, February 18, and March 16, 2005).

Commissioner Wender suggested no action on minutes until they are reviewed.

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

The Commissioner received and reviewed a letter from the Secretary of State regarding the Fayette County Multi-Cap Handyman Program. The Commissioners asked that a copy be forwarded to Chris Dyer, Housing Consultant.

Commissioner Lopez offered a motion to approve James Perdue, maintenance Supervisor overtime. Commissioner Eskew seconded. Unanimous.

Commissioner Lopez offered a motion to approve Jackie Hickman's overtime. Commissioner Eskew seconded. Unanimous.

The Commissioners received and reviewed a letter from Kelvin Holliday, County Clerk with a request to reduce the camp fee rate for Camp Kismet by \$300.00.

Commissioner Lopez offered a motion to reduce camp fee rate for Camp Kismet by \$300.00. Commissioner Eskew seconded. Unanimous.

Ms. Holly informed the Commissioners she received a response from Tim Richardson, Zoning Officer regarding Doug Maddy's resignation as a member of the Fayette County Planning Commission.

Ms. Holly told the Commissioners that Mr. Richardson informed her that Mr. Maddy discussed resigning but reconsidered. He was at the Planning Commission meeting Monday.

Ms. Holly informed the Commissioners that Sheriff William Laird has prepared the Court Security Fund Grant Application.

Commissioner Lopez offered a motion to approve and sign Resolution. Commissioner Eskew seconded. Unanimous. Resolution signed.

Commissioner Wender informed the Commissioners he signed application on behalf of the Commissioners on March 24, 2005.

The Commissioners received and reviewed a letter from Judge Janet Steele informing she support the efforts of the Fayette County Commission to obtain Court Security Funds through the Division of

Criminal Justice Service to provide enhanced security for the Fayette County Courthouse Complex.

Ms. Holly presented from Dave Pollard, County Resource Coordinator a Historic Preservation Grant for the jail to the Commissioners. The Commissioners signed application.

Ms. Holly informed the Commissioners that there is a 50% matching share and that the Fayette County Historic Landmark Commission has agreed to match.

The Commissioners received and reviewed a letter from Fayette County National Bank informing the security they have pledged to the Fayette County Commission will not be available for pledge as of March 28, 2005, they would have to substitute.

Commissioner Eskew offered a motion to order the release of 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. Unanimous.

Paul Blake, Prosecuting Attorney appeared before the Commission to inform them of the changes in legislation whereby the courts (circuits, magistrate and municipality) would specifically authorize to require that certain defendants, if financially able, reimburse the county for the costs of their incarceration.

The Commissioners asked Mr. Blake to prepare the letter to our Legislators on behalf of the Commissioners asking them to actively propose and/or support this small step toward getting a handle on the sky-rocketing regional jail fees.

Edward Scott and Carl Harris, Assistant Prosecuting Attorney appeared before the Commission to request that the Commission give Mr. Scott permission to abandon the right-of-way beside his property in Kanawha Falls.

Mr. Scott suggested tearing the house down.

After a brief discussion, the Commission asked Mr. Harris to check to see if this has to be advertised before the Commission make a motion to abandon the right-of-way.

Tim Richardson, Zoning Officer appeared before the Commission to present case #Z-501-5-1: Request of Three Rivers Companies, LLC, owner, for a change in land classification from LC-2 (Private Land Conservation District) to PRD (Planned Residential District) on property legally described as 924.10 ac consolidated of Valley 31-48, 31-49, 31-47, 30-13, Kanawha Falls, Valley District.

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

Commissioner Wender swore in all members of the public wishing to speak in regard to the request.

Mr. Richardson told the Commissioners that the recommendation of the Fayette County Planning Commission was to approve request to R-R (Rural Residential District) with an overlay of PRD (Planned Residential District). The vote by the Planning Commission was 8-0 and 1 abstention.

Mr. Richardson presented letters of support of this project from the Kanawha Falls Public Service District and the West Virginia Department of Highways.

The Commissioner received and reviewed a letter of concern from an adjoining property, Ms. Jean Crumb of Fullerton, California.

Commissioner Eskew offered a motion to uphold the Fayette County Planning Commission recommendation to approve request. Commissioner Wender seconded. Commissioner Lopez abstained because he is an adjoining property owner. Vote passed 2-0. (See attached minutes)

The Commissioners recessed the Commission meeting at 10:42 a.m.

The Commissioners reconvened the Commission meeting at 11:05 a.m.

Mike Hofe, of REI Consultant appeared before the Commission to discuss briefly the mold sampling and inspection for water damage performed on the ground floor of the Courthouse Annex.

Also, present were Robin Brown, Jan Neal, Cindy Renick and Lindsey Epperly employees from the Tax Department and Assessor's Office to hear Mr. Hofe finding.

Mr. Hofe informed the Commissioners that no visible mold or evidence of mold growth was observed in any of the area inspected.

The employees asked Mr. Hofe did he inspect the carpet. Mr. Hofe replied no.

The employees asked the Commissioners if they had Mr. Hofe run a test on a piece of the carpet that wasn't removed.

Commissioner Wender asked Ms. Holly to get in touch with the insurance carrier and inform them that the case is still open.



The Commissioners asked Ms. Holly to talk with James Perdue, Maintenance Supervisor and have them remove all the carpet on the ground floor.

Commissioner Eskew offered a motion to have Mike Hofe to look at carpet and mold issue in Eddie Young's office and advise Mr. Perdue to remove the carpet and submit claims to the insurance company. Commissioner Lopez seconded. All approved.

Commissioner Wender informed they were here to day to adopt the Budget for the Fiscal Year 2005-2006.

Present for the adoption of the budget were Sheriff Bill Laird and Paul Blake, Prosecuting Attorney.

Commissioner Wender gave a brief summary of what the Commissioners approve for Fiscal Year 2005-2006 Budget.

Commissioner Wender informed the Coal Severance Tax is down and there is an increase in the PEIA premiums, Regional Jail cost and the liability insurance.

Commissioner Wender told the public officials that because of the decrease in revenue there would be no raises, the PEIA increased about 5% the Commissioner will pick up the full amount of \$60,000 for all employees, will offer dental coverage for employees only, amount \$22,000.00.

Commissioner Wender informed the Commission transferred two law enforcement employees from the General County Fund to the Law Enforcement Levy Fund.

Ms. Holly told the Commissioners she went back and checked on the Hospic request.

Ms. Holly told the Commissioners that 2 years ago they had committed for Fiscal year 2004 for this project \$5,000.00 contingent upon the actual commencement of the physical construction of the facility. Ms. Holly told the Commissioners as of this date no construction has been started.

Commissioner Lopez offered a motion to adopt the Budget for Fiscal Year 2005-2006 for the General County Fund and the Coal Severance Fund. Commissioner Eskew seconded. Unanimous. Budget signed.

The Elected Officials signed a letter to the West Virginia State Audit informing that for cost/savings and efficiency purposes the policy for the purchase of commodities for various Fayette County Departments has been that the Office of the County Commission will be the central purchasing office.

Commissioner Lopez offered a motion to adjourn for lunch at 11:45 a.m. Commissioner Eskew seconded.

The Commissioners reconvened the County Commission meeting at 1:15 p.m.

The Commissioners received and reviewed a letter from Jesse Bane, III requesting minutes and notes concerning the rejection of the petition for the annexation by the City of Oak Hill.

The Commissioners approved to send information to Mr. Bane.

The Commissioners received and reviewed a letter from the New River Alliance of Climbers requesting permission to setup informational books on and around the Courthouse lawn from 8:00 a.m. til Noon on Saturday, May 21, 2005.

Commissioner Eskew offered a motion to approve the request for the New River Alliance of Climbers the use of the courthouse lawn to setup informational booths. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from Diane Meadows, WVU Extension Agent. The Commissioners asked to hold for discussion on April 15, 2005.

The Commissioners received and reviewed a letter from the Black Diamond Girls Scout Council of America requesting permission to use the Memorial Building for an indoor yard sale/flea market.

Commissioner Lopez offered a motion to approve the request of the Black Diamond Girls Scout Council the use of the Memorial Building for an indoor yard sale/flea market, the rental fee will be waived, all other rules are applicable, including insurance and custodian. Commissioner Eskew seconded. Unanimous.

The Commissioners received and reviewed a letter from the Fayetteville Midget league requesting permission to use the Memorial Building for cheerleading clinics and tryouts.

Commissioner Lopez offered a motion to approve the request of the Fayetteville Midget League the use of the Memorial Building for Cheerleading clinics and tryouts, the rental fee will be waived, and all other rules are applicable, including insurance and custodian.

The Commissioners received and reviewed a letter from Sheriff William Laird requesting a drawdown from the Records Management Grant, amount \$13,107.99

The Commissioners received and reviewed a letter from Sheriff William Laird informing that Access Systems has successfully completed the installation of the express track filing system within the designated area of his department. Sheriff Laird told the Commissioners this shelving system will meet the records management needs.

Sheriff Laird asked the Commission to proceed with payment of the invoice from the Division of Culture and History in the amount provided for this grant.

Sheriff Laird told the Commissioners the total cost of the project was \$13,107.79. the total grant award for the Fayette County Sheriff Department was \$11,320.00 leaving the difference of \$1,787.79. Sheriff Laird told the Commissioner it is his intention to pay this cost difference from the concealed weapon's fund.

Commissioner Eskew offered a motion to pay the invoice from Access Systems, amount \$13,107.99. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from the Fayette County Historic Landmark Commission informing that a vacancy still exists due to the resignation of Professor Tom Bell, the Commission is recommending that Dr. Ron Alexander fill the vacancy.

Commissioner Eskew offered a motion that Dr. Ron Alexander be appointed a member of the Fayette County Historic Landmark Commission. Commissioner Lopez seconded. Unanimous. The letter of appointment to serve and order signed.

The Commissioners signed the title to a vehicle donated to the Sheriff Department.

The Commissioners received and reviewed from Daniel Wright, Circuit Clerk a quote from Access System for the installation of the express track filing system for his office, amount \$11,948.00. The Record Management Grant award was \$10,900.00.

Commissioner Eskew offered a motion to approve quote from the Access System, amount \$11,948.00. Commissioner Wender seconded. Unanimous.

The Commissioners received/reviewed and signed minutes of the Zoning hearing held this morning.

Commissioner Lopez offered a motion that the Commission be the sponsor for the Fayette County Historic Landmark Commission Grant. Commissioner Eskew seconded. Unanimous.

The Commissioners received and reviewed an invoice from Talbort Glass, amount \$50,000.00 for installation of the Courthouse windows.

Commissioner Eskew offered a motion to approve drawdown to Talbort Glass for the courthouse windows. Commissioner Lopez seconded.

Commissioners Eskew approved for James Perdue, Maintenance Supervisor to purchase batteries for the Courthouse annex Fire alarm. Commissioner Wender seconded. Unanimous.

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

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

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

The Commissioners received and reviewed a fax from the Center for Digital Government informing the National Association of Counties, the Center and Government Technology magazine are launching the nation's third annual Digital Counties Survey to recognize the technology achievements of counties.

The Commissioners received and reviewed a letter from the Secretary of State Office informing that the Governor has passed a Resolution for a statewide special election.

The Commissioners received and reviewed a fax from the Secretary of State regarding a notice of the Special Election for Ratification or Rejection of Proposed Amendment to the Constitution of the State.

The Commissioners received and reviewed a letter from Secretary of State regarding the Help America Vote Act (HAVA) funding for Fayette County.

The Commissioners received and reviewed a copy of a press release from the Secretary of State informing that Betty Ireland is to announce plans for new voting machines at the West Virginia Association of Counties Annual meeting.

The Commissioners received and reviewed a fax from Secretary of State office informing that the deadline for appointing election officials is May 6, 2005.

The Commissioners received and reviewed a letter from the Secretary of State thanking the Commission for taking the time to contact her regarding Lewis Community Foundation's desire to obtain the old Oak Hill Armory for use as a community center.

The Commissioners received and reviewed a notice from the West Virginia Development Office informing of funding availability for \$2,041,256 of HUD Disaster Recovery Initiatives (DRI) Funds.

The Commissioners received and reviewed a letter from the West Virginia Statewide Addressing and Mapping Board giving an update of the West Virginia Statewide Addressing Project.

The Commissioners received and reviewed a letter from the Bank of Mount Hope regarding their responsibilities to various needs and concerns of the citizen's comments and various activities within their servicing area.

The Commissioners signed a letter to the Regional Response Program requesting grant reimbursement payment from the Fiscal year 2004 Homeland Security Grant Program-law Enforcement Terrorism Prevention, amount \$32,356.25.

The Commissioners received and reviewed letters sent to Dale Payne, Chief Magistrate, Paul Blake, Prosecuting Attorney, J. B. Rees, Public Defender, Jack Smith, Tim Erwin, Chief Probation Officer, Kathy Jones, Helen Whitehair, Fayette County Board of Education Superintendent, Michael Martin, Mayor City of Mount Hope, Phillip Sundstrom, FMRS, Sheriff Bill Laird, Judge John Hatcher requesting they accept an appointment to serve as an Ex Officio and member of the Fayette County Community Criminal Justice Board that

is currently being organized for purposes of establishing a community correction program in Fayette County.

The Commissioners received and reviewed a fax from the National Association of Counties thanking everyone who attended the recent 2005 NACo legislative Conference in Washington, D.C.

The Commissioners received and reviewed a letter from the Governor announcing a Records management and Preservation Board County Records Grant award of \$7,500.00 to provide for improvement to the public records in Fayette County.

The Commissioners received and reviewed a letter from the State Office of Emergency Services informing that the Local Emergency Planning Committee (LEPC) grant program utilizing tier Two fees have diminished, while funding streams have remained stagnant. A copy forwarded to Steve Cruikshank, OES Director.

The Commissioners received and reviewed Weekly Fees Collected for the Fayette County Animal Control Center/C-PAC for the week of March 4 to March 10, 2005, amount \$155.00, and for the week of March 11 to March 17, 2005, amount \$110.00.

The Commissioners received and reviewed a status report from the 911 Center for 911 calls for the months of January and February.

The Commissioners received and reviewed from SunTrust Bank a list of securities pledged as of February 28, 2005. Original forwarded to the County Clerk's Office.

The Commissioners received and reviewed a letter from Sheriff Bill Laird to make them aware of the pending HB2868-Compensation for County Officials.



The Commissioners received and reviewed a letter from the West Virginia Human Rights Commission informing they are hosting the second Fair Housing Summit on Tuesday, April 12 at Lakeview Resort and Conference Center in Morgantown, WV.

The Commissioners received and reviewed a letter from the AARP West Virginia informing they are expanding and enhancing their volunteer network by establishing a local contact in every county in our state and asked the Commission if they would consider nominating individuals interested in working with an organization dedicated to making a difference in the lives of other people and their community.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing that the March Limited Video Lottery proceeds will be directly deposited into our bank account on March 28, 2005, amount \$5,200.59.

The Commissioners received and reviewed a letter from the State Tax Department enclosing a summary of the county's Appraisal Ratio Results.

The Commissioners received and reviewed letters from the State Tax Department informing they reviewed the natural resource account for Montgomery Realty etal, 10-03-9999-0800-1360-0000 for Tax year 2004 and a clerical error was made and they have provided the recommended mineral appraisal changes.

The Commissioners received and reviewed a letter from the State Tax Department informing they reviewed the natural resource's account for George L. and Nina Shuck, 10-02-43-0029-0000-0000 (41.9

acre Paint Creek) for Tax year 2004 and Tax Year 2005 and clerical errors were made and they have provided the recommended mineral appraisal changes.

The Commissioners received and reviewed a letter from Judge John Hatcher recommending that the Commission authorize Sheriff Bill Laird to purchase security holsters for the Law Enforcement Department.

The Commissioners received and reviewed a letter from Steptoe and Johnson informing of the training opportunity regarding the recent Department of labor changes to the Fair Labor Standards Act.

The Commissioners received and reviewed a letter from Steptoe and Johnson to serve as a response to the West Virginia State Auditor's request that the Fayette County Commission provide it with information regarding pending litigation.

The Commissioners received and reviewed a letter from St. Paul Fire and Marine Insurance Company informing that claim #GP093128707-09T009 has been assigned to Susan Gardina for handling.

The Commissioners received and reviewed a notice from the U. S. Bankruptcy Court regarding Communications South Companies, Inc., Altair Communications, Inc., E-Z Tel, Inc., and Communications South Companies of Virginia, Inc. Original forwarded to Tom Woodrum, Chief Tax Deputy.

The Commissioners received and reviewed checks for 911 Fees from Metro Teleconnect Company, Inc., amount \$17.64, Granite Telecommunications, LLC, amount \$102.00, AT&T Communications of WV, amount \$1,374.00, IDT Corporation, amount \$78.00, VarTec Telecom,

Inc., amount \$3.88, Verizon, amount \$34,167.81, Citizens Communications, Inc., amount \$50.44; a check from the Emergency Services Office for Homeland Security Law Enforcement Grant, amount \$32,356.25; a check from the Supreme Court Family Law Master rent, amount \$2,025.00, reimbursements for TRIDENT overtime, amount \$476.00 and a miscellaneous (donation) from Ben Argento Basketball, amount \$500.00

The Commissioners received and reviewed an e-mail from Allen Ballard requesting purchasing building permit and inspection software. The Commissioners authorized the purchase of the software.

The Commissioners received and reviewed an e-mail reminding the Commission of the Youth Issues Quarterly meeting being held on April 5, 2005.

The Commissioners received and reviewed an e-mail from the West Virginia Association of Counties regarding the Coal Severance Taxes.

The Commissioners received and reviewed an e-mail from the West Virginia Commission for national and Community Service informing they are looking for people between the ages of 16 and 25 to serve on the Commission.

The Commissioners received and reviewed received and e-mail from the State Treasurer's office informing that the distribution of Wine, Liquor and Private Club Taxes will be direct deposited into the bank on March 21, 2005.

The Commissioners received and reviewed an e-mail from the State Treasurer's Office informing of the Environmental protection Agency deposit of \$26,324.52.

The Commissioners received and reviewed an e-mail from Rosalie Smith informing of the Presidential Freedom Scholarship available to honor high school students for outstanding services.

The Commissioners received and reviewed an e-mail from Beth Gardner regarding the agreement for the Oak Hill Rail Trail

The Commissioners received and reviewed an e-mail from Patti Payne regarding the cages and the New River Humane Society, Inc. budget.

The meeting was adjourned at 2:30 p.m.. The next scheduled meeting is April 15, 2004.



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FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
MAY 16, 2005  
COURTHOUSE

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

The Fayette County Commission met in a regular session on this 16<sup>th</sup> day of May 2005.

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

Commissioner Wender offered a motion to approve the minutes of April 15 and April 29, 2005. Commissioner Eskew seconded. Unanimous.

Commissioner Lopez offered a motion to approve invoices, vouchers, and the second half of May's payrolls, payrolls to be released May 27, 2005. Commissioner Eskew seconded. Unanimous.

Eddie Young, Assessor presented exonerations to the Commissioners to be approved.

Commissioner Lopez offered a motion to approve exonerations as presented by the Assessor. Commissioner Eskew seconded. Unanimous.

Commissioner Wender asked Mr. Young for an update on the Pocahontas Land Properties.

Mr. Young told the Commissioners he will talk with Jerry Knight, Director State Tax Department and Scott Burgess and they will get with Carl Harris, Assistant Prosecuting Attorney to discuss.

Okey Skidmore, Manager, Fayette County Memorial Building met with the Commissioners to discuss the lights at the building.

Mr. Skidmore told the Commissioners he will have everything done by June 30 but no later than May 27, 2005.

Commissioner Wender told Mr. Skidmore there is mold on the side

of the building next to Daniel's Market, needs to get the roof fixed.

Commissioner Wender informed this is not a part of the work Tri-State Roofing has done.

Commissioner Wender suggested that Mr. Skidmore get on agenda for the next meeting for an update of the roofing.

Ms. Holly asked the Commissioners to give her permission to contact Tri-State Roofing regarding this matter.

Commissioner Wender asked that a strong letter be written to Tri-State Roofing regarding this matter.

Mr. Skidmore told the Commissioners he has called Tri-State Roofing regarding this matter but has not received any response.

Linda Ramsey from the Fayette County National Bank and Debbie Aliff, Payroll Clerk appeared before the Commission to discuss direct deposits for employees at the Fayette County Courthouse.

Ms. Ramsey told the Commissioners that the Federal Reserve Bank charges \$50.00 per month processing fee and \$.10/ACH transaction and \$.10/ACH return items. (See attached)

Commissioner Wender suggested that a letter be sent to the employees regarding a yes or no respond if they want direct deposit. Commissioner Wender asked that this letter be included in the May 27<sup>th</sup> payrolls. The Commissioners asked Ms. Aliff to get back with them with the results on June 10, 2005.

Commissioner Eskew offered a motion that the Fayette County Commission adopts the State Building Code. Commissioner Lopez seconded. Unanimous. Order signed. (See attached)

Jesse Bibb a member of the Minden Community in Action appeared

## **FAYETTE COUNTY COMMISSION**

**Give Fayette County National Bank a floppy disc or CD to send to our processor (CSI). This disc or CD must be in NACHA format. This means that your payroll program must be compatible with Direct Deposit. Debbie has checked on this and it is capable of producing a disc in NACHA format. Your S/W vendor will help Debbie set up and create a NACHA formatted file.**

**The Federal Reserve Bank charges \$50.00 per month processing fee and \$.10/ACH transaction and \$.10/ACH return item.**

**The Bank must have the disc three (3) business days prior to the pay date.**

**You would need to send a prenote of \$00.00 prior to the time you send an actual payroll with dollar amounts. This is to insure that all bank ABA's and all employee bank account numbers are correct. I would suggest you send your prenotes of \$00.00 to coincide with an actual payroll paid the existing way. Then, two weeks later you can send your first actual payroll using dollar amounts.**

**Not everyone has to sign up. However, you need to send a prenote on everyone that does want direct deposit. This would mean that new employees get their first payday by check (coinciding with the \$00.00 prenote) and their second payday may be by direct deposit.**

**You can pay the payroll any date you want to as long as you have the NACHA formatted disc to the bank three (3) business days prior to payday. However, you can not pay part at one time and the rest on the regular pay date. You also cannot allow your employees to switch back and forth.**

**The only minor problem some employers have had is with their hourly employees, but seem to work it out.**

**ORDER ADOPTING STATE BUILDING CODE**

An order to adopt the state building code relating to inspection activities of the County Commission of Fayette County, West Virginia and enforcement of building provisions as provided in said codes.

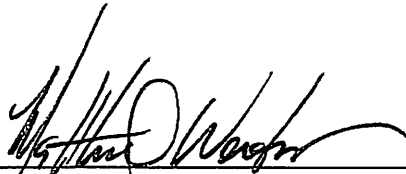
WHEREAS, it is the desire of the County Commission of Fayette County, West Virginia to adopt, in all respects, the state building code relating to minimum building and housing standards; and

WHEREAS, the adoption of this code is done to facilitate proper inspection activities relating to construction and maintenance of buildings within the jurisdiction of said County Commission of Fayette County, West Virginia and relating to public safety, health and well-being;

NOW, THEREFORE, BE IT ORDAINED BY County Commission of Fayette County, West Virginia that the following state codes are hereby adopted by reference as though they were copies herein fully; (Section 13, Article 12, Chapter 8 of the Code of West Virginia, one thousand nine-hundred thirty-one; and the State Building Code as provided for in Section 5b, Article 3, Chapter 29 of the Code of West Virginia, one thousand nine hundred thirty-one).

BE IT FURTHER ORDAINED that this Order shall take effect and be in force from and after its passage, the public welfare requiring it.

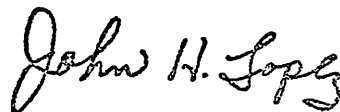
PASSED AS APPROVED BY County Commission of Fayette County, West Virginia on the 16<sup>th</sup> day of May, 2005.



MATTHEW D. WENDER



KENNETH L. ESKEW



JOHN H. LOPEZ



before the Commission.

Commissioner Wender asked Mr. Bibb to explain to the Commissioners what he wanted.

Mr. Bibb told the Commissioners that Minden/Rocklick Community in Action Committee not incorporated and they received a \$5,000.00 Governor Contingency Grant.

Mr. Bibb told the Commissioners that since the Minden/Rocklick Community in Action Committee is not incorporated he would like to turn the check over to the Commission to process for them.

Carl Harris, Assistant Prosecuting Attorney informed the Commissioners that the Minden/Rocklick Community in Action Committee needs to post a public meeting. The Committee needs to meet again and appoint a treasurer, make a motion to adopt Resolution authorizing someone to ask the Commission to manage funds for the Committee and request drawdown with Resolution. The Committee needs to authorize someone to sign check.

A Public Hearing was held for application to sale four franchises from Charter Communications VI, LLC (formerly Helicon Group, Ltd.) to Rapid Communications, LLC.

Commissioner Wender swore in Michael Keleman with Charter Communications and Tom Kenley with Rapid Communications.

Mr. Keleman informed the Commissioners he did advertise this public meeting of the pending sale from Charter to Rapid.

Mr. Keleman told the Commissioners that the current areas to be upgraded are Page, Scarbro and Ansted which have not been upgraded.

Mr. Kenley with Rapid Communication, LLC asked the Commission if

they would consider-(1) transferring the former Helicon Group to Rapid and (2) extend the franchise an additional five (5) years past the expiration date.

Ms. Holly informed the Commissioners that the current franchise expires December 31, 2008 why ask for an extension.

Mr. Kenley told the Commissioners the reasons for the request for an additional extension is that they are looking to upgrade.

Mr. Kenley told the Commissioners that Rapid is acquiring 24,000 to 25,000 customers in West Virginia, need an additional five years beyond the termination date of December.

Mr. Kenley told the Commissioners that the West Virginia Public Service Commission authorized a franchising agent in Nicholas County and approved transfer and extension agreement.

Commissioner Wender asked Mr. Kenley if he could extend the public hearing to each area that would be affected.

Ms. Holly informed the Commissioners that she would be concerned about the precedent of having a public hearing in each of these areas since this public hearing has already been advertised.

Commissioner Wender informed he would like for this to be put into two motions.

Commissioner Eskew offered a motion to authorize the transfer of the cable television franchise Charter Communications VI, LLC (formerly Helicon Group, Ltd) to Rapid Communications, LLC in the three service areas (Page, Scarbro and Ansted). Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to extend the agreement three

(3) years beyond the termination date from midnight on the 31<sup>st</sup> of December 2008 same terms and conditions as existing agreement including current six (6) headends in current agreement. Commissioner Eskew seconded. Commissioner Wender opposed, feel hearing should be held in the communities that would be affect. Vote passed 2-1.

Commissioner Lopez asked Ms. Holly if the Commission could revisit the franchise fees this year. Ms. Holly replied December 2006.

Commissioner Lopez offered a motion to dismiss the petition to remove the Administrator of the Estate of Sammy Joe Fragale. No one appeared for the hearing scheduled for 11:00 a.m.. The matter was thrice solemnly called and there being no appearance. Commissioner Eskew seconded. Unanimous. (See attached Order)

Commissioner Lopez informed the Commissioners he received a request from the Danese Home Improvement Association requesting gravel to upgrade the parking lot.

Commissioner Lopez offered a motion to approve up to \$500.00 to the Danese Community Building to upgrade the parking lot. Work to be performed by Earl Pauley, Park Superintendent. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from David Neal, E911 Coordinator asking the Commission to advertise for bids for the 911 Radio Console upgrade.

Commissioner Eskew offered a motion to allow Ms. Holly to advertise on behalf of the 911 Center for bids for the radio console upgrade to bring the 911 Center up with compliance. Commissioner

before the Commission.

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IN THE COUNTY COMMISSION OF FAYETTE COUNTY, WEST VIRGINIA

IN RE:                    ESTATE OF SAMMY J. FRAGALE

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DISMISSAL ORDER

This matter came on for hearing on this the 16<sup>th</sup> day of May, 2005, upon the Notice of the Petitioner. At 11:30 a.m. no one had yet appeared for the hearing scheduled at 11:00 a.m. Whereupon, the matter was thrice solemnly called and there being no appearance, John H. Lopez moved to dismiss the petition, which motion was seconded by Kenneth L. Eskew. Said motion was unanimously passed and said petition is therefore **DISMISSED.**

  
\_\_\_\_\_  
MATTHEW D. WENDER

  
\_\_\_\_\_  
KENNETH L. ESKEW

  
\_\_\_\_\_  
JOHN H. LOPEZ

Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to acknowledge documents received from John David indicating his residence in Kincaid and recommend taking no action regarding residency. Commissioner Eskew seconded. Unanimous.

Commissioner Lopez offered a motion that copies of the documents from John David be forwarded to Floyd McKnight. Commissioner Eskew seconded. Unanimous.

Ms. Holly presented an Order and letters to the Commission to approve and sign incorporated banking institutions within the County to act as County depositories for the Fiscal Year beginning July 1, 2005 (Fayette County National Bank, Branch Banking and Trust (BB&T), Bank of Mount Hope, United National Bank, Bank One, Beckley, WV N.A., and the City National Bank of West Virginia).

Commissioner Lopez offered a motion that Fayette County Commission designate and approved banking institutions within the County to act as County depositories for the Fiscal Year beginning July 1, 2005. Commissioner Eskew seconded. Unanimous. (See attached Order).

The Commissioners recessed the Commission meeting at 11:50 a.m.

Commissioner Wender called the meeting to order at 1:12 p.m.

Brian sparks, Carl Thompson and others (See attached list) appeared before the Commission to discuss the Farmland Protection Program Resolution and appointment of members.

Commissioner Wender informed that Lavonne Paden, West Virginia Farmland Protection Specialist attended the last County Commission



**ORDER**

**On this the 16th day of May, 2005, the County Commission of Fayette County meeting in a Regular Session, does hereby designate and approve all of the banking institutions, as defined in §31A-1-2 of the Code of West Virginia, situated in the County and duly incorporated under the laws of any state, or organized under the laws of the United States, as depositories of public monies for the Fiscal Year beginning July 1, 2005. Therefore, it is ordered that the following Incorporated Banking Institutions in the County of Fayette be and they are hereby designated as Depositories of Public Monies of the said County of Fayette:**

<b>Fayette County National Bank</b>	<b>Fayetteville, West Virginia</b>
<b>Fayette County National Bank</b>	<b>Oak Hill, West Virginia</b>
<b>Fayette County National Bank</b>	<b>Ansted, West Virginia</b>
<b>Bank One Beckley, WV, N.A.</b>	<b>Oak Hill, West Virginia</b>
<b>Bank of Mount Hope, Inc.</b>	<b>Mount Hope, West Virginia</b>
<b>Branch Banking and Trust (BB&amp;T)</b>	<b>Oak Hill, West Virginia</b>
<b>United Bank</b>	<b>Montgomery, West Virginia</b>
<b>City National Bank of WV</b>	<b>Montgomery, West Virginia</b>
<b>City National Bank of WV</b>	<b>Gauley Bridge, West Virginia</b>
<b>United Bank</b>	<b>Ansted, West Virginia</b>
<b>United Bank</b>	<b>Smithers, West Virginia</b>
<b>United Bank</b>	<b>Fayetteville, West Virginia</b>

**and the said banks shall file their bonds and/or instruments**

Farmland Protection

05-16-05

Program Hearing

Brian Sparks

John Breneman

Ronna Lively

Alan R. Ee

Kitty Breneman

EMOGENE BROWN

Clarence Shambin

Jim Lively

BRETT LIVELY

ALAN WICKLINE

Doug Kincaid

CARL THOMPSON

LAURA L DAVIS

meeting and gave an outline view of the Program.

Commissioner Wender asked Mr. Sparks to give a brief update of the Farmland Protection Program.

Commissioner Wender read the therefore's of the Resolution. Commissioner Wender informed that this Resolution was consistent with the State Code.

Commissioner Eskew offered a motion to adopt the Farmland Protection Program Resolution and appoint members to the Program. Commissioner Wender seconded. Vote passed 2-0.

Commissioner Wender asked Mr. Sparks for names to be appointed and their term to the Farmland Protection Program.

Mr. Sparks named Matthew Wender term 4 years County Commission, Carl Thompson term 4 years Executive Director County Development Authority, John Brenemen term 2 years Farmer-County Resident and member of the Farm Bureau, Alan Wickline term 2 years Farmer-County Resident and member of Conservation District, Douglas Kincaid term 4 years Farmer-County Resident, Brett Lively term 4 years County Resident-Not members of any of the foregoing organizations, and David Alan Rice term 4 years County Resident-Not a member of any of the foregoing organizations.

Commissioner Wender offered a motion that these initial members are appointed members of the Farmland Protection Program. Commissioner Eskew seconded. Unanimous. Vote passed 2-0. (See attached Order)

Commissioner Wender offered a motion that John Brenemen and Alan Wickline serve 2 year terms, and all other Farmland Protection Board

**COUNTY COMMISSION OF FAYETTE COUNTY, WEST VIRGINIA**  
**IN RE: FAYETTE COUNTY FARMLAND PROTECTION BOARD**  
**ORDER APPOINTING MEMBERS OF BOARD**

On this 16<sup>th</sup> day of May, 2005, the Fayette County Commission met in regular session and, after having previously adopted the resolution approving the Fayette County Farmland Protection Board, considered the appointment of members to the Board in accordance with West Virginia Code 8A-12-4 as amended.

All members of the Board shall be voting members, except the County Commissioner who shall serve in an advisory capacity as a non-voting member.

Thereupon, upon motion duly made, seconded and passed, the following individuals were appointed to the respective initial terms on the Board effective May 16, 2005:

<b>County Commissioner</b>	<b>Matthew D. Wender</b>	<b>4 Years</b>
<b>Executive Director County Development Authority</b>	<b>Carl Thompson</b>	<b>4 Years</b>
<b>Farmer-County Resident and Member of Farm Bureau</b>	<b>John Brenemen</b>	<b>2 Years</b>

members serve 4 year terms. Commissioner Eskew seconded. Vote passed 2-0. (See attached Order)

Commissioner Wender asked Brian Sparks to set up first meeting.

Paul Blake, Prosecuting Attorney appeared before the Commission to discuss the request for the reward regarding the successful arrest and conviction of the murder in July 7, 2003.

Mr. Blake suggested paying ½ of the \$5,000.00 reward to Kimberly Walton for providing trial testimony.

Ms. Holly told the Commissioners that the Commission has a reward fund set-up from several years ago. Ms. Holly asked the Commission if they wanted to use these funds. The Commission replied yes.

Commissioner Eskew offered a motion to authorize payment of \$2,500.00 to Kimberly Walton for the successful arrest and conviction of the murder, balance of the reward would be considered after the Supreme Court issue an opinion denying the writ of error sought by the defendant. Commissioner Wender seconded. Unanimous.

Commissioner Eskew offered a motion that payment be paid out of the previous reward fund set-up. Commissioner Wender seconded. Vote passed 2-0.

Kelvin Holliday, County Clerk appeared before the Commission to give an update on what all he is doing and preparing for the upcoming June 25, 2005 election. (See attached e-mail)

Commissioner Eskew offered a motion to approve the polling places for the upcoming June 25 election. Commissioner Wender seconded.

Ms. Holly informed the Commissioners she received forms from the Secretary of States Office that has to be completed for reimbursement

**Charlotte Holly**

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**From:** "kelvin holliday" <keholliday@rocketmail.com>  
**To:** "Charlotte Holly" <cholly@zoomnet.net>  
**Cc:** "Matthew D. Wender" <mwender@cwv.net>; "Kenneth Eskew" <kennethsq@charter.net>  
**Sent:** Monday, May 09, 2005 11:47 AM  
**Subject:** Re: 5/16 appointment, special election specifics

Dear Charlotte, Co. Commissioners:

Thanks for our 1:45 appointment May 16, 2005.

I have hand-delivered the election calendar among other materials for the June 25 election and trust we are all clear on the timetables. Locations, payment issues, and related items can be discussed at whatever length you desire 5/16, even though I'm estimating 10-15 minutes, given this advance outline:

Tina Dequasia is assisting with various front office preparations for the election 60 calendar days leading into the election as in previous elections. She and all other part-time help will continue to work 7-hour weekdays at \$7 per hour according to past practice, all on election expense.

I anticipate receiving absentee ballots from Circuit Clerk not later than May 13, and expect to have the first ballots worked up for the mail the first day my lead absentee team of David Bennett and Judy Webb returns May 16, 8 a.m., as maintenance head Perdue and Co. Administrator Holly have been notified orally.

Team two, Neva Martin and Sally Cales, return to work June 3, the first date of early voting, also in Commissioners' meeting room.

All election post cards have announced again our extended voting hours of 4-6 p.m. prior to training:

June 7  
June 9  
June 14  
June 16

In addition to your Payroll Clerk Aliff and my Instructor/Chief Deputy Johnson being present nightly, I will stagger remaining staff to an additional maximum two per training class session, paying overtime for the time preceding class as well as the training time itself those nights by past practice we've employed.

Early voting ends June 22, 4 p.m. Commissioner Wender and I will need to be present THEN in the early voting room to remove our respective locks for pre-election ballot sorting and list preparation. We will need to carry down votomatics after 4 again, so be certain that room is unlocked if it is not already.

June 23-24, Co. Commission meeting room is needed to distribute supplies.

Emergency makeup class is June 24, 4 p.m., to be conducted by Johnson and/or myself only.

June 25, election day, will be staffed in split shifts by my office, as is the norm.

P.S.: In talking to maintenance head James Perdue, it appears my desire to locate my microfilm grant items in the closet adjacent to the coming elevator will not be a possibility. ANYTHING you might make available outside my personal office space would be most appreciated, if possible. I am submitting a quote(s) on microfilm reader/printer and necessary components which can be divided into a second quote to avoid bid, if possible, since the full package exceeds \$5000 which specifically will be approved under my grant according to Archives Director Fred Armstrong, who assures me the bid appears satisfactory

Sincerely,

Kelvin Holliday  
County Clerk

---

Yahoo! Mail Mobile

Take Yahoo! Mail with you! Check email on your mobile phone.

<http://mobile.yahoo.com/learn/mail>

of the upcoming election.

Ms. Holly informed the Commissioners of the grants available for election repairs for handicap accessibility for polling places.

Kelvin Holliday, County Clerk informed the Commissioners that in talking with James Perdue, Maintenance Supervisor, the desire to locate his microfilm grant items in the closet adjacent to the elevator will not be possible.

Mr. Holliday asked the Commission if they could make available office space for his microfilm grant items.

The Commissioners signed a letter to the Department of the Treasury (IRS) requesting abatement of all penalty and interest charges in the amount of \$7,612.54 that was assessed on their account.

The Commissioners signed a letter of support to 4-C Economic Development Authority regarding the establishment of a new tourism related operation in Fayette County to complement and enhance tourism in this area.

The Commissioners signed a letter to the West Virginia Division of Natural Resources informing that Joseph D. Carelli has been appointed to fill the position of Litter Control Officer for the Fayette County Solid Waste Authority effective April 1, 2005.

The Commissioner signed Classification Questionnaire from the Workers' Compensation Commission.

The Commissioners signed annual Support Agreement from ACS Government Systems, inc. for budgeting/account and payrolls for the period July 1, 2005 to June 30, 2006.

The Commissioners received and reviewed a letter from the Fayette



County National Bank informing that the security (CUSIP 3133MD6L2) they have pledged for the Fayette County Commission will not be available for pledge as of May 17, 2005. The bank informed the Commission they will substitute this security with CUSIP 31359MWQ2.

Commissioner Eskew offered a motion having been advised of the need to substitute certain securities pledged 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 seconded. Unanimous.

The Commissioners received and reviewed copies of a Dog Leash Ordinance from Earl Pauley, Park Superintendent and from Patti Payne, Manager Fayette County Animal Control Center asking the Commission which one they prefer. The Commissioners approved to use the Dog Leash Ordinance submitted by Mr. Pauley.

The Commissioners received and reviewed a letter from the Division of Criminal Justice Service informing the Community Corrections Subcommittee of the Governor's Committee on Crime, Delinquency and Correction will conduct a grant review of the Community Corrections Fund Grant application on Friday, May 27, 2005 at the Charleston Civic Center.

The Commissioners received and reviewed a letter from the Town of Fayetteville Fairs and Festival Committee requesting a donation of \$500.00 for an event sponsorship during their upcoming Heritage Festival on July 2-4, 2005.

Commissioner Wender offered a motion that the Fayette County

Commission donates \$500.00 for sponsorship for the upcoming Heritage Festival. Commissioner Eskew seconded. Unanimous.

The Commissioners received and reviewed a letter from Carl Harris, Assistant Prosecuting Attorney informing he reviewed the documents forwarded to him regarding the complaints and requests of employees of the Fayette County Library Board.

Mr. Harris told the Commissioners that since they are not the employer and do not exercise control over the Board, Mr. Harris advised the Commission not to attend any meeting.

The Commissioners asked that copies of Mr. Harris letter be forwarded to Judy Gunsaulis, Debrah Arrington, and Crystal Rose.

The Commissioners asked Ms. Holly to void the \$500.00 check to Friend's of Lewis House.

Ms. Holly told the Commissioners they did have the Public Hearing for the merger of the Armstrong Public Service District and the Deepwater Public Service District.

The Commissioners received and reviewed a copy of a letter from the New River Humane Society, Inc. regarding Citizens for the prevention of Animal Cruelty, Inc. failure to file W-2 forms for the year 2002 in a timely manner. Ms. Holly informed the Commissioners that Brian Parsons is taking care of.

The Commissioners received and reviewed a letter from Paul Blake, Prosecuting Attorney requesting that a check be issued to the New River Sportswear, Inc. in the amount of \$353.00 for purchase of shirts for his office. This is to be paid out of the funds collected by his office as a result of asset forfeiture.

The Commissioners received and reviewed a letter from the Fayetteville Midget League requesting use of the Memorial Building for a fundraiser for the league to purchase new uniforms.

Commissioner Wender offered a motion to approve the waiver of the rental fee for the Fayetteville Midget League for a fundraiser for the league to purchase new uniforms. All other rules are applicable including the insurance requirement and custodial and trash service fees. Commissioner Eskew seconded. Unanimous.

The Commissioners approved for the Fayetteville Elementary PTA to use the Memorial Building, rental fee is waived. All other rules are applicable, including insurance, garbage and custodian fees.

The Commissioners approved purchase of a 1998 Jeep from the West Virginia Surplus in the amount of \$7,500 for the Assessor's Office.

The Commissioners received and reviewed the contract from the Department of Health for Dr. Donald Newell for him to continue as County Health Officer for the period of July 1, 2005 to June 30, 2006 at \$2,000.00 a month. Commissioner Wender asked to hold until the next County Commission meeting.

The Commissioners received and reviewed from Bellwood Committee Improvement Corporation a request for the \$2,0000 the Commission allotted for Fiscal Year 2005-2006 for the Bellwood Water System.

Commissioner Wender informed the Commissioners that he called Ms. Catherine Pomeroy and told her that the funds are not available until after July 1, 2005.

The Commissioners received and reviewed a letter from the Office of the Assistant Secretary of Defense for Reserve Affairs asking that

the Commission sign Statement of Support for our men and women who serve in the Guard and Reserve.

Commissioner Eskew offered a motion that the Commission sign the Statement of Support for our men and women who serve in the Guard and Reserve. Commissioner Wender seconded. Unanimous.

The Commissioners submitted to the West Virginia Courthouse Facilities Improvement Authority the final drawdown for the replacement of the Courthouse windows.

Commissioner Wender asked Ms. Holly to ask Earl Pauley, Park Superintendent, to get a cost comparison on propane v. natural gas for the incinerator at the Animal Shelter.

The Commissioners asked Ms. Holly to schedule discussion with Allen Ballard, Building Code Officer to discuss permit fees for Southern Appalachian Labor School (SALS) and Habitat for Humanity etc. for non-profit organization.

Ms. Holly told the Commissioners she would be taking vacation on July 5<sup>th</sup> and July 15<sup>th</sup>.

The Commissioners received and reviewed Remittance by the Assessors to the State Treasurers Office for the Courthouse Facilities Improvement Fund for the month of April, amount \$261.50.

The Commissioners received and reviewed a status report from the 911 Center for the months of January through April.

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

The Commissioners received and reviewed information from the West Virginia Association of Counties regarding their WVACO Dental/Vision

Plan.

The Commissioners signed a letter to the 4-C Economic Development Council nominating Anne Cavalier to the 4-C Economic Development Authority Board of Directors for a 3-year term beginning July 1, 2005.

The Commissioners received and reviewed a letter from St. Paul Fire and Marine Insurance Company regarding Insured Closing Notice for Claim #GP0931280709T011.

The Commissioners received and reviewed a notice that Attorney Philip Tissue will appear as counsel of record on behalf of the administrator, Grace Ann Fragale regarding the Estate of Sammy Joe Fragale.

The Commissioners approved and signed Order adopting the State Building Code. (See attached Order)

The Commissioners signed a letter to Frederick H. Armstrong and Members of the Records Management Grant Committee asking that they reconsider Kelvin Holliday, County Clerk proposal to locate a research room in the Oak Hill Library.

The Commissioners signed a letter of congratulations to Lieutenant C. D. Dancy, Sergeant R. C. Godsey and Corporal Luther Crisp for their promotions in the Fayette County Sheriff's Department.

The Commissioners received and reviewed a letter from State Farm Insurance Companies giving Notice of Privacy Policy to Consumer.

The Commissioners signed a letter expressing their support of the plan by Southern Appalachian Labor School (SALS) to develop a low-income housing project as part of a YouthBuild Program.

The Commissioners received and reviewed a copy of a letter from

Sheriff William Laird to Steve Cruikshank, OES Director regarding reimbursement for Bridge Day 2004 Overtime Expenses.

The Commissioners received and reviewed payments from Pamela Arthur (\$60.00) and Fred Wright (\$60.00) for the purchase of 3 multi-unit cages from the Fayette County Park.

The Commissioners received and reviewed a letter from the Department of Military Affairs and Public Safety informing they received the Department of Homeland Security Emergency Operation Center Grant Quarterly Reporting forms for the period of January through March 2005, but they returned the forms because totals did not match records. The original letter forwarded to Steve Cruikshank, OES Director.

The Commissioners received and reviewed notice of the grand opening of the Upper Kanawha County Recycling Center, May 20, 2005.

The Commissioners received and reviewed a letter from the Department of Military Affairs and Public Safety informing that the Fiscal Year 2004 Homeland Security Grants closing date is approaching and asking that outstanding bills, any outstanding purchase orders and copies of any requests for reallocation of funds be submitted prior to May 1, 2005. Copies forwarded to Sheriff Bill Larid, Steve Cruikshank, OES Director and Virgil Berry.

The Commissioners received and reviewed several correspondences regarding lawsuits from Steptoe and Johnson and Schumacher, Francis and Nelson.

The Commissioners received and reviewed from the Fayette County Animal Control Center Monthly Revenue Report, Activity Report for the

month of April, C-PAC allotment (\$11,265.94) for the month of May and Weekly Fees Collected for the week April 29 to April 30, 2005, amount \$105.00, the week of May 1 to May 5, 2005, amount \$235.00 and for the week of May 6 to May 12, amount \$455.00.

The Commissioners received and reviewed checks for 911 Fees from Trinsi Communications, Inc., amount \$30.00, Nos Communications, Inc., amount \$4.00, Citizens Communications Co., amount \$48.50, Mountain Communications, LLC, amount \$52.92, VarTec Solutions, amount \$3.88 and Verizon, amount \$34,168.49; check for Franchise Fee from Bradley Communications, Inc., amount \$533.95; Rebate-Microsoft, amount \$40.00; WV Development Office, Legislative Digest Grant-Christians Helping Others, amount \$1,080.58; WV Courthouse Facilities Improvement Authority-Courthouse Window Project, amount \$34,122.40; Jail Fees from the City of Oak Hill, amount \$873.00; WV Development Office-Synfuel Tax, amount \$40,816.33; St. Paul Travelers Insurance Claim-annex water leak, amount \$10,914.87 and Insurance Claim-Glen Chapman 2004 Expedition, amount \$8,941.85.

The Commissioners received and reviewed a letter from the Division of Criminal Justice Services thanking the Commission for their application for funds under the Local Law Enforcement Block Grant Program and informed the Commission that their application was not among those selected for funding.

The Commissioners received and reviewed a letter from Marshall Miller and Associates, Inc. giving notice that Meadow River Coal Company is applying for a Phase I Release on Permit No. P-689 issued for 66.5 acres on January 18, 1981. Original forwarded to Tim

Richardson, Zoning Officer.

The Commissioners received and reviewed a fax of a letter from the County Commission Association to the Secretary of State from Governor Joe Manchin informing he disapproves and return Enrolled Senate Bill No. 741.

The Commissioners received and reviewed from Branch Banking and Trust Company a list of securities that were held as collateral to serve the deposits of Fayette County Commission as of April 30, 2005. Original forwarded to the County Clerk's Office.

The Commissioners received and reviewed a letter from the State Office of Emergency Services informing of the 2006 Hazardous Materials Emergency Planning Grants.

The Commissioners received and reviewed a letter from the Secretary of State requesting an updated list of the Public Service Districts.

The Commissioners received and reviewed a letter from the West Virginia Division of Culture and History informing of the Records Management and Preservation Board Grants Administration Workshop being conducted on Thursday, May 26, 2005 from 9:30 a.m. to 11:00 a.m.

The Commissioners received and reviewed a letter from the Oak Hill United Methodist Church thanking the Commissioners for their letter sent to General Tackett and the Armory Board allowing the foundation to proceed to establish a family life center/recreational center to benefit the citizens of Oak Hill and the surrounding area.

The Commissioners received and reviewed a letter from the West Virginia Professional River Outfitters, informing they support and



encourage responsible development along the boundaries of the New River Gorge National River in Fayette County. A copy of the letter forwarded to Tim Richardson, Zoning Officer.

The Commissioners received and reviewed two Official Oaths of Office from Romie A. Hobbs member of the County Community Criminal Justice Board and Ronald Alexander, member of the Fayette County Historic Landmark Commission.

The Commissioners signed a letter to express their support for the Southern Appalachian labor School application to continue home rehabilitation work within Fayette County.

The Commissioners signed a letter expressing their support for Southern Appalachian Labor School plans to seek Housing Preservation Grant funds.

The Commissioners received and reviewed from SunTrust Bank a pledge statement giving a list of securities pledged as of April 29, 2005. Original forwarded to the County Clerk's Office.

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

The Commissioners received and reviewed an e-mail from the State Treasurers Office informing that payment from the Environmental protection Agency (\$44,786.73) was deposited as of May 13, 2005.

Ms. Holly received an e-mail from Commissioner Wender asking that a copy of the Social Security Resolution be mailed to Margaret Jarvis with West Virginia United to Protect Social Security.

Commissioner Wender received and reviewed an e-mail from Jack Thompson regarding meeting with the Fayette County Board of Education

on May 16, 2005 to discuss the additional rent request of \$5,000.00 for the Memorial Building.

Commissioner Wender received and reviewed an e-mail from Judy Radford, Executive Director, 4-C Economic Development Authority regarding the Town Communications project and a copy of the Enrollment Addendum Form.

Commissioner Wender informed the Commissioners he approved by telephone and signed the Enrollment Addendum Form.

The Commissioners received and reviewed an e-mail from Commissioner Wender regarding the lights at the Memorial Building.

The Commissioners received and reviewed an e-mail from Commissioner Wender regarding Kohl's stores.

The Commissioners received and reviewed an e-mail from Rosalie Smith with Region IV Adolescent Health Coordinator regarding the West Virginia Prevention Resource Grant.

The Commissioners received and reviewed an e-mail from Monica McFarland with the West Virginia Prevention Resource Center thanking Rosalie Smith for sharing their information regarding pursuing a grant for the Youth One Stop.

The meeting was adjourned at 3:45 p.m. The next scheduled meeting is May 31, 2005.



FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
MAY 31, 2005  
COURTHOUSE

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

The Fayette County Commission met in a regular session on this 31<sup>st</sup> day of May 2005.

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

Eddie Young, Assessor submitted exonerations for real and personal property to be approved.

Commissioner Eskew offered a motion to approve real and personal property exonerations as submitted by the Assessor. Commission Lopez seconded. Unanimous.

Commissioner Wender offered a motion to approve minutes of April 26 and May 19, 2005. Commissioner Eskew seconded. Unanimous.

Commissioner Lopez offered a motion to approve vouchers and invoices. Commissioner Eskew seconded. Unanimous.

The Commission informed the 2<sup>nd</sup> half payrolls were approved at their last meeting.

Eddie Young, Assessor appeared before the Commission with Jerry Knight from the State Tax Department, Scott Burgess, and Paul Blake, Prosecuting Attorney to discuss the Pocahontas Land Property tax related matter.

Present from Pocahontas Land Company were John Lowe, Todd Dunn, Verton Perry and Lonnie Faulkner.

Mr. Blake informed that this hearing is being recorded by Judy Cottle, Court Reporter.

Mr. Blake informed the Commissioners that this hearing is being held due to a letter the Assessor's Office received from Pocahontas Land. Mr. Blake presented and read a letter regarding application for Relief/Request for Correction of Erroneous Assessment under Provision of West Virginia Code §11-3-27 (See attached letter).

Mr. Blake told the Commissioners he received a petition and a stack of papers to correct erroneous assessment.

Mr. Blake told the Commissioners that Pocahontas land served copy of the petition this morning.

Mr. Blake told the Commissioners that they can recess or adjourn to file written response.

Mr. Blake informed the Commissioners that there could be an additional tax of \$355,000 up to \$1.5 million (only if fraudulent acts or intentional act or clerical error by Pocahontas). Mr. Blake told the Commissioners the period of time error on land books is either 1993, or 2002, 2003, would like the Commission to adjourn hearing for a reasonable period of time would prefer 30 days rather than start testimony today.

Mr. Blake suggested to the Commissioners to start process today and allow Pocahontas Land time to review and confer.

Mr. Todd Dunn requested that the Commission take no evidence today but allow them time to review and prepare.

Commissioner Wender informed, the Commission would take Mr. Blake's recommendation that 30 days be the set time to allow Pocahontas Land to resolve.

Commissioner Wender asked that Mr. Blake determine the time for



PROSECUTING ATTORNEY  
FAYETTE COUNTY

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PROSECUTING ATTORNEY

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IN THE COUNTY COMMISSION OF FAYETTE COUNTY, WEST VIRGINIA

IN RE: Application for Relief/Request for Correction of Erroneous Assessment under Provision of West Virginia Code §11-3-27  
Pocahontas Land Corporation Parcel 03-49-0001.

Comes now before the Fayette County Commission, Mr. Paul M. Blake, Jr., Prosecuting Attorney of Fayette County, requesting upon behalf of the taxpayers and citizens of Fayette County the correction of the assessment for Tax Year 1993 through Tax Year 2005, inclusive, for property currently identified upon the land books of Fayette County in District 03 as Map 49, Parcel 1, owned by Pocahontas Land Corporation, hereafter referred to as "Taxpayer." Said request is being presented to the Commission based upon the following:

1. Beginning with Tax Year 1993, Taxpayer has filed property tax returns for said property erroneously, indicating that the coal seams located upon said property were, for the most of the tax years in question, unminable.
2. In calendar year 2002, applications for mining permits were filed with the Division of Environmental Protection as follows:

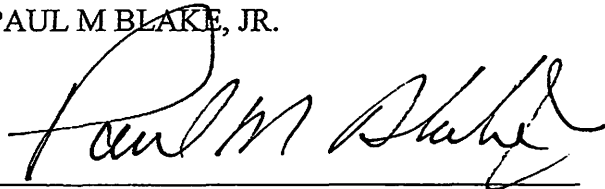
	Seams	Permitted Acreage
Permit S 3016-01	N2G	91.28 Acres
	POW	148.46 Acres
	EGA	247.64 Acres
	EAG	255.76 Acres
	LEG	320.24 Acres
	PRL	6.00 Acres
Permit S 3008-01	EAG	600.00 Acres
Permit S 3012-01	EAG	350.00 Acres

3. The State Tax Department has provided estimates of true and actual value to the office of the Fayette County Assessor based upon the property tax returns filed by "Taxpayer" indicating that substantially all seams on the Property were unminable

4. The Fayette County Assessor has used said appraisals and equalized them at 60% to assess the said property of "Taxpayer" for property tax purposes for the tax years in question.
5. Reliance by the State Tax Department and The Fayette County Assessor upon the erroneously filed property tax returns has resulted in the substantial underassessment for property tax purposes of said property. Petitioner is uncertain at this time as to whether such returns were occasioned by unintentional or inadvertent acts or by intentional refusal to make a proper return or by deliberate false answers to questions posed by the Assessor or the State Tax Commissioner.
6. West Virginia Code §11-3-27 provides the statutory basis for correction of the erroneous assessment, such clerical error or mistake having been discovered by the Assessor of Fayette County within one (1) year prior to the filing of this petition.

Therefore based upon the following, I, Paul M. Blake, Jr., Prosecuting Attorney of Fayette County, do hereby request, under provision of West Virginia Code §11-3-27, that the erroneously property tax assessments for Tax Year 1993 through Tax Year 2005, inclusive, be corrected and that all of the provisions in law relating to failure to list property for property tax purposes should be imposed.

PAUL M BLAKE, JR.



Prosecuting Attorney of Fayette County

May 31, 2005  
Date

the hearing.

Mr. Blake suggested a special meeting on June 30<sup>th</sup> to take evidence whether fraudulent or clerical error.

Commissioner Eskew offered a motion to adjourn the hearing and reconvene in 30 days on June 30, 2005 at 9:00 a.m., the Assessor and Pocahontas Land to get together to work out dispute. Commissioner Lopez seconded. Unanimous

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

The Commissioners received and reviewed a letter from Steptoe and Johnson regarding Charles Canterbury lawsuit (Claim #YESL05650).

The Commissioners received and reviewed a copy of a memorandum from Sheriff William Laird to Debbie Aliff, Payroll Clerk informing that Robert Legg has submitted a letter of resignation effective May 29, 2005.

The Commissioners received and reviewed checks for 911 Fees from Metro Teleconnect Company, amount \$15.68, AT&T Communications of WV, amount \$1,272, Granite Telecommunications, LLC, amount \$106.00, IDT Corporation, amount \$70.00, Citynet Holding, LLC, amount \$5.82, Mountain Communications, LLC, amount \$52.92; Alarm Fees from United Bank, Inc., amount \$300.00; a check from the Supreme Court, FLM rent, amount \$2,025.00; Jail Fees from the Town of Fayetteville, amount \$97.00, City of Oak Hill, amount \$1,600.50; Soldiers and Sailors Memorial Fund, amount \$375.00; Dog Tax Fund contribution, amount \$300.00; Reimbursement TRIDENT overtime, amount \$768.41; reimbursement Fayetteville Elementary PTO, amount \$25.00.

The Commissioners received and reviewed an e-mail from the State Treasurer's Office informing that the May limited Video Lottery proceeds will be directly deposited into County's account on May 26, 2005.

The Commissioners received and reviewed an e-mail from Ben Newhouse, Executive Director, Upper Kanawha Valley Economic Council informing of the Grant and Conference Opportunities from the Fannie Mae Foundations's Knowledge.

The Commissioners received and reviewed an e-mail from Commissioner Wender to Carl Harris, Assistant Prosecuting Attorney informing Mr. Harris that the Fayette County Farmland Protection Board was appointed and their first meeting is Tuesday, May 24, 2005 at the WVU Extension Office.

The Commissioners received and reviewed an e-mail from Ms. Holly to Commissioner Wender informing him that Reverend Sauvage called to inform him that the deed signing ceremony with General Tackett will be at the Oak Hill Methodist Church at 2:00 p.m.

The Commissioners received and reviewed 2006 Final Budget Report for the Central Garage and the Fayette County Park.

The Commissioners received and reviewed a copy of a letter from the National Park Services to Edward McGuire regarding the plans for the acquisition and development of the New River Gorge National River.

The Commissioners received and reviewed from the West Virginia Association of Counties a Report of Incarceration Costs.

The Commissioners received and reviewed from the West Virginia Association of Counties Summaries of Legislation 2005 bills that would



affect County government.

The Commissioners received and reviewed from the West Virginia Association of Counties a summary of the Executive Operations Committee meeting held on May 20, 2005.

The Commissioners received and reviewed from the SunTrust Bank new pledge security notifications.

The Commissioners received and reviewed from the Fayette County Animal Control Center/C-PAC Weekly Fees Collected for the week of May 13, to May 19, 2005, amount \$120.00.

The Commissioners received and reviewed a letter from the Public Service Commission informing that in the 2005 Legislative Session a bill was passed and signed by the Governor which changes West Virginia §16-13A-2.

The Commissioners received and reviewed a thank-you letter from the Buckskin Council #617 thanking the Commission for the \$1,000.00 contribution.

The Commissioners received and reviewed an invitation from the Upper Kanawha Valley Chamber of Commerce inviting the Commission to attend their Board of Director's meeting being held Monday, June 6, 2005.

The Commissioners received and reviewed a letter from the West Virginia Division of Culture and History thanking Sheriff William Laird for his final report on the Sheriff's component of the Fayette County Records grant.

The Commissioners received and reviewed a fax from the West Virginia Association of Counties inviting county officials and their

staff to attend a Regional Wrap-Up an overview of the 2005 Legislative Session.

The Commissioners received and reviewed an e-mail from the West Virginia University Institute for Public Affairs a notice that the Local Government Leadership Academy Conference for Fall 2005 is scheduled for September 16 and 17, 2005.

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

Commissioner Wender read a letter to the Elected Officials and employees regarding whether or not to implement Payroll Direct Deposit.

Commissioner Wender informed the Commissioners that they have to discipline themselves to release the payrolls at certain times.

Discussion was held, regarding dates to process payrolls, problems with getting time sheets in on time.

Commissioner Lopez suggested getting a percentage to decide.

Commissioner Wender suggested waiting until response come back on June 10, 2005.

Commissioner Wender asked that survey be sent out.

Commissioner Lopez feels they should have 51% of the employees to respond.

The Commissioners asked Ms. Holly and Ms. Aliff to decide on when the letter survey should be returned.

Ms. Holly informed the Commissioners she received correspondence from the Secretary of State asking that she meet with the Commission on July 15 or July 29, 2005 to discuss election.

The Commissioners asked Ms. Holly to schedule the Secretary of State for July 2, 2005 at 11:00 a.m.

Ms. Holly told the Commissioners the bids for the 911 radio dispatch equipment is due in by June 10, 2005 at 10:00 a.m. The Commissioners asked that David Neal, E911 Coordinator be present.

Ms. Holly informed the Commissioners that she had talked with Tim Dorsh Tri State Roofing, and he told her that he was not aware of the condition of the roof at the Memorial Building.

Commissioner Wender asked Ms. Holly to schedule Okey Skidmore for June 10, 2005 County Commission meeting to discuss the Memorial Building roof.

The Commissioners received and reviewed a letter from the State Auditor's informing they have reviewed the Commission's response to their Notice of Conditional Approval of the Levy Estimates for the fiscal year beginning July 1, 2005 and find that all conditions of the approval have been satisfactorily corrected or explained.

Ms. Holly presented James Perdue, Maintenance Supervisor overtime to the Commissioners.

Commissioner Lopez offered a motion to approve James Perdue 51 hours' overtime. Commissioner Eskew seconded. All approved.

Ms. Holly informed the Commissioners that Carl Harris, Assistant Prosecuting Attorney is on vacation this week, would prefer that you reschedule the discussion regarding the horse for your June 10 County Commission meeting.

The Commissioners received and reviewed a notice informing that the Local Government Leadership Academy Conference has been changed

from October to September 16 and 17, 2005.

The Commissioners received and reviewed a letter from Helen Whitehair, Superintendent Fayette County Board of Education informing the Commission that on May 16, 2005 the discussion regarding the Memorial Building rental agreement was tabled. The Board has asked that this matter be placed on the agenda for action at the next regular meeting, Monday, June 6, 2005.

Commissioner Wender informed the Commissioners they need to address the service area in the Danese Public Service District.

Ms. Holly told the Commissioners that Danese Public Service District needs to petition the Commission to set boundaries.

The Commissioners discussed housing prisoners.

Commissioner Wender informed the Commissioners he received a letter from Arbuckle Public Service District requesting that John Harper be reappointed as a member of their Board.

Commissioner Lopez offered a motion to reappoint John Harper as a member of the Arbuckle Public Service District. Commissioner Eskew seconded. Unanimous. A letter of appointment to service and Order signed.

Ms. Holly informed the Commissioners that Jeld Wen, window manufacturer would like to come in and take photographs of the windows for publicity June 5 and 6, 2005. Ms. Holly told the Commissioners she referred this request to Dan Snead to make recommendation.

Ms. Holly told the Commissioners she has prepared the checks for the Homeland Security Office Emergency Services but she was holding for reimbursements. Ms. Holly told the Commissioners she set up funds

under the Fire levy Fund.

Commissioner Wender suggested that a letter be sent to Mr. Cruikshank regarding the drawdowns.

The Commissioners approved releasing the check and asked that a letter be sent to Mr. Cruikshank informing him that they need paper work in advance.

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 June.

The Commissioners signed a letter to the Public Service Commission and the Secretary of State enclosing a list of the public services districts and the current board members.

Commissioner Wender asked about consolidating Ames, Wolf Creek, and Meadow Bridge Public Service Districts. Ms. Holly suggested holding off for now.

The Commissioners received/reviewed and approved a letter from Sheriff William Laird informing that an unexpended balance of \$793.34 for Fiscal year 2002 Grant Closeout-Local Economic Development Assistant Grant Program must be expended on or before June 30, 2005 in order to avoid the loss of funds.

Ms. Holly informed the Commissioners she received a notice that Georgia-Pacific will be audited for the Revenue Bonds for 1995.

Ms. Holly informed the Commissioners that she sent a copy of the letter to Paul Blake, Prosecuting Attorney and was informed that this should be the burden of Georgia-Pacific not the Fayette County Commission.

Ms. Holly informed the Commissioners that she has scheduled inspection of the elevator at the Courthouse Annex for June 15, 2005 by the West Virginia Division of labor-Elevator Safety Section.

The Commissioners received and reviewed a letter from Region 4 Planning and Development Council informing the Commission need to advertise.

The Commissioners received and reviewed a copy of a letter from John David to Loyd Casto, Executive Director, Multi-Cap, Inc. regarding his request for funding to the Multi-Cap food distribution program.

The Commissioners asked that no action be taken and to forward a copy of the letter to Chris Dyer, Housing Consultant.

Commissioner Lopez informed the Commissioners that he would be meeting with Multi-Cap next month.

Attorney James Blankenship appeared before the Commission to present a petition of Stephanie A. Davenstott Gouge to abandon an unnamed and unused street.

Mr. Blankenship informed the Commissioners that Carl Harris, Assistant Prosecuting Attorney is not available and he needs to be present for the Commission.

Mr. Blankenship asked that this be continued at a later date. Mr. Blankenship to get with Mr. Harris to reschedule.

Commissioner Wender called for a ten minute break.

Upon reconvening, Attorney Michael Clifford counsel for Patricia Christian presented a petition to remove Melissa Christian Pauley, Administratrix of the Estate of Michael C. Christian.

Thomas Steele, Assistant Prosecuting Attorney recommended that this be referred to the Fiduciary Commissioner James Blankenship to continue at a later meeting. Mr. Blankenship to get with Carl Harris, Assistant Prosecuting Attorney to reschedule.

The Commissioners asked that Mr. Steele prepare an order.

The Commissioners received a letter from Kelvin Holiday, County Clerk asking that the ballot room be unlocked to get cans for early voting and absentee ballots.

Mr. Holliday also reminded the Commissioners of the deadline for the Records Preservation Grant.

Mr. Holliday informed the Commissioners he has a bid for a refurbished equipment microfilm reader/printer with one-year maintenance.

Commissioner Wender asked Mr. Holliday to get two additional bids on new equipment for the June 10<sup>th</sup> meeting.

Mr. Holliday told the Commissioners he needs 25,000 labels.

Ms. Holly informed the Commissioners she received a request from Richard Day, Coordinator requesting funding to complete the baseball/softball playground equipment program for Meadow Bridge High School and Elementary School.

Commissioner Wender asked that a letter be written to Mr. Day informing him that the Board of Education receive approximately 70% of all county tax revenue.

Commissioner Wender suggested to Ms. Holly to include in the letter that since this request is for funding for a school improvement program the Commission feels that this funding is the responsibility

of the Board of Education, therefore the Commission do not approve this request for funding for school improvements.

Commissioner Wender asked that this matter be addressed to the Fayette County Board of Education.

Ms. Holly informed the Commissioners that she has not received the paperwork from Danny Wright, Circuit clerk for the Records Management Grant.

Commissioner Wender asked Ms. Holly to take of the paperwork for the Records Management Grant and to hold check in the amount of \$11,948.36 until drawdown is received.

Ms. Holly informed the Commissioners that Linda Casey who is out on Workers' Compensation will be reevaluated on May 31, 2005.

Ms. Holly presented to the Commissioners from Attorney James Blankenship an order regarding the Estate of Henry Randall Bowling and the Respondent Beronda Lynn Liss, Executive to petition for Election Share. Mr. Blankenship informed the Commissioners they are requesting that the Commission appoint a Fiduciary Commissioner to determine the value of the augmented estate of the decedent to the Commissioners.

Commissioner Lopez offered a motion to accept the Order and appoint Phil Tissue as Fiduciary Commissioner of the Estate of Henry Randall Bowling. Commissioner Eskew seconded. Unanimous.

The Commissioners reviewed minutes from the Fayette County Commission meeting for April 15 and April 19, 2005. The minutes were approved on May 16, 2005.

Ms. Holly informed the Commissioners of the past and present members of the Fayette County Board of Health.



Ms. Holly informed the Commissioners that the Board is requesting a one time change that John Eades termination date as a Board member be June 30, 2007 and John Fraziers expiration date be June 30, 2010.

The Commissioners received and reviewed the Agreement between the Fayette County Commission, the Fayette County Board of Health and Donald C. Newell, Jr., D.O.

Commissioner Eskew offered a motion to approve and sign agreement from the Fayette County Board of Health and Donald Newell, Jr. D. O. as part-time Fayette County Health Officer at \$2,000.00 per month. Commissioner Lopez seconded. Unanimous.

Discussion was held regarding vacancy on the Planning Commission due to the death of Lee Massey. Commissioner Eskew informed he will thank about someone to replace in the New Haven District.

Commissioner Eskew informed the Commissioners that Sharon Hobbs or Katheryn Hoffman is willing to serve as a member on the Public Defenders Board to replace Ken Roop.

The Commissioners asked that these recommendations be held until the next meeting.

Allen Ballard, Building Code Inspector appeared before the Commission to discuss the inspection fees for nonprofit entities. Also, present were John David, Vicky Smith and Jackie Ashbury.

Mr. Ballard told the Commissioners that the Code allows exemption to fees, most cosmetic improvements exempt from fees, willing to waive 1% but not inspection fees, fill out a building permit, waive 1% for new home, but feels needs to be inspected.

Ms. Smith told the Commissioners that the buildings have been

inspected by the West Virginia Housing Development Fund, and Federal Home Loan her complaint is with the Building Officials and Code Administration.

Mr. Ballard told the Commissioners that a seven-page building permit application must be completed.

Commissioner Wender asked Mr. Ballard to send a letter clarifying what is exempt, copy to Chris Dyer, Housing Consultant and other related parties.

Commissioner Wender informed there where two issues-1% fees on value of construction plus \$400 for inspection, if recommended a copy of the Building Officials and Code Administration inspection no need to send a county inspector and waive the \$400 and 1%. Commissioner Wender asked Mr. Ballard if that would work. Commissioner Wender asked Mr. Ballard to proceed with amendment.

Ms. Holly informed the Commissioners that Federal Funds are available for handicap accessibility.

The Commissioners asked Mr. Ballard to inspect polling places and make recommendations as soon as possible.

Discussion was held regarding scheduling a special meeting with Pocahontas Land Company on June 30, 2005.

The Commission asked that Paul Blake, Prosecuting to determine the time needed for the hearing.

The Commission informed they would take evidence whether fraudulent or clerical error.

Allen Ballard informed the Commissioners that resumes for the electrical inspectors position was due today at 10:00 a.m.

Mr. Ballard told the Commissioners he received three resumes for the electrical inspectors position (Appalachian Inspection Services, Brian Leshar, and Cecil Gibson).

The Commissioners asked Mr. Ballard to interview each applicant and make recommendations to them.

The Commissioners asked Mr. Ballard to submit a list of names to be appointed to the Building Inspector Appeals board.

Commissioner Wender asked Mr. Ballard if the municipalities were in favor of the Building Code Inspector.

Mr. Ballard told the Commissioners he has contacted the Town of Ansted, the City of Oak Hill, the Town of Fayetteville and the City of Mount Hope. Mr. Ballard told the Commissioner he has a meeting with the Town of Ansted and he will keep them informed.

Sheriff William Laird and Sergeant Ronnie Booker appeared before the Commission to discuss TRIDENT Program.

Sheriff Laird told the Commissioners that the TRIDENT Program has been very beneficial to Fayette County, very active drug task force, financial support from grants, the grant has been annually reviewed the last four to five years.

Sergeant Booker told the Commissioners that they met a week ago. Raleigh Counties Incident Based Reports (IBR) not in compliance, Grant application was rejected.

Sergeant Booker told the Commissioners that the remedy to get grant application approved is to have Fayette County Sheriff be the sponsor since they are in compliance.

Sheriff Laird told the Commissioners they are here today for Fayette County Commission to agree to be the substitute sponsor.

Sheriff Laird told the Commissioners that two deputies are assigned to the TRIDENT Program. Renewal application will supply funding for continuance.

Sheriff Laird told the Commissioners that the application has to be submitted by June 2, 2005.

Sheriff Laird informed Raleigh County not in compliance to apply they have no funds. Fayette County is in compliance. Raleigh County will try to have decision overturned. Sergeant Booker will still be the overseer.

Commissioner Wender questioned about the drug problem in the Valley area of Fayette County.

Sergeant Booker informed the Commissioners that 90% of the program in Fayette County goes to the penitentiary, in Raleigh County they are put on probation.

Sergeant Booker told the Commissioners that he and Sheriff Laird will take a closer look at the drug problem in the Valley.

Commissioner Lopez offered a motion that Fayette County sponsor application for the TRIDENT Drug Task Force for a period of one year. Commissioner Eskew seconded. All approved.

Commissioner Eskew asked what if the decision for Raleigh County be overturned.

Sheriff Laird informed the Commission that Fayette County will still have to be the Agency.

Sergeant Booker will prepare the paperwork. The application

requires the County Administration signature. Copy of a pay stub to be mailed to the Division of Criminal Justice.

Ms. Holly informed the Commissioner that drawdowns are usually signed by the President.

Sergeant Booker informed the Commissioners that expenses for office space and utilities will be paid by Raleigh County out of the Asset Forfeiture Funds.

Sheriff William Laird told the Commissioners that the Community Corrections grant submitted on Friday, May 27, 2005 will be reviewed, received favorable feedback. Sheriff Laird told the Commissioners he would keep them posted.

The Commission adjourned at 12:30 p.m. for lunch.

The Commission reconvened the County Commission meeting at 1:45 p.m.

Earl Pauley, Park Superintendent and Peggy Bennet appeared before the Commission to discuss the ADA for the Fayette County Park grant for pool ramp, Danese step, and propane gas for the Fayette County Park.

Ms. Holly presented a copy of Earl Pauley, Park Superintendent Fiscal Year 2006 Budget.

Ms. Holly told the Commissioners that they had received a complaint back in July 2004 from Attorney Tom Fast.

Ms. Holly told the Commission that the National Park Services is the oversight agency for any Park.

Ms. Holly told the Commissioners that the Budget Digest approved \$5,000.00 to install an access ramp into the pool at the Fayette

County Park.

Commissioner Eskew asked if the Fayette County Commission would be able to access the ADA Funds.

Ms. Holly informed the Commissioners they would have to request a change in scope for the Courthouse Digest Grant.

The Commissioners authorized Mr. Pauley to proceed with the paving and materials for the ramp, cost for the ramp would be \$6,967.98.

Mr. Pauley told the Commissioners the table with the umbrella is in, has cost for changing room, the sling is in place, working on the parking areas, floating devices has been taken care of.

Ms. Holly told the Commissioners most of the inexpensive complaints can be corrected, the ramp would be the most expensive.

Commissioner Wender asked if they should pull an additional \$1,500.00 from Grant or should the County Commission pay.

Ms. Holly recommended to the Commissioners after the change of scope to include cost of all courthouse facility's accessibility.

Commissioner Wender asked if the Fayette County Commission can expend then take from the Grant?

Ms. Holly recommended to the Commission to go ahead and expend, feels the change of scope would be approved.

Commissioner Eskew offered a motion to approve paving, installation of a ramp, notifications, dressing room renovations, drawdown funds from ADA Grant to include cost of Independent Living Audit change in scope of the existing grant. Commissioner Wender seconded.

Mr. Pauley told the Commissioners that the pool will be open June 4 or June 5, 2005.

Mr. Pauley told the Commissioners that a breaking and entering at the Park, pump was stolen.

Ms. Holly asked Mr. Pauley to get quotes for insurance. The Commissioners asked Mr. Pauley to get back with Ms. Holly tomorrow.

Mr. Pauley questioned the Commissioners about paying \$6.50 an hour for a pool manager. The Commissioners asked Mr. Pauley to get with Ms. Holly to see if this was included in this year Fiscal Year 2006 budget.

Ms. Holly informed the Commissioners that Mark Campbell was transferred from the Fayette County Park Fund to the Sheriff Fund approximately one month ago.

Ms. Holly informed that Richard Dix is being paid full time out of the Fayette County Park Fund at \$1,066.00 a month. Ms. Holly told the Commissioners she would let Mr. Pauley know tomorrow.

Mr. Pauley told the Commissioners that Peggy Bennett will be back as a CPO over the Fayette County Park Pool.

Mr. Pauley told the Commissioners that the American Red Cross, Roseann Berry is having their 2006 concert with the Platters Show. Fayette County Park will furnish the concession. The American Red Cross will get the funds from the gate.

Mr. Pauley told the Commissioners that he lost money last year because the ice machine stopped working. Mr. Pauley asked the Commission if he could purchase an ice machine and make their own ice. The cost to repair the ice machine is \$839.00. The Commissioners

approved for Mr. Pauley to get the ice machine fixed and bag own ice.

Mr. Pauley informed the Commissioners they are currently buying ice 500 bags at \$.60 each. The Commission approved for Mr. Pauley to buy bags of ice.

Mr. Pauley informed the Commissioners that the Dead Prophet Society Group from Fort Wayne, Indiana is donating a stove for the Dining hall.

Commissioner Wender informed Mr. Pauley that Kathy Shrider's husband has AmeriCorp workers, Commissioner Wender suggested that Mr. Pauley could use workers to work on grounds, paint, clearing debris etc. at the Fayette County Park.

Commissioner Wender asked Mr. Pauley if steps have been completed at the Danese Detachment.

Mr. Pauley told the Commissioners everything has been done but the handrails. He will make sure that this is taken care of.

Commissioner Wender asked about the cost of propane for the Animal Shelter.

Mr. Pauley suggested going to landfill, propane is too expensive, cost would be \$2.35 a gallon.

Mr. Pauley suggested to the Commissioners to talk with Mark Lokant or Mr. Thurmond regarding this matter.

The Commissioners recommended that Mr. Pauley make contact regarding gas for Park and come back with what to do at the June 27, 2005 County Commission meeting.

Commissioner Wender asked Mr. Pauley about the road going up to the Animal Shelter.



Mr. Pauley informed the Commissioners that everything is ready will take care of when time is right.

Ms. Holly asked Mr. Pauley if he would prepare a list of vehicles to be taken off the county's insurance. Ms. Holly asked the Commission if they wanted to have an auction.

Commissioner Wender replied yes, an auction by the end of the year possibly June 27, 2005.

Commissioner Wender asked Mr. Pauley to get a list to Ms. Holly of everything to be auctioned off as soon as possible.

Ms. Holly requested that Mr. Pauley get an accurate list for publication.

Ms. Holly informed the Commissioners that the change of scope will need an original signature. Commissioner Wender told Ms. Holly he would stop by and sign.

The Commissioners received and reviewed a check from the Town of Thurmond for contribution to the Dog Tax Fund, amount \$300.00.

Commissioner Wender informed the Commissioners that David Pollard, County Resource Coordinator is working on the Danese Public Service District boundaries.

Commissioner Wender informed the Commissioners that the Farmland Protection Board is meeting today.

The Commissioners received and reviewed an invitation from the Village Tree Family Resource Center inviting the Commission to join them to celebrate the opening of their new Resource Center on June 1, 2005 from 11:00 a.m. to 3:00 p.m.

The Commissioners signed invoices to the Fayette County Board of

Education for rent for the months of April (\$5,000), May (\$5,000), and June (\$5,000), 2005.

The Commissioners received and reviewed a letter from Sheriff William Laird regarding Workers' Compensation Commission Settlement Agreement with Garland E. Burke.

The Commissioners received/reviewed and approved David Pollard, County Resource Coordinator request of 48 hours comp. time from June 3 to June 13, 2005.

The Commissioners received and reviewed a letter from the Division of Homeland Security and Emergency Management regarding Fiscal Year 2004 Homeland Security Grant Requests, Reallocation Request and the Memo dated April 29, 2005 to review outstanding balances. Copies forward to Steve Cruikshank, OES Director, Sheriff Bill Laird and Virgil Berry, American Red Cross.

The Commissioners received and reviewed an e-mail from Ms. Holly to Steve Cruikshank regarding his Homeland Security Grant.

The meeting was adjourned at 2:45 p.m. The next scheduled meeting is June 10, 2005.



FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
NOVEMBER 14, 2005  
COURTHOUSE

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

The Fayette County Commission met in a regular session on this 14<sup>th</sup> day of November 2005.

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

Eddie Young, Assessor presented exonerations and refunds to be approved and signed to the Commissioners.

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

Commissioner Lopez offered a motion to approve refund for Ronald Nibert (\$726.00). Commissioner Eskew seconded. Unanimous.

Ms. Holly informed the Commissioners that Steve Cruikshank, OES Director cancelled his appointment due to sickness.

Commissioner Wender offered a motion to approve September 30, 2005 minutes. Commissioner Eskew seconded. Unanimous.

Commissioner Wender suggested holding minutes for October 26, 2004.

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

Ms. Holly told the Commissioners that before making any changes to the current punch card voting system to an optical scan system they would have to advertise.

Ms. Holly told the Commissioners that a legal was published in the Fayette Tribune and the Montgomery Herald according to WV Code 3-4A-3 informing the residence of Fayette County that the Commission shall enter an order to change the current punch card voting system to an optical scan system and including one unassisted touch screen voting devices in each precinct.

Ms. Holly presented and read Order to the Commissioners.

Commissioner Eskew offered a motion to approve the previously reviewed choices for voting systems as provided by the Office of the Secretary of State, and acting in accordance with WV Code 3-4A-3 as amended, does hereby order a change from the current punch card voting system to an optical scan system and including one unassisted touch screen voting devices in each precinct effective January 1, 2006.

Commissioner Lopez seconded. Unanimous. Order signed.

The Commissioners received and reviewed a letter from the Secretary of State Office regarding delivery and testing of voting equipment.

Commissioner Wender suggested putting Steve Cruikshank, OES Director on the agenda for the November 28, 2005 meeting.

Commissioner Wender suggested to Ms. Holly to write a letter requesting that Mr. Cruikshank bring all the paperwork for the 2004-2005 Bridge Day reimbursement. Commissioner Wender suggested that this be discussed in an executive session.

Ms. Holly asked the Commissioners if it would be okay if she sent him an e-mail. The Commission replied yes.

Commissioner Lopez asked Carl Harris, Prosecuting Attorney to

read the reply they received from A & W Sanitation regarding the Commission's request that they investigate and correct the complaints they received from residents of Boomer Hill.

Commissioner Lopez informed the Commission he would like to respond.

Ms. Holly presented Petitions to Combine or Divide and Segregate Land submitted by the Assessor's Office to the Commissioners.

Commissioner Lopez offered a motion to approve Petitions to Combine or Divide and Segregate land for Raymond and Geneva Maynor, Rosetta Smeldon, Betty Jo Biggs, Kenneth Martin, and Harold and joy Kirby as submitted by the Assessor. Commissioner Eskew seconded. Unanimous.

The Commissioners called a short Executive Session at 9:49 a.m.

Commissioner Wender reconvened the County Commission meeting at 10:19 a.m.

Commissioner Wender informed the Commission he received a call from Deputy James Sizemore informing that he received a packet from Governor's Joe Manchin office in response to a letter that he had sent to the Governor seeking recognition for members of the Sheriff's Office, Fayette County Prosecuting Attorney' Office, the West Virginia State Police, TRIDENT Drug Task Force, Office of the Chief Medical Examiner and the West Virginia Department of Health and Human Resource.

Commissioner Wender informed the Commissioners that he authorized this presentation of the certificates of awards to be presented at today's meeting.

Commissioner Wender turned over the presentation of awards to Deputy James Sizemore.

Deputy Sizemore introduced Eddie Belcher, a member of the Governor's staff to present the certificates on behalf of the Honorable Governor Joe Manchin to the following agencies. (See an attached list)

Commissioner Wender asked Judge John Hatcher if he had any comments.

Judge Hatcher told the Commissioners that he appreciates the preparedness, and he greatly appreciates their dedication and hard work.

Commissioner Wender thanked Deputy Sizemore for his efforts.

Carl Harris, Prosecuting Attorney told the Commissioners he had discussed with Judge Paul Blake the invoice he received from Attorney James Brown.

Mr. Harris told the Commissioners that this balance was not paid by Hartford Insurance.

Commissioner Wender offered a motion to pay the \$1,337.50 invoice and write a letter saying the Commission will not pay calls for discussion of the bill. Commissioner Eskew seconded. Unanimous.

Danny Wright, Circuit Clerk asked about the plaque for the LaFayette Statue sponsors.

Commissioner Wender informed Mr. Wright that the plaque has not been mounted yet.

The Commissioners signed a letter to Michael Proops, Controller, Family Law Masters requesting reimbursements for rent in the amount of

# WILLIAM R. LAIRD IV

## Sheriff and Treasurer of

## Fayette County

PHONE: (304) 574-4216

TAX OFFICE: EXT. 219

LAW ENFORCEMENT: (304) 574-4270 574-4304

FAX: (304) 574-2796

P. O. BOX 509

FAYETTEVILLE, WEST VIRGINIA 25840

### MEMORANDUM

**TO:** Jackie Hickman, Assistant Fayette County Administrator

**FROM:** Detective-Sergeant J.K. Sizemore

**SUBJECT:** Names of persons presented awards at Commission Meeting

**DATE:** November 16, 2005

For your records the following persons were presented with certificates from the Governor's Office during the County Commission meeting on 11/14/05:

1. Fayette County Prosecutor's Office
  - A. Assistant Prosecuting Attorney Tom Steele
  - B. Assistant Prosecuting Attorney Brian Parsons
  - C. Assistant Prosecuting Attorney Anthony Ciliberti
2. Fayette County Sheriff's Office
  - A. Sheriff William R. Laird, IV.
  - B. Chief Deputy Steve W. Kessler
  - C. Corporal Jack L. Brown
3. West Virginia State Police
  - A. Sergeant Brad Mankins
  - B. Corporal Robert C. Workman
4. TRIDENT Drug Task Force
  - A. Corporal Ron L. Booker
  - B. TRIDENT as an organization also received an award
5. Office of the Chief Medical Examiner, State of West Virginia
  - A. Chief Medical Examiner Dr. James A. Kaplan, M.D.
  - B. Deputy Chief Medical Examiner Dr. Zia Sabet, M.D.
  - C. MS Maureen Runyon, Coordinator of the West Virginia Child Fatality Review Board
6. West Virginia Department of Health and Human Resources
  - A. MS Jennifer Law, Child Protective Services Division

The awards were presented on behalf of the honorable Governor Joe Manchin by Eddie Belcher, a member of the Governor's staff.

*Det. - Sgt. J. K. Sizemore*

Detective-Sergeant J.K. Sizemore

\$2,025.00 for the month of November 2005.

The Commissioners signed a letter to Okey Skidmore, Manager Fayette County Memorial Building, approving the request of the Ben Argento Basketball League the use of the building for the upcoming basketball season did meet the public, non-profit guidelines and the \$1,000.000 rental fee, garbage and the custodian are waived with the understanding that Allen Ballard, President to supervise the clean-up of the building and grounds, snow and ice removal, and be responsible for locking and unlocking the building.

The Commissioners received and reviewed a letter from Saints Peter and Paul Catholic School requesting permission to use the Memorial Building on December 10, 2005 to hold a Winter Carnival.

Commissioner Lopez offered a motion to approve Saints Peter and Paul Catholic School request to use the Memorial Building on December 10, 2005 to hold a Winter Carnival, rental, garbage and custodian fees will be waived. Saints Peter and Paul Catholic must provide insurance. Commissioner Eskew seconded. Unanimous.

The Commissioners received and reviewed a letter from the Fayetteville Fairs and Festival Committees requesting permission for use of the Courthouse lawn to display the trees that will be in the Christmas Tree Decorating Contest being held on Saturday, December 10, 2005.

Commissioner Eskew offered a motion to approve permission for the Fayetteville Fairs and Festival Committee to use the Courthouse property to display the trees that will be in the Christmas Tree Decorating Contest. The Fayetteville Fairs and Festival Committee



will be responsible for the removal of the trees and the clean-up. Commissioner Lopez seconded. Unanimous. A letter signed.

Leon Spencer, survey appeared before the Commission to discuss the consolidation of Precinct 14 into Precinct 12.

Ms. Holly told Mr. Spencer that the written description needs to be corrected.

Ms. Holly told Mr. Spencer that the Voter's Registration Office is using the correct description.

Commissioner Lopez told Mr. Spencer that the Commission feels that since this was an error on his part the County should not be billed again.

Mr. Spencer told the Commissioners that he would agree to correct the description at no charge to the Commission.

Ms. Holly informed the Commissioners that she received an e-mail from Tim Payton, Oak Hill High School informing that Jack Thompson told him that BRIM Policy (liability insurance) for the Fayette County Board of Education will cover the cheerleading girl's basketball and boy's basketball teams while using the Memorial Building for their practices.

Commissioner Lopez offered a motion to formerly approve the use of the Memorial Building for the Oak Hill High School cheerleader girl's basketball and boy's basketball practice. Liability insurance will be covered under the Fayette County Board of Education Insurance Policy. Commissioner Eskew seconded. Unanimous.

The Commissioners signed a memorandum declaring Thursday and Friday, November 24, 2005 and November 25, 2005 as days off for County

employees for the Thanksgiving holiday.

The Commissioners signed a letter approving the days to be observed as legal holidays for 2006 for the County employees.

Commissioner Lopez offered a motion to approve invoices from Appalachian Inspection Services, amount \$3,521.70. Commissioner Eskew seconded. Unanimous.

Ms. Holly presented an invoice she received from Allen Ballard, Building Inspector Office from the New River Sportswear, Inc. for the purchase of jackets and sweatshirts, amount \$402.00 to the Commissioners.

Commissioner Wender suggested approving provided this is for identification for work related duties.

Commissioner Lopez offered a motion to approve Log wear for Inspector Officers assuming this is for identification for work related duties. Commissioner Eskew seconded. Unanimous.

Angie Grooves, Region 4 Planning and Development Council appeared before the Commission to present a drawdown for the Fayette County Commission Project #03SCBG0102-Elevator/SALS project in the amount of \$22,432.52.

Commissioner Eskew offered a motion to approve Resolution and authorize the payment of services for a drawdown for the Fayette County Commission Project #03SCBG0102-Elevator/SALS project, amount \$22,432.52. Commissioner Lopez seconded. Unanimous. Resolution signed.

Ms. Grooves presented a letter requesting a Budget Revision for the Fayette County Commission Project #03SCBG026X Courthouse 504/SALS

to the Commissioners.

Commissioner Eskew offered a motion to approve and sign Budget Revision #1 for the Fayette County Commission Project #03SCBG026X Courthouse 504/SALS project. Commissioner Lopez seconded. Unanimous.

Ms. Holly informed the Commissioners she talked with J. Dan Snead about giving some thought to the renovation of the Circuit Clerk's Office entrance way.

Ms. Grooves presented to the Commissioners the final close out drawdown of the New Haven Public Service District Water Extension Project Contract 13/14, amount \$1,412.63.

Commissioner Lopez offered a motion to approve and sign Resolution for the final closeout drawdown for the New Haven Public Service District Water Extension Project Contract 13/14, amount \$1,412.63. Commissioner Eskew seconded. Unanimous. Resolution signed.

Ms. Holly informed the Commissioners she received an e-mail from Angie Grove responding to her question regarding whether or not the Commissioners can advance funds and be reimbursed from the grant funds later.

Ms. Groves reply was that Small Cities Block Grant funds for the project is available at this time with the exception of construction costs.

Ms. Groves informed Ms. Holly that the Fire Marshall fee would be considered a soft cost under the permits and fee line item of the Small City Block Grant budget. Ms. Groves told Ms. Holly if the Commission has documentation to pay the Fire Marshall fees they can do

so and this would then be reimbursed through the grant.

The Commissioners recessed the County Commission meeting for lunch at 11:55 a.m.

The Commission reconvened the County Commission meeting at 1:17 p.m.

The Commission recessed the County Commission meeting at 1:17 p.m. for an Executive Session to discuss a personnel matter.

The Commission reconvened the County Commission meeting at 2:20 p.m.

Commissioner Wender informed the Executive Session was to discuss a personnel matter primarily related to unnecessary overtime.

Commissioner Wender offered a motion to approve minutes of the County Commission meeting of October 14, 2005 and October 28, 2005.

Commission Eskew seconded. Unanimous.

Ms. Holly informed the Commissioners that she had talked with Delegate John Pino and the Legislative Grant that the Commission received was for the Fayette County Historic Society Contentment Museum in Ansted not the Fayette County Historic Landmark Commission.

Ms. Holly informed the Commissioners she received a letter from the West Virginia Development Office informing the Sportsman Association received a Legislative Digest grant for \$50,000 and the Hank Williams Museum received one for \$15,000.00.

Ms. Holly told the Commissioners that the West Virginia Development Office told her that they only received an estimate from Adena Village. Ms. Holly told the Commissioners that the Adena Village money would come out of the contingency fund.

Commissioner Wender suggested calling a special meeting on Friday, November 18, 2005 with our Legislatures to discuss the Budget Digest Grants.

The Commissioners signed a letter to the Fayetteville Fairs and Festival Committee approving the use of the Courthouse property for their Town Square Christmas Festival and Parade.

The Commissioners signed a letter to Okey Skidmore, Manager, Fayette County Memorial Building giving permission to Saints Peter and Paul Catholic School the use of the Memorial Building for the purpose of having a Winter Carnival.

The Commissioners signed invoices to the Fayette County Board of Education for the months of November and December for rent of the Fayette County Memorial Building, amount \$10,833.34.

The Commissioners received a letter from Carl Harris, Prosecuting Attor4ney requesting that the Two Thousand Five Hundred Dollars (\$2,500) be paid to Kim Walton for the final payment of the Five Thousand Dollars (\$5,000) owed to Ms. Walton for her cooperation in the prosecution of Ned C. Massey.

Commissioner Eskew offered a motion to pay Kim Walton the allocation in the case of the State v. Massey balance of the reward money, amount \$2,500.00. Commissioner Lopez seconded. Unanimous.

The Commissioners approved for Ms. Holly to attend the Workers' Compensation Division seminar tomorrow.

Ms. Holly told the Commissioners she received a letter from Judge John Hatcher requesting that signs be placed downstairs to inform the public that Dave Pollard, County Resource Coordinator, Carl Thompson,

WV State Extension Agent, Allen Ballard, Building Code Officer is located on the third floor of the Courthouse.

Commissioner Wender suggested looking through some catalogs to see what type of sign would be appropriate.

Kelvin Holliday, County Clerk appeared before the Commission to discuss several issues needed for the election.

The Commissioners approved for the County Clerk to use their office and the Commission office for voting and giving out supplies, and approved three days of overtime for the election.

Mr. Holliday told the Commissioners that the slots on the ballot can needs to be bigger and informed the Commission he would be needing new ballot cans.

The Commissioners suggested to Mr. Holliday to have James Perdue, Maintenance Supervisor to check to see if there is away he can enlarge the slot on the ballot cans.

Mr. Holliday told the Commissioners that the Secretary of State's Office is holding a two-day workshop on the voting system Tuesday and Wednesday at 8:30 a.m.

The Commissioners received and reviewed a copy of a letter to Debbie Aliff, Payroll Clerk from Sheriff William Laird informing he has approved medical leave for Angela Lee, Tax Deputy effective on November 16, 2005.

The Commissioners received and reviewed a letter from Dan Snead recommending that the Commission proceed with Phase III of the Courthouse Window Replacement Program since Phase I have been completed and Phase II is under contract and construction.

The Commissioners received and reviewed a letter from Thrasher Engineering informing Bear Contracting, LLC that the Fayette County Urban Renewal Authority (URA) has considered their bid for the Fayette County Urban Renewal Authority and Fayette County Commission Contract #1-Entrance Road Subgrade Preparation Thrasher Engineering Project #30-942.

The Commissioners received and reviewed a letter from Sheriff William Laird with a request to replace the copier in his office. Sheriff Laird told the Commissioners that the cost of a new copier would be \$3,637.00. Sheriff Laird told the Commissioner he would pay for the copier out of the Concealed Weapon Fund, Home Confinement Fund and the Law Enforcement Fund.

Commissioner Eskew offered a motion to approve Sheriff Laird's request to purchase a copier for his office. The copier to be paid out of the Concealed Weapon Funds, Home Confinement Fund, and the Law Enforcement Fund. Commissioner Lopez seconded. Unanimous.

Discussion was held regarding the Minden Community Center in Minden.

Commissioner Wender suggested to Ms. Holly to write a letter to the Center and explain to them that the liability insurance the County has only covers the County, not the Minden Community Center.

Ms. Holly informed the Commissioners that she has not heard anything back from the Division of Highways regarding the Gauley Mountain Tower road.

Ms. Holly presented a letter to the Commissioners from the Greenbrier County Commission regarding abandon houses, debris and

trash.

The Commissioners asked that this be forwarded to the Fayette County Beautification Committee.

The Commissioners received/reviewed and signed invoices to the City of Mount Hope, amount \$242.50, the Town of Fayetteville, amount \$145.50 and the City of Oak Hill, amount \$1,891.50 for the confinement of inmates at the Southern Regional Jail for the month of October.

The Commissioners received and reviewed a letter from the Fayette County Board of Education attaching a list of items needed by the Fayette County Commission as required in the lease agreement between the Fayette County Board of Education and the Fayette County Commission regarding the Memorial Building.

The Commissioners received and reviewed a letter from the U. S. Department of Commerce, Economic Development Administration informing they reviewed the proposed contract award for the Economic Development Authority Grant 01-79-08060 Infrastructure. Original forwarded to Dave Pollard, County Resource Coordinator.

The Commissioners received and reviewed a letter from the West Virginia Development Office asking that the West Virginia Economic Development Grant Committee for the Wolf Creek Park, Project 157 provide an Employment Report to the West Virginia Economic Development Authority. Original forwarded to Dave Pollard, County Resource Coordinator.

The Commissioners received and reviewed from the Danese Public Service District and the Joint Community Water Committee letters from residents discussing problems they are experiencing due to lack of



potable water in their area.

The Commission asked that this be forwarded to Dave Pollard, County Resource Coordinator.

The Commissioners received and reviewed a letter from Rapid Communications, LLC informing of a rate change on or after December 1, 2005.

The Commissioners received and reviewed a letter from the Martin Luther King, Jr. West Virginia Holiday Commission informing they are seeking nominees for the "Living the Dream" awards to be presented as part of the 18<sup>th</sup> national Martin Luther King, Jr. holiday observance.

The Commissioners received and reviewed a letter from the Branch Banking and Trust Company informing that as of October 31, 2005 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 the SunTrust Bank listing securities pledged as of October 31, 2005.

The Commissioners received and reviewed from the Bank of New York Cash Statement and Asset List as of October 31, 2005.

The Commissioners received and reviewed a letter from the U. S. Bankruptcy Court regarding Multi-County Community Action Against Poverty, Inc.

The Commissioners received and reviewed a letter from St. Paul Fire and Marine Insurance Company informing that Claim #GP09312807 09T016 has been assigned to Regina Laughery for handling.

The Commissioners received and reviewed a Remittance by the Assessor Office to the State Treasurer's Office for the Court

Facilities Improvement Fund, amount \$105.00 for the month of October.

The Commissioners received and reviewed from the 911 Center a Status Report for January through October 2005.

The Commissioners received and reviewed an Accident Report from Steve Kessler, Chief Deputy for Deputy D. H. Duncan.

The Commissioners received and reviewed a letter from Sheriff William Laird informing of employment of Russell Parker as Dog Warden for Fayette County effective November 1, 2005, salary \$16,200.00 per year.

The Commissioners received and reviewed Certificate of Insurances from Charter Communications.

The Commissioners received/reviewed and signed a letter for the Wolf Creek Park Hospitality Learning Center confirming their commitment upon the approval of the HB 3009 grant the Fayette County Commission agrees to contribute a total of The Commissioners received and reviewed \$5,000.00 to the Learning Center. This sum will be distributed in two parts: \$2,500 out of the current budget Fiscal Year 2006 and \$2,500 out of the Fiscal Year 2007 budget.

The Commissioners received and reviewed overtime from Kelvin Holliday, County Clerk for Linda Johnson, Chief Deputy Clerk.

The Commissioners received and reviewed a letter of introduction from Hunt and Moore-Grant Writing.

The Commissioners received and reviewed a letter from the National Park Service regarding their concerns regarding the planned layout of the Roaring River proposed housing development.

The Commissioners received and reviewed a thank-you note from the

Hospice of Southern West Virginia thanking the Commission for their donation of \$5,000.00.

The Commissioners received and reviewed a letter from Cynthia D. Moore asking that her resume for the Fayette County Community Corrections Day Report Center be kept for future positions that may become available at the facility.

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

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

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Monthly Revenue, Activity Reports for the month of October, C-PAC allotment, amount \$8,878.82 for the month of November and the Weekly Fees Collected for the week of October 28 to October 31, 2005, amount \$20.00, and the week of November 1, to November 3, 2005, amount \$10.00, and the week of November 4 to November 10, 2005, amount \$145.00.

The Commissioners received and reviewed a letter from Brick Street Mutual Insurance Company regarding Notice of Estimated Wages.

The Commissioners received and reviewed checks for Franchise Fees from Bradley Communications, Inc., amount \$1,064.11, Charter Communications, amount \$630.42, and Rapid Communications, amount \$1,201.37; 911 Fees from Mountain Communications, amount \$52.92, Nos Communications, Inc., amount \$2.00, and Trinsic Communications, amount \$30.00; Jail Fees from the City of Mount Hope, amount \$242.50, the

City of Oak Hill, amount \$776.00; Soldiers and Sailors, amount \$375.00; Magistrate Court, amount \$1.00, and Fayette County Board of Education rent, amount \$5,416.67.

The Commissioners received and reviewed an e-mail from Brian Sparks, WV Extension Agent regarding Tier 2.5 streams.

The Commissioners received and reviewed an e-mail from Mark Scott, Fiskey Biologist regarding the Paint Creek site review.

The Commissioners received and reviewed an e-mail from Carl Thompson, Extension Agent asking if the Board members of the Farmland Protection Board are covered under the County's insurance policy.

The Commissioners received and reviewed an e-mail from Commissioner Wender regarding the PEIA increase.

The Commissioners received and reviewed an e-mail from Angie Groves regarding the Final Performance Report to close out the New Haven Public Service District Paint Creek/Plum Orchard Water Extension Projects Contract 13 Grant.

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

The meeting was adjourned at 3:45 p.m. The next scheduled meeting is November 28, 2005.



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FAYETTE COUNTY COMMISSION

REGULAR SESSION

NOVEMBER 28, 2005

COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 28<sup>th</sup> day of November 2005.

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

Eddie Young, Assessor presented exonerations to be approved and signed to the Commissioners.

Commissioner Eskew offered a motion that the exonerations are approved as presented by the Assessor. Commissioner Lopez seconded. Unanimous.

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

Commissioner Wender informed the Commissioners that Steve Cruikshank, OES Director will not be able to make his appointment this morning. Commissioner Wender told the Commissioners that Mr. Cruikshank will call.

Sheriff William Laird appeared before the Commission and presented to them a copy of the Fayette County Community Corrections Program Policy manual.

Ms. Holly presented to the Commissioners invoices for approval from Debbie Berry, Bookkeeper she received last week while on vacation.

Commissioner Lopez offered a motion to authorize Ms. Berry to

issue checks and release today. Commissioner Eskew seconded.

Unanimous.

Ms. Holly presented a Petition to Combine or Divide and Segregate Land to be approved to the Commissioners.

Commissioner Lopez offered a motion to approve the Petition to Combine or Divide and Segregate Land for Sona L. Watkins as presented by the Assessor. Commissioner Eskew seconded. Unanimous.

The Commissioners signed a letter to Michael Proops, Controller, Family Law Masters requesting reimbursement for rent in the amount of \$2,025.00 for the month of December 2005.

Ms. Holly presented overtime for James Perdue, Debbie Aliff and Jackie Hickman to the Commissioners.

Commissioner Eskew offered a motion to approve overtime for James Perdue, Debbie Aliff, and Jackie Hickman. Commissioner Lopez seconded. Unanimous.

The Commissioners signed the Certificate of Buyer of Taxable Fuel for Use by a State or Non-Profit Educational Organization from Exxon Company for verification of Federal Identification Number.

Ms. Holly informed the Commissioners that she went back and checked and the Commission did approve for Earl Pauley, Park Superintendent to purchase an air compressor at the Fayette County Park.

Ms. Holly informed the Commissioners she received an invoice from Means Lumber Company for supplies bought to hang a sign at the Wolf Creek Development Park.

Commissioner Eskew informed the Commissioners that this invoice

is given to Dave Pollard, County Resource Coordinator to be paid out of the Fayette County Urban Renewal Authority.

Carl Harris, Prosecuting Attorney appeared before the Commission to request purchase of an Elmo EV-2000AF High Performance Visual Presenter with 24 x Magnification and two Inspiron 600m laptops and a Dell 3400 MP Projector for his office.

Mr. Harris told the Commissioners that he has \$8,624 in his Asset Forfeiture Fund. The cost of the equipment is \$6,440.00.

Commissioner Eskew offered a motion to approve purchase of equipment for the Prosecuting Attorney's Office to be paid out of the Prosecuting Attorney's Asset Forfeiture Fund not to exceed \$6,500.00. Commissioner Lopez seconded. Unanimous.

Ms. Holly informed the Commissioners she received an e-mail from David Neal, E911 Coordinator informing that lighting struck the 911 Center Friday evening and did some minor damage to their equipment.

Ms. Holly told the Commissioners they lost one of the 911 ALI telephone computers, replacement for the 4 monitors would be approximately \$1,495.00 because the original style equipment is no longer available.

Commissioner Lopez offered a motion to authorize purchase and replace equipment from the 9-1-1 Fund not to exceed \$10,000 less the insurance. Commissioner Eskew seconded. Unanimous.

The Commissioners received and signed two originals each of the Purchasing Division Release Order (WV Form 39) and the Procurement and Delivery Acceptance Agreement from the Secretary of State Office. These forms will complete the procurement procedure for the HAVA

voting equipment. These forms are to be completed in order to release each county's portion of funds against the state marker purchase order and to authorize delivery of the new voting system equipment.

Steve Cruikshank, OES Director appeared before the Commission to discuss the 2004/2005 Bridge Day reimbursement.

Commissioner Wender asked Mr. Cruikshank if our monies that were spent for 2004 Bridge Day recoverable.

Commissioner Wender told Mr. Cruikshank that the amount of reimbursement due is \$4,479.40 for Law Enforcement plus others monies.

Mr. Cruikshank told the Commissioners that the State over spent the Homeland Security Fund they owe a lot of people money, they have not released anything yet.

Mr. Cruikshank told the Commissioners that all the expenses would be covered.

Commissioner Wender asked if all the documents were submitted on time. Mr. Cruikshank replied yes.

Sheriff William Laird suggested filing action with the Court of Claims.

Commissioner Wender suggested to Mr. Cruikshank to make some contact with someone at the Home Land Security to see where we stand on receiving our reimbursement.

The Commissioners suggested to Mr. Cruikshank to write a letter and ask why the State Agencies are getting reimbursed but the Counties are not.

Commissioner Wender suggested to Mr. Cruikshank to be scheduled for the next Commission meeting to give another update.



Maura Kistler appeared before the Commission to inform them of the Fayetteville Skate park Project.

Ms. Kistler told the Commissioners that she has not received her packets but once she receives the packets she would forward a copy to the Commission to review.

Ms. Kistler told the Commissioners the Park will be open from dawn to dusk. Police will be policing the area.

Ms. Kistler told the Commissioner she is in the process of reaching out to the civic groups for donations. Ms. Kistler told the Commissioners that their website is skatefayetteville.com.

Ms. Kistler told the Commissioners that she just came in to make the Commission aware of the project.

Commissioner Wender told Ms. Kistler that the Commission takes up budget matters in March.

Commissioner Wender suggested to Ms. Kistler to put her request in a letter.

Ms. Holly informed the Commissioners she received an e-mail from Jennifer Boyd regarding the New River Health Department.

Ms. Holly asked the Commissioners if they wanted too follow-up on the letter they received from A & W Sanitation.

Commissioner Lopez informed he feels the Commission should respond.

Ms. Holly asked the Commissioners if the Fayetteville Middle School Basketball Players Association could use the Memorial Building on December 16, 2005 for a dance for the Fayetteville Middle School Student Body.

Commissioner Lopez offered a motion to approve waivers of the rental fee and the custodial and trash services fees on the use of the Memorial Building on December 16 for a dance for the Fayetteville Middle School Student Body contingent upon receipt of the principal's written confirmation that the dance is a school function and covered under the certificate of insurance from the Board of Education. Commissioner Eskew seconded. Unanimous. A letter signed to Okey Skidmore, Manager of the Fayette County Memorial Building.

Commissioner Wender informed the Commissioners he received an e-mail from Chris Dyer, Housing Consultant informing that the week of November 28 through December 2, 2005 will be the last week he will occupy the office space on the third floor.

Commissioner Wender asked Ms. Holly to e-mail Mr. Dyer and inform him that the Commission would like to meet with him on December 9 to discuss the status of the Fayette County Housing-Economic Opportunity Council. Commissioner Wender asked that he call Jackie Hickman to schedule an appointment.

Commissioner Wender asked that James Perdue, Maintenance Supervisor be put on the agenda December 9, 2005 to discuss the maintenance department schedule.

Commissioner Wender asked to put in the minutes the special meeting that was scheduled for November 18, 2005 was cancelled due to the Legislative Delegates was not available to attend.

Commissioner Wender approved to write the allocation check (\$500.00) today for the Fayette County Toy Fund.

The Commissioners adjourned the County Commission meeting at

12:00 noon for lunch.

The Commission reconvened the County Commission meeting at 1:45 p.m.

John Campbell and John Housh appeared before the Commission to give them an update on the River Ridge Project. Also present were Carl Harris, Prosecuting Attorney, Tim Richardson, Zoning Officer and Eddie Young, Assessor.

Mr. Housh told the Commissioners that Phase I of the project have begun.

Mr. Housh presented the sewer plans for the project to the Commissioners.

Commissioner Eskew asked what time line for the project.

Mr. Housh replied 45 to 60 days. Phase I is near closing.

The Commissioners thanked John Campbell and John Housh for their presentation.

The Commissioners signed a Request for Reimbursement to the West Virginia Division of Criminal Justice Services for the Fayette County Community Corrections Program, amount \$3,403.05.

Allen Ballard, President of the Ben Argento Basketball League appeared before the Commission to inform them that he could only get \$300,000 liability insurance coverage instead of the required million-dollar coverage to cover the use of the Fayette County memorial Building for their basketball games.

Discussion was held, Commissioner Lopez asked that this be put on the agenda for the next County Commission meeting to discuss further.

Ms. Holly informed the Commissioners that Mr. Ballard told her

that he has not heard anything back on bids for the accessibility for precincts application pre-bid hearing.

The Commissioners asked Mr. Ballard to prepare estimates and submit with application.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of November 11 to November 17, 2005, amount \$315.00, and the week of November 18 to November 24, 2005, amount \$100.00.

The Commissioners received and reviewed checks for 911 Fees from Citizens Communications Company, amount \$50.44, Verizon, amount \$33,855.43, Granite Telecommunication, LLC, amount \$122.00, CommSouth Companies, amount \$2.00, IDT Corporation, amount \$62.00, Operating Account, amount \$3,466.78, VarTec Solution, amount \$3.88, AT&T Communication of WV, amount \$1,198.00; Jail Fees checks from the Town of Fayetteville, amount \$194.00 and the City of Oak Hill, amount \$1,891.50; checks for the Soldiers and Sailors Fund, amount \$2,100.00; checks from the Criminal Justice, amount \$10,520.48; and Governor's Office (Minden Community Park), amount \$5,000.00.

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

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

The Commissioners received and reviewed West Virginia Implementation Project Plan regarding the election from the Secretary of State Office.

The Commissioners signed letters to the City of Oak Hill, the Fayette County Park, the Upper Kanawha Valley Community Center, and Ann Berry attaching a Legislative Digest Information Sheet for Fiscal Year 2006 for their project. They have to complete and return to the Fayette County Commission no later than December 5, 2005.

The Commissioners received and reviewed a letter from the Ford Motor Company informing that a defect which relates to motor vehicles safety exists in certain 2005 Model Year Ford Crown Victoria, Mercury Grant Marquis and Lincoln Town Car vehicles.

The Commissioners received and reviewed a copy of a letter to Debbie Aliff, Payroll Clerk from Chief Deputy Steve Kessler informing that Tillman Mooney and Christopher Bak has accepted employment as a Fayette County Deputy Sheriff, salary \$23,441.04 per year, starting date November 16, 2005.

The Commissioners received and reviewed a copy of a letter from Tim Richardson, Zoning Officer to the National Park Service giving them an update on the Land Resources Companies Phase I project.

The Commissioners received and reviewed a letter from J. Dan Snead and Associates, Inc. informing that the physical work on the Fayette County Courthouse Elevator Project has not started. Kyle Construction of Summersville informed that he is in the process of preparing submittals and will inform Mr. Snead prior to mobilizing on the site so that they can have a pre-construction meeting.

The Commissioners received and reviewed a letter from Kelvin Holliday, County Clerk giving a final report of his Records Management Preservation Grant.

The Commissioners received and reviewed a Notice of Levy from this West Virginia State Tax Department for Charles D. Moses.

The Commissioners received and reviewed from the Bank of New York Cash Statement and Asset List for November 23, 2005.

The Commissioners received and reviewed a letter from the State Tax Department informing that Eddie young, Assessor has substantially complied with the "assessor's additional duties." Mr. Young is entitled to the additional compensation of \$15,000.00 as provided by in West Virginia Code \$7-7-6b.

The Commissioners received and reviewed a letter from the Economic Development Administration informing they have reviewed the proposed contract award material for the EDA Grant 01-79-08060 Infrastructure project. The Economic Development Administration concurs the award of the contracts(s) to the lowest responsible bidder(s) Bear Contracting.

The Commissioners received and reviewed a copy of a letter from the National Park Services to Senator Robert Byrd thanking Senator Byrd for his letter dated October 21, 2005 regarding concerns expressed by Frank Miller about the potential impacts that the proposed housing development across from Hawks Nest State Park may have on the areas scenic beauty. A copy of the letter forwarded to Tim Richardson, Zoning Officer.

The Commissioners received and reviewed a letter from the West Virginia State University inviting the Commission to attend the 20<sup>th</sup> in a series of West Virginia State University legislative briefings which will take place at 10:00 a.m. on Tuesday, November 29, 2005 at the

Tamarack in Beckley, West Virginia.

The Commissioners received and reviewed an e-mail from iTown Communications regarding Small-Town Shops Bulk Up on the Web.

The Commissioners received and reviewed an e-mail from Commissioner Wender regarding Judy Radford's report of the proposed iTown Project.

The Commissioners received and reviewed an e-mail from the Environmental Protection Agency informing that a deposit of \$7,210.95 has been made as of November 23, 2005.

The meeting was adjourned at 2:45 p.m. The next scheduled meeting is December 9, 2005.



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FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
OCTOBER 14, 2005  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS Present: Matthew D. Wender, Kenneth L. Eskew

The Fayette County Commission met in a regular session on this 14<sup>th</sup> day of October 2005.

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

Commissioner Eskew offered a motion to approve exonerations for real and personal property as submitted by the Assessor's Office. Commissioner Wender seconded. Unanimous.

Commissioner Eskew offered a motion to approve refund for Thomas L. Carson. Commissioner Wender seconded. Unanimous.

Commissioner Eskew offered a motion to approve and sign Petitions to combine or divide and segregate land for Ruth H. Cregor, Charles E. Ganote, Jerry Wayne Kincaid, Robert S. and Anthony Underwood, and Sarah Sue Massey as submitted by the Assessor's Office. Commissioner Wender seconded. Unanimous.

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

Commissioner Wender offered a motion to approve minutes of September 16, 2005. Commissioner Eskew seconded. All approved.

Carl Harris, Prosecuting Attorney told the Commissioners he was not in a position to discuss the Pocahontas Land Company issue. Mr. Harris told the Commissioner he would know more when Thomas Steele, Assistant Prosecuting Attorney returns.



Commissioner Wender asked about Judge Paul Blake's request for wallpaper.

Carl Harris told the Commissioners the issue regarding the wallpaper is more of the needing to be repaired not just a matter of wanting something different.

Mr. Perdue presented an estimate that he received from Bless This House (\$3,708.00) to the Commissioners.

The Commissioners told Mr. Perdue that this quote is steep and asked Mr. Perdue if he would get different quotes.

Commissioner Eskew asked Mr. Perdue to include the courtroom repairs on the quote.

Commissioner Eskew offered a motion to approve wallpaper (\$1,274.32 and installation up to \$3,700.00) and repair the courtroom (\$450.00) and asked Mr. Perdue to shop for best price. Commissioner Wender seconded. Unanimous.

Ms. Holly presented a Notice to Proceed from iTown Communications, Inc. to the Commissioners.

Commissioner Eskew offered a motion that President Wender sign the Notice to Proceed from iTown Communications, Inc. Commissioner Wender seconded. The Notice to Proceed signed.

Carl Harris, Prosecuting Attorney informed the Commissioners he had reviewed the contract for the elevator. Mr. Harris told the Commissioners he did not see anything unusual.

Ms. Holly informed the Commissioners that for the elevator and installation the lower bid is Kyle Construction.

Commissioner Eskew offered a motion to approve the contract with

Kyle Construction as approved by Carl Harris, amount \$63,180.00.

Commissioner Wender seconded. All approved.

Commissioner Eskew offered a motion to approve Final Settlements of Estates presented by the County Clerk's Office. Commissioner Wender seconded. All approved.

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

The Commissioners received and reviewed a letter from the Fayette County National Bank informing that the security which they pledged for the Commission will not be available as of October 11, 2005 they will substitute with the following securities-\$500M FHLB cusip 3133MWBZ and \$200M FHLB cusip 3133X42H3.

Commissioner Eskew offered a motion 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 Wender seconded. All approved. Order signed.

Commissioner Wender informed the Commissioners the Fayetteville Fairs and Festival Committee is having a small celebration from 11:00 a.m. to 1:00 p.m. on the Courthouse lawn to honor the unveiling of the State quarter.

The Commissioners received and reviewed a request from the Fayetteville Fairs and Festival Committee requesting permission to use the Courthouse lawn/sidewalk for their annual Christmas Festival to be held on Saturday, December 10, 2005.

Commissioner Eskew offered a motion to approve the request of the

Fayetteville Fairs and Festival Committee permission to use the courthouse lawn/sidewalk for their annual Christmas Festival. Commissioner Wender seconded. Unanimous.

Commissioner Wender asked that a letter be sent to Oak Hill High School regarding their insurance coverage that they provide the Commission with a letter of certification that said use is an official school function and covered under the certificate of liability insurance from the Board of Education for use of the Memorial Building.

Commissioner Wender asked Ms. Holly to get a copy of Okey Skidmore, Manager, Fayette County Memorial Building calender for commitments for the use of the Memorial Building.

Ms. Holly told the Commissioners that the Fayetteville High School and the Fayetteville Middle School games will be played at the new Fayetteville High School gym.

Commissioner Wender asked Ms. Holly to put Pocahontas Land Company on the agenda for October 28, 2005 and asked her to check with Carl Harris, Prosecuting Attorney.

The Commissioners signed Fire levy Protection Agreement for Smithers Volunteer Fire Department for the period July 1, 2005 to June 30, 2005.

Ms. Holly informed the Commissioners she received the TRIDENT Grant documents and stamped their names. Ms. Holly presented the original to be signed.

Ms. Holly informed the Commissioners she was happy with the reimbursement she received from the Secretary of State for the Special

Election held June 25, 2005, amount \$52,101.06.

Commissioner Eskew offered a motion to approve 29.5 hours overtime for Debbie Aliff, Payroll Clerk. Commissioner Wender seconded. Unanimous.

Commissioner Wender asked about the status of the direct deposit issue.

Commissioner Wender asked that Debbie Aliff, Payroll Clerk get the cost of the software. Ms. Holly informed the Commissioners that Ms. Aliff was to get cost for the different funds.

Commissioner Wender suggested putting on the October 28, 2005 agenda to discuss further.

Commissioner Wender informed the Commissioners he feels the Commission owe this to the ones who requested the direct deposit. Commissioner Wender asked that Danny Wright be notified of the time of the meeting.

Ms. Holly questioned Steve Cruikshank, OES Director about the 2004 Homeland Security Grant reimbursement.

Mr. Cruikshank told the Commissioners he had sent the information down but they told him they did not receive.

Ms. Holly told Mr. Cruikshank she needs copies of the reimbursement request for the grant files.

Commissioner Wender suggested putting Mr. Cruikshank on the agenda to discuss this matter.

Carl Harris, Prosecuting Attorney presented the Authorization for the Fire Departments to charge fees for Service Ordinance to the Commissioners.

Commissioner Eskew offered a motion to approve Authorization for Fire Department to Charge Fees for Services Ordinance. Commissioner Wender seconded. Unanimous. Ordinance signed.

Commissioner Wender informed that this item is on the Agenda and no one here to oppose the Ordinance. The Ordinance to be effective October 14, 2005.

Ms. Holly informed the Commissioners that she talked with the contractor who will do the windows and was told they might start within a week.

Commissioner Eskew offered a motion to authorize request for contractor to do the window project for up to \$100,000. The Commission match would be 20% (\$20,000). Commissioner Wender seconded. Unanimous.

The Commissioners approved for Ms. Holly to request that Dan Snead be consistent with the contract used for Phase I to be the same for Phase II.

Ms. Holly informed the Commissioners that she received a letter from the Division of Highways regarding the repair and/or maintenance of the Gauley Mountain Tower road.

Ms. Holly told the Commissioners that a field investigation by their District nine staff revealed this road is not part of the State Highway System.

The Division of Highways informed they will be unable to comply with the Commission's request since they are prohibited from expending state highway funds for the repair of non-state roads.

Commissioner Eskew informed that this road is in need of urgent

repairs.

Commissioner Wender asked that a follow-up letter be sent regarding the Gauley Mountain Tower road.

Commissioner Wender asked to request that this road be included in the State Highway System and to inform them that as a result of the security implications of the 9-1-1 tower and other media tower, this road is critical to the safety and well being of a significant number of residents of Fayette County and the State of West Virginia.

Commissioner Wender asked to include in the letter that due to the urgency to provide immediate maintenance to the road prior to inclement winter weather the Commission would like the Division of Highways to provide an estimate for the minimal amount of repairs necessary to make the road accessible including a retaining wall.

Ms. Holly presented to the Commissioners a request from Eddie young, Assessor for ST premier mapping Software, amount \$4,113.05.

Commissioner Eskew offered a motion to approve requisition from Eddie Young, Assessor for purchase of ST Premier mapping Software, amount \$4,113.05. Commissioner Wender seconded. Unanimous.

The Commissioners received and reviewed a letter from Sheriff William Laird requesting that a check be issued for the payment of travel expenses incurred by Kathy Jones to attend the Batters' Intervention Program (BIPS) training in Charleston on September 21-23, 2005, amount \$342.75.

Commissioner Eskew offered a motion to reimburse travel expenses to Kathy Jones, amount \$342.75 for attending the BIPS Training/Community Corrections Program. Commissioner Wender seconded.

All approved.

Attorneys Tom Fast and Erwin Conrad appeared before the Commission to request a Petition for Elective Share in the Estate of John Grabosky, Jr. An Order was presented to the Commissioners.

Carl Harris, Prosecuting Attorney reviewed and approved the Agreed Order and Reference to Fiduciary Commissioner.

Commissioner Eskew offered a motion that based upon the announced agreement of the parties hereto, Rita L. Grabosky, petitioner, was married to the decedent, John Grabosky, Jr. At the time of his death the Commissioner Order that this matter shall be and is hereby referred to a fiduciary commissioner, Philip J. Tissue. Commissioner Wender seconded. Unanimous. Order signed. (See attached)

Ms. Holly presented to the Commissioners an invoice from Southern West Virginia Asphalt approved by Earl Pauley, Park Superintendent for paving of the Animal Shelter, amount \$6,038.20.

Ms. Holly asked the Commission if they wanted this to be paid out of the Coal Severance Fund. The Commissioners replied yes.

Commissioner Eskew offered a motion to approve payment to the Southern WV Asphalt, amount \$6,038.20 for paving at the Animal Shelter. Commissioner Wender seconded. Unanimous.

Commissioner Wender asked that a thank-you letter be written to the Town of Fayetteville for use of the town's paving machine by county personnel for projects at the Fayette County Park and the Fayette County Animal Shelter.

The Commissioners received and reviewed a letter from Chris Campbell, Chief Danese Volunteer Fire Department asking that ambulance

**BEFORE THE COUNTY COMMISSION OF FAYETTE COUNTY, WEST VIRGINIA**

**IN RE:           The Estate of John Grabosky, Jr.**  
**D.O.D.:       February 20, 2005**  
**Administratrix:   Alicia Annette Gomola**  
**Date of Appointment: April 25, 2005**

**AGREED ORDER AND REFERENCE TO FIDUCIARY COMMISSIONER**

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This matter came on for a hearing before this Honorable County Commission of Fayette County, West Virginia, on this the 14<sup>th</sup> day of October, 2005, upon the above referenced *Petition for Elective Share*. Present were the petitioner, Rita L. Grabosky, in person and by counsel, Thomas K. Fast; and, Alicia Annette Gomola, Executrix and testate beneficiary of the Estate of John Grabosky, Jr., in person and by counsel, Erwin L. Conrad. This Honorable Commission finds that Franklin Grabosky was notified of this hearing by Certificate of Service by petitioner's attorney dated August 10, 2005, but he did not appear in person nor by counsel.

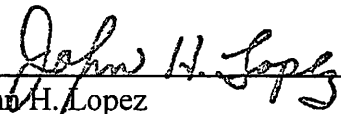
*WHEREUPON*, the parties announced that there was an agreement that petitioner, Rita L. Grabosky, was married to the decedent for in excess of seven years but less than eight years and was married to the decedent at the time of his death on February 20, 2005; that the decedent's will made no provision for his surviving spouse; and, that the surviving's spouse's *Petition for Elective Share* was timely filed. The parties further announced that there is, at this point, a disagreement between the parties as to premartial will, probate estate assets, augmented estate and the values of assets included therein and, therefore, the parties agree that this matter should be referred to a fiduciary commissioner for the purposes of holding an evidentiary hearing on those matters that cannot be stipulated to and for a fiduciary commission to making purposed findings of fact and conclusions of law with recommendations to the County Commission for entry of a final order upon petitioner's petition.

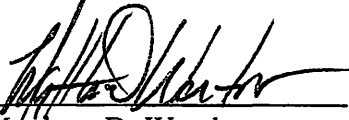
*ACCORDINGLY*, it is the **ORDER** of this County Commission, based upon the announced agreement of the parties hereto, that Rita L. Grabosky, petitioner, was married to the decedent, John Grabosky, Jr., at the time of his death; and, that her *Petition for Elective Share* pursuant to West Virginia

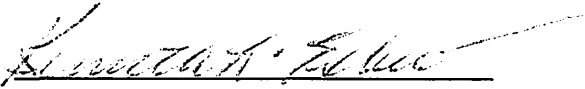


Code §42-3-1, *et seq.*, was timely filed. It is the further **ORDER** of this County Commission that this matter shall be and is hereby referred to a fiduciary commissioner, namely Philip J. Tissue, who shall, upon a mutual time agreed to by the parties and said commissioner, conduct an evidentiary hearing for all purposes related to this matter and shall ultimately present unto this Commission proposed findings of fact and conclusions of law for its consideration toward entry of a final order by the Commission upon petitioner's petition. The expense of the fiduciary commissioner shall be an expense of the Estate of John Grabosky, Jr.

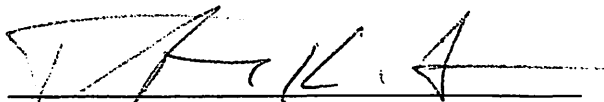
**ENTER:**

  
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John H. Lopez

  
\_\_\_\_\_  
Matthew D. Wender

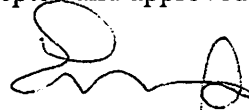
  
\_\_\_\_\_  
Kenneth L. Eskew

Prepared by:

  
\_\_\_\_\_

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*Counsel for Petitioner*

Accepted and approved by:

  
\_\_\_\_\_

Erwin L. Conrad (WVSB#805)  
CONRAD & CONRAD  
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Fayetteville, West Virginia 25840  
Telephone: (304) 574-0777  
Facsimile: (304) 574-2460  
*Counsel for Respondent*

service in the Danese area is addressed again to David Neal, Director 911 Center.

Commissioner Wender suggested that Jan-Care, Chris Campbell, and David Neal attend the Commission meeting on October 28, 2005 to discuss.

The Commissioners received and reviewed a request for funding from the Mountain Heart Foundation.

Commissioner Wender asked that a letter be sent to the Mountain Heart Foundation informing that the Commission will consider their request during the budget session on March 2006 for funding for fiscal year 2007 beginning on July 1, 2006.

Commissioner Wender asked to schedule Tim Hannah, Mark Ehrnschwender, Joni Bible on the October 28, 2005 agenda to discuss Mandatory Garbage.

Commissioner Wender suggested putting Carl Harris on the agenda to discuss the extra attorney fees being charged James Brown. Mr. Harris told the Commissioners he would ask Judge Paul Blake about these fees.

The Commissioners received and reviewed a letter from Tom Syner of the Syner Foundation requesting authority to raise their transmission tower an additional 90 feet.

Commissioner Wender asked that this be scheduled on the October 28, 2005 agenda.

Commissioner Wender asked to have Tim Richardson, Zoning Officer to review and have Tom Syner scheduled to be present.

Earl Pauley, Park Superintendent gave an update on the Equitable

Gas.

Mr. Pauley told the Commissioners that the Prosecuting Attorney's Office is getting easements prepared.

Carl Harris, Prosecuting Attorney told the Commissioners that the Division of Natural Resources has to approve before going into the creek.

Mr. Pauley told the Commissioners they should be able to complete the Danese Volunteer Fire Department repairs.

Sheriff William Laird, Earl Pauley, and Peggy Bennett appeared before the Commission to discuss personnel matter at the Fayette County Animal Control Center.

Commissioner Eskew offered a motion to go into Executive Session to discuss personnel matter. Commissioner Wender seconded.

Unanimous.

Upon reconvening from the Executive Session, Commissioner Wender informed the matter has been referred to the supervisor, the position is under the Sheriff's authority.

Patti Payne told the Commissioners that the Town of Ansted no longer has a Dog Warden.

Commissioner Wender told Ms. Payne that it's the County's obligation to pick up dogs. The Town's can assist.

Commissioner Wender asked Earl Pauley not to do any more work on the Legislative Digest Grant Shooting Range until all the paper work is approved.

Diane Meadows, WVU Extension Agent appeared before the Commission to request gravel for the driveway and presented to the Commissioners

a quote for a copier for the WVU Extension Office.

Ms. Meadows told the Commissioner she is trying to find space for the Nutrient Specialist.

Ms. Meadows asked the Commissioner to add gravel to the driveway to add additional parking space. Ms. Meadows told the Commissioners they may need an endloader.

Commissioner Wender suggested having James Perdue, Maintenance Supervisor to look at and consult with Earl Pauley, Park Superintendent for consultation.

Commissioner Wender suggested that the Commission pay half of the cost for the copier and asked Ms. Meadows to see if WVU will share the cost.

Commissioner Eskew offered a motion that the Commission pay half of the cost and West Virginia University pay the other half with adjustment for maintenance, if West Virginia University says no, look at a refurbished machine. Commissioner Wender seconded. All approved.

Commissioner Wender asked Ms. Meadows to report back to the Commission on West Virginia University's decision on October 28, 2005.

Sheriff William Laird informed the Commissioners that Renee Harper will start work Monday as the Director of the Fayette County Community Corrections Program.

Sheriff Laird told the Commissioners he would send an adjustment letter to Ms. Holly regarding the day Charlie Bryant will start.

Sheriff Larid told the Commissioners no problem setting up in the Summerlee area.

Sheriff Laird told the Commissioners he would like to give them

an update and make them aware of his budget.

Sheriff Laird told the Commissioners of the deputies overtime, the vacancies, military leave, plan to hire within the future, the municipalities demand.

Sheriff Laird told the Commissioners he plans to maintain his budget, will adjust line items when needed.

Sheriff Laird told the Commissioners he has six vacancies.

Sheriff Laird and Ms. Holly asked about the reimbursement for Bridge Day overtime.

Steve Cruikshank, OES Director indicated the County would have to eat cost for last year's Bridge Day overtime.

Sheriff Laird told the Commissioners he will grind out, feels the County should get the monies.

Commissioner Wender asked what is the amount of the 2004 Bridge Day reimbursement?

Mr. Cruikshank replied \$6,100.00.

Ms. Holly replied approximately \$11,000 not sure of the exact amount.

Commissioner Wender suggested that this be put on the agenda for October 28, 2005 to discuss further.

Commissioner Wender suggested sending a letter to whoever is responsible and request what information is needed.

Commissioner Wender asked that a letter be sent to Jim Lively Insurance responding to the letter sent on October 10, 2005 regarding the Upper Paint Creek Watershed Association asking that he advise the Commission what the County's premium cost would be if the Commission

was a party to the lease agreement.

Commissioner Wender asked to follow-up with Danny Wright, Circuit Clerk as to what is needed for the Records Preservation Grant.

Ms. Holly informed the Commissioners that Dave Pollard, County Resource Coordinator usually assists with this grant. Commissioner Wender asked Ms. Holly to check the status.

Commissioner Wender asked Ms. Holly to check to see if the \$12,500 jail cost could be included.

Ms. Holly informed the Commissioners that Mayor Barbara Hickman stopped by her office to inquire about the Hank Williams Museum grant.

Ms. Holly told the Commissioners she referred Mayor Hickman to the West Virginia Development Office.

Commissioner Wender suggested to Ms. Holly to let Mayor Hickman know that Fayette County Commission does not have documentation on the grant.

Ms. Holly told the Commissioners that she explained the process to Mayor Hickman.

Ms. Holly told the Commissioners she has not seen anything and she cannot do anything until paperwork has been received.

Commissioner Wender told the Commissioners he has talked with Carl Harris, Prosecuting Attorney for legal assistance regarding a member on the Arbuckle Public Service District not living in the area.

Commissioner Wender informed the Commissioners he asked Fred hype to appear and Carl Harris to appear before the Commission on October 28, 2005 to discuss their letter dated July 20, 2005 requesting Boundary Revisions for the Arbuckle Public Service District.

Commissioner Wender told the Commissioners he would follow up on Carl Jones road issues.

Commissioner Wender asked that a letter of support be written to Larry Puccio, Chief of Staff of the Office of the Governor regarding Ace Adventure Center request for State funding to be applied to state road projects under pass on State Route 17 at Minden, Fayette County.

Commissioner Wender asked Ms. Holly if Jim Lively had gotten back in touch with her regarding St. Paul's inspector.

The Commissioners received and reviewed a letter from Jones and Jordan Engineering Company enclosing a copy of the Community Impact Statement for Cliff Resources, LLC. Clifftop Surface Mine No. 1. Original given to Tim Richardson, Zoning Officer.

The Commissioners received and reviewed from the Fayette County Weatherization program informing of a meeting being held October 27, 2005 regarding getting all of the home repair programs in Fayette County together to share program scopes, income guidelines and ideas.

The Commissioners received and reviewed and signed invoices for the confinement of inmates at the Southern Regional jail for the City of Mount Hope, amount \$242.00, the Town of Fayetteville, amount \$194.00 and the City of Oak Hill, amount \$776.00.

The Commissioners received and reviewed Account Statement from the JP Morgan Worldwide Securities Services for the period July 1, 2005 through September 30, 2005.

The Commissioners received and reviewed a letter from Branch Banking and Trust Company (BB&T) informing as of September 30, 2005 the securities held as collateral to secure the deposits of Fayette

County.

The Commissioners received and reviewed Pledge Statements from SunTrust Bank giving a list of the securities pledges as of September 30, 2005.

The Commissioners received and reviewed a letter from SunTrust Bank informing of the new pledged securities to the Fayette County Commission.

The Commissioners received and reviewed from the Bank of New York Cash Statement and Asset List for September 30, 2005.

The Commissioners received and reviewed a letter from Kevin Burgess, attorney regarding Elmer David White injuries he suffered as a result of a fall on county property.

The Commissioners received and reviewed a notice from the Fayette County Health Department informing that the flu shots will be given on Saturday, October 22, 2005.

The Commissioners received and reviewed a letter from the Courthouse Facilities Improvement Authority announcing the distribution of Application for Funding Assistance for courthouse improvements.

The Commissioners received and reviewed Application of Employment from Rachel L. Payne.

The Commissioners received and reviewed a letter from Congressman Nick Rahall informing he has contacted the Governor to convey his fullest and strongest support for a proposal seeking \$80,000 through the Governor's Community Partnership Grant Program.

The Commissioners received and reviewed a copy of a letter to Tim



Hannah, Chairman Fayette County Solid Waste Authority from the Department of Environmental Protection informing that the West Virginia Department of Environmental Protection Rehabilitation Environmental Action Plan (REAP) program has purchased a hand-held global positioning station (GPS) instrument for the Solid Waste Authority.

The Commissioners received and reviewed a letter from the Department of Agriculture informing Harvey Young, Assessor has completed the Farm Census of 2005 and has satisfactorily complied with the requirement of the Farm Statistics Law, amount to be paid \$3,657.50.

The Commissioners received and reviewed a remittance by the Assessors to the State Treasurer's Office for the Courthouse Facilities Improvement Fund, amount \$127.50 for the month of September 2005.

The Commissioners received and reviewed an accident report from the Fayette County Park (Owen Plantz).

The Commissioners received and reviewed a letter from The Pipeline Group informing of a Pipeline Safety Awareness meeting scheduled for October 18, 2005.

The Commissioners received and reviewed from the Boomer Volunteer Fire Department, Inc. their Quarterly Report for the period July 1, 2005 to September 30, 2005.

The Commissioners received and reviewed the 2004-2005 Audit Report from White Oak Public Service District.

The Commissioners received and reviewed minutes from Gauley River

Public Service District from July 2004 to June 2005.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Monthly Revenue Report, Activity Report and C-PAC allotment for the month of October, amount \$9,767.50.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of September 30, 2005, amount \$25.00 and the week of October 1 to October 6, 2005, amount \$462.00.

The Commissioners received and reviewed Status Report from the 911 Center for January 2005 through September 2005.

The Commissioners received and reviewed a letter from Ford Motor Company informing that a defect, which relates to motor vehicle safety exists in certain 1994-1996 model year Bronco, 1994-2002 F-150/250 (Under 8500GVW), 1997-2002 Expedition, 1998-2002 Navigator and 2002 Blackwood vehicles equipped with speed control. Original forwarded to Earl Pauley, Park Superintendent.

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 Commission and the Unemployment Compensation Division.

The Commissioners received and reviewed from the Work Force of West Virginia Quarterly Statement fo Benefits ending September 30, 2005.

The Commissioners received and reviewed a letter from St. Paul Travelers informing they have concluded their investigation on Claim

#GP09312807-09T008 for property damage on February 1, 2005.

The Commissioners received and reviewed a letter from Senator Robert Byrd thanking the Commission for contacting him to express their support for SB 1721, the National Heritage Area Extension Act of 2005, which would extend authorization for the national Coal Heritage Area.

The Commissioners received and reviewed checks for 911 Fees from Mountain Communications, LLC, amount \$52.92, Fibernet, LLC, amount \$1,744.06, Public Service Commission, amount \$88,340.80, and VarTec Solutions, amount \$3.88; Jail Fees-City of Mount Hope, amount \$145.50, City of Oak Hill, amount \$1,164.00 and the Town of Fayetteville, amount \$145.50; Soldier and Sailors Memorial Fund, amount \$50.00; Reimbursement WVAC, amount \$200.00; Reimbursement Law Enforcement overtime, amount \$169.10; Rent Memorial Building BOE, amount \$16,250.01; Franchise Fees-Bradley Communications, amount \$539.04; WV Courthouse Facilities, amount \$43,520.00; St. Paul Travelers, amount \$6,837.66.

The Commissioners signed Request for Reimbursement to the West Virginia Division of Criminal Justice Service, amount \$1,590.48.

The Commissioners received an e-mail from Commissioner Wender to John David regarding non-profit amendment.

The meeting was adjourned. The next scheduled meeting is October 28, 2005.



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FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
OCTOBER 28, 2005  
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 28<sup>th</sup> day of October 2005.

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

Eddie Young, Assessor submitted to the Commissioners' exonerations and refunds to be approved and signed.

Commissioner Lopez offered a motion to approve and sign exonerations of real property as submitted by the Assessor.

Commissioner Eskew seconded. Unanimous.

Commissioner Lopez offered a motion to approve and sign refunds for Ralph O'Dell, amount \$63.58, Fred Wantz, amount \$50.35 as submitted by the Assessor. Commissioner Eskew seconded. Unanimous.

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

Ms. Holly presented from the Assessor's Office Petitions to Combine or Divide and Segregate Land to the Commissioners.

Commissioner Lopez offered a motion to approve Petitions to Combine or Divide and Segregate Land as submitted by the Assessor for Richards James and Elizabeth Maragh, Eva L. Gwinn, Robert Eugene and Kimberly A. Harvey, II and Hugh McCoy and Jeanne Ruskin. Commissioner Eskew seconded. Unanimous.

The Commissioners signed a letter to the West Virginia Division

of Natural Resources requesting that they investigate and potentially develop a handicapped accessible fishing pier that also provides stream bank fishing access on Paint Creek in Fayette County.

The Commissioners received and reviewed a follow-up letter to the Division of Highways asking that the Gauley Mountain Tower road be included in the State Highway System and that due to the urgency to provide immediate maintenance to the road prior to inclement winter weather, and provide the Commission with an estimate for the minimal amount of repairs necessary to make the road accessible including a retaining wall.

The Commissioners received and reviewed from Daniel Wright, Circuit Clerk information to be engraved on the plaque for Abraham Vandal.

The Commissioners signed a letter to the Town of Fayetteville expressing their appreciation to the Town for use of the town's paving machine by county personnel for projects at the Fayette County Park and the Fayette County Animal Shelter.

The Commissioners signed a letter to Larry Puccio, Chief of Staff, Office of the Governor on behalf of the local residents and Ace Adventure Center informing they support the request for State funding to be applied to state road projects on Route 17 in Fayette.

The Commissioners signed a letter to the Mountain Heart Foundation regarding their request for funding to be used to pay for children from Fayette County that attend Camp Mountain Heart, an annual camp for children with congenital heart disease. The Commissioners informed they will consider their request during their

budget session in March 2006 for funding for Fiscal Year 2007 beginning on July 1, 2006.

Ms. Holly informed the Commissioners she sent a follow-up letter to Fred McLain, Principal Oak Hill High School regarding insurance coverage for the cheerleaders. Ms. Holly told the Commissioners that as of today she has not received a response.

Carl Harris, Prosecuting Attorney and Sheriff William Laird appeared before the Commissioners to present a lease for the Fayette County Community Corrections Program.

Mr. Harris told the Commissioners he had a problem with some of the language. Mr. Harris questioned about paying rent up front for one year.

Sheriff Laird told the Commissioners that the program director is revising the rules and regulations, meeting to develop the foundation of the program.

Commissioner Lopez offered a motion to approve the lease subject to the changes as requested by the Prosecuting Attorney, Commissioner Wender be authorized to sign once changes are made. Commissioner Eskew seconded. Unanimous.

Jerry Keffer, member Arbuckle Public Service District and Fred Hypes, Engineer appeared before the Commission to discuss boundary expansions.

Carl Harris, Prosecuting Attorney and Ms. Holly informed Mr. Keffer and Mr. Hypes that if they wanted boundary expansions, they would have to file a petition requesting the expansion with the Fayette County Commission, notice would have to be published and a

date for a public hearing would have to be scheduled.

Mr. Keffer informed the Commission they would get back with them.

The Commissioners signed a letter to A & W Sanitation informing of the numerous complaints from residents of Boomer on new Boomer Hill that A & W Sanitation is not picking up the garbage in that area.

Debbie Aliff, Payroll Clerk appeared before the Commission to discuss employee direct deposit.

Discussion was held, Ms. Aliff explained all the work the payroll clerk would have to do to process the checks to the Commissioners. Ms. Aliff presented from Software Systems the training cost for direct deposit to the Commissioners.

After a brief discussion, the Commission asked to put the direct deposit on the back burner for now.

Commissioner Wender asked about the dissolution of the Fayette Humane Society.

Commissioner Wender asked Carl Harris, Prosecuting Attorney if it would be appropriate for the Commission to ask for the details and breakdown of the \$30,000 distributed as a result of the dissolution of the Fayette Humane Society.

Commissioner Wender asked Mark Ehrnschwender if he would ask Mr. Harris to draft a letter requesting the information and put on County Commission letterhead.

Mr. Harris informed the Commission that since they donated a substantial amount of money to the Humane Society over the years he thinks it is appropriate.

Tim Hannah, member of the Fayette County Solid Waste Authority

appeared before the Commission to request a full time employee to assist in the mandatory garbage project.

Mr. Hannah told the Commissioners that the \$5,000.00 they allocated has not been used. The Solid Waste Authority will apply for a grant through the Solid Waste Management.

Commissioner Eskew asked if the data that was installed any good.

Mark Ehrnschwender told the Commissioners that the information that's in the computer is valid.

After a brief discussion regarding the personnel matter, the Commission asked that this be discussed in the Executive Session.

Mr. Hannah presented a letter to the Commissioners informing he withdrew his resignation submitted on September 14, 2005 from the Fayette County Solid Waste Authority.

Mr. Hannah told the Commissioners that at this time he plans to continue as a member of the Authority and will do his best to serve the citizens of Fayette County.

Mr. Hannah told the Commissioners he has officially resigned as a member of the Fayette County Beautification Committee.

Margaret O'Neal and Marquita Prince appeared before the Commission to inform them that the Hospice House will be opened in May 2006 and to ask the Commission if they would revisit their commitment for Fiscal Year 2004 for this project in the amount of \$5,000.00 contingent upon the actual commencement of the physical contribution of the facility.

Commissioner Eskew offered a motion to honor their commitment of \$5,000, and release the funds for the construction of the Hospice



house. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to reimburse Danny Wright \$40.00 for research done on the bell at the Fayette County Courthouse and to pay up to \$100.00 for framing and matting of the certificate. Commissioner Eskew seconded. Unanimous.

Commissioner Wender asked for a recess for five minutes.

Upon reconvening at 11:15 a.m., Tim Richardson, Zoning Officer appeared before the Commission to present the zoning portion of the meeting. Also present was Allan Ballard, Building Code Enforcement Officer.

First order of business: Mr. Richardson presented to the Commissioners the recommendation of three amendments to the Unified Development Code as unanimously recommended by the Planning Commission.

Amendment 1: Section 1007 "Amendment and Hearing procedure." Subsection V, A. Page 1-44.

The County Planning Commission shall hold a public hearing before acting on a request for a zoning text amendment or rezoning.

The board of zoning appeals shall hold public hearings for special use permits and variances.

Public hearing dates and times will be established by the Planning Commission.

Commissioner Eskew offered a motion to approve Amendment one as recommended by the Planning Commission. Commissioner Lopez seconded. Unanimous. Vote passed 3-0.

Amendment 2: Add-Section 1005 "District Establishment,"

Subsection I, add D Land Conservation Districts.

LC-1 Public Land Conservation District

LC-2 Private Land Conservation District

Commissioner Lopez offered to approve Amendment two as recommended by the Planning Commission. Commissioner Eskew seconded. Unanimous. Vote passed 3-0.

Amendment 3: Add-Section 1006 "Permitting Procedure," Subsection IV, E, 5

Non-profits: Fee for building inspection of construction by a non-profit organization with valid 501 C's status with the Internal Revenue Service shall be charged as follows:

- a. A flat fee of \$4000.00 for the building permit regardless of projected cost of construction.
- b. A flat fee of \$50.00 for a building permit when the electrical power is required to be turned off and an inspection required before the power can be turned back on, if the project is within the jurisdiction of the County Building Code Department. Projects outside the jurisdiction must follow the guidelines of the utility company.
- c. Non-profits are exempt from the building permit fee for weatherization projects and for Group Work Camps unless the structural integrity of the dwelling is altered, then the project must be inspected.
- d. Non-profit organizations shall be exempt from a building permit fee for a period of one year for all rehab projects.

Discussion was held by the Commission concerning Subsection D and

the one year period for building permits concerning rehab projects. Tim Richardson, Zoning Officer offered the suggestion to the Commissioners to let the Zoning and Building Official Departments monitor this new guideline and in their interpretation in one year if this needs to be readdressed they will bring back to the County Commission.

Commissioner Eskew offered a motion to approve Amendment three as recommended by the Planning Commission. Commissioner Lopez seconded. Unanimous. Vote passed 3-0.

The Commissioners signed the Order. See the attached order and zoning minutes.

Ms. Holly presented the application to the West Virginia County Records Management and Preservation Grants Program to the Commissioners.

Ms. Holly presented applications for the Circuit Clerk Office, amount \$66,553.00 for the purchase of shelving for his office and the Prosecuting Attorney's Office, amount \$16,202.85 to the Commissioners. Ms. Holly informed the Commissioners that the County's match would be \$8,275.58. The total for the projects is \$82,755.85.

Commissioner Eskew offered a motion to sign the County Records Management and Preservation Grants, Resolutions and the County would commit to the match of \$8,275.58 in processing of the grant application. Commissioner Lopez seconded. Unanimous.

Ms. Holly presented a requisition from Kelvin Holliday, County Clerk requesting a map cabinet for his office to the Commissioners.

Commissioner Wender asked Mr. Holliday why this wasn't included

# ORDER

On this 28<sup>th</sup> day of October 2005, it appearing to the Fayette County Commission a recommendation from the Fayette County Planning Commission to amend the Unified Development Code with three amendments as follows:

## Amendment 1

Section 1007 "Amendment and Hearing Procedure". Subsection V, A. Page 1-44.

The county planning commission shall hold a public hearing before acting on a request for a zoning text amendment or rezoning.

The board of zoning appeals shall hold a public hearing s for special use permits and variances.

Public hearing dates and times will be established by the planning commission.

## Amendment 2

Section 1005 "District Establishment", Subsection I, add D Land Conservation Districts.

LC-1 Public Land Conservation District.

LC-2 Private Land Conservation District.

## Amendment 3


Add

Section 1006 "Permitting Procedure"  
Subsection IV, E, 5

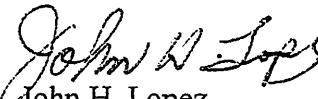
Non-profits: Fee for building inspection of construction by a non-profit organization with valid 501 C's status with the Internal Revenue Service shall be charged as follows:

- a. A flat fee of \$400.00 for the building permit regardless of the projected cost of construction.
- b. A flat fee of \$50.00 for a building permit when the electrical power is required to be turned off and an inspection required before the power can be turned back on, if the project is within the jurisdiction of the County Building Code Department. Projects outside the jurisdiction must follow the guidelines of the utility company.
- c. Non-profits are exempt from the building permit fee for weatherization projects and for Group Work Camps unless the structural integrity of the dwelling is altered, then the project must be inspected.
- d. Non-profit organizations shall be exempt from a building permit fee for a period of one year for all rehab projects.

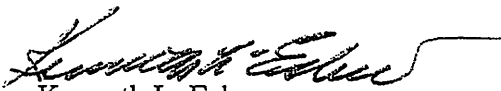
Be and is hereby granted.



Mathew D. Wender  
President



John H. Lopez  
Commissioner



Kenneth L. Eskew  
Commissioner

# Fayette County Commission

## Minutes

October 28 , 2005

The Fayette County Commission met in regular session, October 28, 2005 at 11:00 am. The zoning portion of this meeting as follows:

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

Also present, Tim Richardson, Zoning Officer, Building Code Enforcement Official, Allen Ballard.

First order of business request:

Zoning Officer presented to the commission the recommendation of three amendments to the Unified Development as unanimously recommended by the planning commission.

Amendment 1  
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Section 1007 "Amendment and Hearing Procedure". Subsection V,  
A.

Page 1- 44

The county planning commission shall hold a public hearing before acting on a request for a zoning text amendment or rezoning.

The board of zoning appeals shall hold public hearings for special use permits and variances.

Public hearing dates and times will be established by the planning commission.

**Disposition :** Motion to approve amendment one as recommended by the planning commission by Ken Eskew , second by John Lopez . Vote 3-0.

Amendment 2  
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Add

Section 1005 "District Establishment" Subsection I, add D Land Conservation Districts.

LC-1 Public Land Conservation District.

LC-2 Private Land Conservation District.

**Disposition :** Motion to approve amendment two as recommended by John Lopez Second by Ken Eskew. Vote 3-0.

Amendment 3  
-----

Add

Section 1006 "Permitting Procedure"

#### Subsection IV, E, 5

Non-profits : Fee for building inspection of construction by a non-profit organization with valid 501 C's status with the Internal Revenue Service shall be charged as follows:


- a. A flat fee of \$400.00 for the building permit regardless of the projected cost of construction.
- b. A flat fee of \$50.00 for a building permit when the electrical power is required to be turned off and an inspection required before the power can be turned back on, if the project is within the jurisdiction of the County Building Code Department. Projects outside the jurisdiction must follow the guidelines of the utility company.
- c. Non-profits are exempt from the building permit fee for weatherization projects and for Group Work Camps unless the structural integrity of the dwelling is altered, then the project must be inspected.
- d. Non-profit organizations shall be exempt from a building permit fee for a period of one year for all rehab projects.

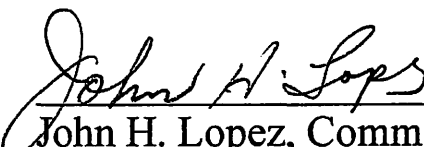
Discussion by the commission concerning subsection D and the one year period for building permits concerning rehab projects. Zoning Officer offered the suggestion to let the zoning and building official departments monitor this new guideline and in their interpretation in one year if this needs to be readdressed they will bring back to the county commission.

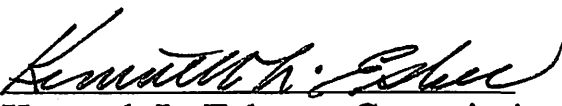
**Disposition:** Motion to approve amendment three as recommended by Ken Eskew second by John Lopez . Vote 3-0.



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

  
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Mathew D. Wender, President

  
\_\_\_\_\_  
John H. Lopez, Commissioner

  
\_\_\_\_\_  
Kenneth L. Eskew , Commissioner

in the Preservation grant and asked that this could be put on hold until the next Preservation Grant application.

The Commissioners suggested to Mr. Holliday to purchase a cabinet to hold the maps temporarily until the next Preservation Grant application.

Commissioner Lopez offered a motion to allocate a \$100.00 for the purchase of a cabinet for maps for the County Clerk's Office.

The Commissioners recessed t 12:00 noon for lunch.

The Commissioners reconvened the County Commission meeting at 1:10 p.m.

Tom Syner with WQAZ FM appeared before the Commission to request authority to raise their transmission tower an additional 90 feet.

Tim Richardson, Zoning Officer and David Neal, E911 Coordinator were also present.

Mr. Richardson told the Commissioners that this should have been brought to the Planning Commission first not the Commission.

Mr. Richardson told the Commissioners that Mr. Syner needs to submit for review an engineering plan to the Administrator for approval. The Unified Development Code requires an application fee of \$2,000.00 this would take at lease 10 days to process.

David Neal, E911 Coordinator reminded Mr. Syner that he had promised to keep space on the tower for emergency service. Mr. Syner replied space is available.

Commissioner Eskew offered a motion that the Commission waives the \$2,000.00 application fee and Mr. Syner to submit engineering plans for the tower to Tim Richardson. Commissioner Lopez seconded.

Unanimous.

Sheriff William Laird appeared before the Commission to discuss hiring of a dog warden.

Sheriff Laird informed the Commissioners he would defer on the position of dog warden for a while.

Commissioner Eskew offered a motion to go into Executive Session to discuss personnel matter. Commissioner Lopez seconded. Unanimous.

The Commissioners recessed at 2:02 for Executive Session.

Commissioner Wender reconvened the Commission meeting at 2:45 p.m.

Commissioner Wender informed the Executive Session was to discuss personnel matter which was not fully resolved.

Ms. Holly told the Commissioners she received from the Office of the State Treasurer the Coal Severance Tax, 75% distribution \$88,255.99 and the 25% distribution \$26,436.36 total amount \$114,692.35.

Ms. Holly presented from the Office of the Adjutant General, Falls View Armory appraisal, amount \$250,000.00. The Commissioners asked Ms. Holly to hold.

Ms. Holly informed the Commissioners she received an e-mail from Commissioner Wender asking if the Commission can pay \$1,230.00 cost to perform a percutor plan and spec review Southern Appalachian Labor School (SALS).

Commissioner Wender told the Commissioners that SALS would reimburse after they receive the Grant.

Ms. Holly told the Commissioners that they are not allowed to

advance money now and be reimbursed from the Grant later.

Commissioner Wender asked Ms. Holly to contact Angie Groves or W. D. Smith to see if the funds can be advanced now and be reimbursed from the Grant later and asked if this review is required immediately or can it wait until the Grant funds are available.

Ms. Holly informed the Commissioners she received an e-mail from John David inquiring information regarding the animal shelter.

Ms. Holly told the Commissioners she forwarded the e-mail to Patti Payne to respond.

Ms. Holly informed the Commissioners that at their last meeting they had asked James Perdue, Maintenance to check into paving or graveling two parking spaces at the WVU Extension Office.

Ms. Holly told the Commissioners that James Perdue and Earl Pauley did check. Both suggested paving the spaces. The Commissioners asked that this matter be taken up in the spring.

The Commissioners received and reviewed a request from the Ben Argento Basketball League to use the Memorial Building for the upcoming basketball season. Discussion was held regarding the waiver of the rent fee and asked to stipulate in the letter they would be responsible for cleaning snowy sidewalks.

The Commissioners received and reviewed a letter from Jim Lively Insurance responding to the letter he received October 14, 2005.

Mr. Lively told the Commissioners that if they became a party to the lease the interest of Fayette County would be insured as per policy coverages and limits with no increase in policy premiums.

Commissioner Eskew offered a motion to approve James Perdue,

Maintenance Supervisor 41.5 hours overtime. Commissioner Wender seconded. Unanimous.

The Commissioners received/reviewed and approved an invoice from Turner's Nursery for an Acer rubrum-Red maple 'Autumn Blaze' for the front of the courthouse, amount \$1,000.00.

The Commissioners approved quote from Central Painting and Commercial Services for wallpaper for the Judge's chamber, reception and Courtroom repair work, amount \$2,910.00

Ms. Holly informed the Commissioners she received a letter from the West Virginia Association of Counties informing that the Environmental Protection Agency is looking for sites to consider for the Brownfields Assistance Program.

Discussion was held regarding the Legislature Digest Grants.

Ms. Holly told the Commissioners she has asked Debbie Legg, with the West Virginia Development Office to send a list of all the Legislative Digest Grant we have received, but she has not had any response as of today.

The Commissioners asked Ms. Holly to wait and see and if she doesn't hear anything to send another letter requesting the same information. Commissioner Wender asked Ms. Holly to give them an update.

The Commissioners received a check for \$5,000 from the Minden Community Center.

Ms. Holly told the Commissioners she talked with Dan Snead about the Courthouse Projects.

The Commissioners asked Ms. Holly to pick the next project from

their list.

Sheriff Laird appeared before the Commission to inform them of an incident brought to his attention that gives rise to serious concerns about the manner in which inmates are being supervised at and around the courthouse complex.

Sheriff Laird told the Commissioners to address the future potential for such lapse in security and control in the future he presented a policy that should be adopted and complied at all times.

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

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

The Commissioners received and reviewed several correspondences from the Office of the Secretary of State regarding the electronic voting systems.

The Commissioners received and reviewed from the National Park Services on behalf of the New River Gorge National River a copy of the recently completed national Register nomination form for the Nuttallburg Coal Mining Complex and Town for review and comment.

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

The Commissioners received and reviewed a copy of a letter to Debbie Aliff, Payroll Clerk from Sheriff William Laird informing of payroll adjustments regarding the reemployment of Deputy Sheriff D. O. Bennett effective October 12, 2005, and the termination of Mark

Campbell.

The Commissioners received and reviewed a letter from Sheriff William Laird regarding the BI invoices for Home Confinement.

The Commissioners received and reviewed a copy of a letter from Sheriff William Laird to the Division of Criminal Justice Service regarding the monthly Program Reports (August and September 2005) for the Fayette County Community Corrections Program, Grant #06-CC-50.

The Commissioners received and reviewed a letter from Sheriff William Laird requesting a budget revision to his current community corrections grant.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of October 7 to October 13, 2005, amount \$135.00, for the week of October 14 to October 20, 2005, amount \$210.00, for the week of October 21 to October 27, 2005, amount \$50.00.

The Commissioners received and reviewed from the Office of the State Treasurer informing that the funds due for October limited Video Lottery proceeds will be deposited on October 26, 2005.

The Commissioners signed letters to the Friends of Old Time Music and Dance, Fayette County Historic Landmark Commission, the Upper Kanawha Valley Little League and the Fayette County Chamber of Commerce asking that they complete the Legislative Digest Information Sheets for Fiscal year 2006 and return to this office no later than December 5, 2005.

The Commissioners signed letters to the Fayette County Weatherization (\$3,000), Oak Hill Rail-Trail Committee (\$6,000), the

Sheriff of Fayette County (\$5,000), Watch Me Grow (\$2,500), and John W. Hatcher, Jr. (\$6,000) attaching a copy of the Agreement for the Legislative Digest grant and asking that they submit copies of checks payable to the Vendors and paid invoices signed by an authorized agent of their organization, dated and marked "Approved for Payment" and the Commission will submit the request for reimbursement to the West Virginia Development Office as required.

The Commissioners received and reviewed a copy of the Memorial Building schedule from Okey Skidmore, Manager.

The Commissioners received and reviewed the check to the Regional Jail and Corrections, amount \$72,847.00 for the month of September.

The Commissioners received and reviewed a letter from Judge John W. Hatcher, Jr. Enclosing quote and invoice from Plateau Printing and Office Supplies, in the amount of \$5,9099.25 for the nineteen (19) chairs for the jury room.

The Commissioners received and reviewed legal ad regarding the voting system.

The Commissioners received and reviewed Grant Adjustment Notice to the Division of Criminal Justice Service.

The Commissioners received and reviewed a letter from Peggy Bennett, Fayette County park Secretary informing of Mark Campbell's vacation time and sick leave.

The Commissioners received and reviewed an Application for Employment from Rick Dale Miles.

The Commissioners received and reviewed a complaint from Miranda Adkins regarding the New River Humane Society.



The Commissioners received and reviewed a letter from St. Paul Travelers informing that adjuster Dawn Laughery will be contacting Earl Pauley, Park Superintendent to schedule an inspection of the swing involved in the incident at the Fayette County Park.

The Commissioners received and reviewed a letter from William A. Klenk, D.D.S. announcing the opening of his dental office facility on Route 60 in Hico, West Virginia.

The Commissioners received and reviewed a letter from J. E. Summit Engineering, Inc. notifying that Kanawha River Mining Company is applying for a Phase I Grade Release on Permit #0-003-90 for 4.90 acres.

The Commissioners received and reviewed from the Bank of New York Cash Statement and Asset List for October 21, 2005.

The Commissioners received and reviewed Statement of the 50% allocation for Hotel Occupancy Tax for July to September 2005 to the New River Convention and Visitor's Bureau, amount \$15,592.51.

The Commissioners received and reviewed a notice from Brickstreet Insurance informing that on January 1, 2006 they became the private employers' mutual insurance company for the Workers' Compensation Commission.

The Commissioners received and reviewed from the Kanawha-Gauley Coals and Coke Company an invoice for the annual rent lease agreement for the period October 1, 2005 through September 30, 2006, amount \$575.00

The Commissioners received and reviewed recall notices from Lewis-Pontiac-Buick-GMC Truck.

The Commissioners received and reviewed a letter from David Neal, E911 Coordinator informing that Becky Toney, full-time Communication Specialist has resigned her position at the 911 Center.

The Commissioners received and reviewed from the State Tax Department on behalf of the members of the Property Valuation Training and procedures Commission (PVC) advising that the Assessor's Office is in full compliance with all areas that were reviewed and congratulated them on a job well done.

The Commissioners received and reviewed a thank-you letter from Judge Janet Frye Steele thanking the Commission for the windows and equipment that have been installed at the Office of the Family Court.

The Commissioners received and reviewed a letter from the West Virginia Farm Bureau regarding the proposed Tier 2.5 stream.

The Commissioners received and reviewed Certificate of Liability Insurance from the Empire Salvage and Recycling, Inc.

The Commissioners received and reviewed Certificate of Operations from the West Virginia Division of Labor for the elevator at the Courthouse Annex.

The Commissioners received and reviewed from the West Virginia Courthouse Facilities Improvement Authority Fund notice of the Workshops being held in three regions throughout the state of West Virginia.

The Commissioners received and reviewed a letter from the West Virginia Public Employees Insurance Agency informing that the premium for the month of September has not been remitted.

The Commissioners received and reviewed Sub-Grant Adjustment

Notices to the Department of Military Affairs and Public Safety-  
Homeland Security State Administrative Agency for Grant #04-EOC-11,  
Grant #04-LETPP-10, and Grant #04-CC-06.

The Commissioners received and reviewed a letter from the Office of the Attorney General informing their Consumer Protection Division will be conducting several public forums throughout the state. The purpose of these forums is to create awareness between West Virginia citizens and elected officials on important issues relating to the credit card industry.

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

The Commissioners received and reviewed a letter from SunTrust Leasing Corporation asking that they be put on the bid list as a provider of tax exempt financing and leasing.

The Commissioners received and reviewed checks for the 911 Fees- AT&T Communications of WV, amount \$1,302.00, IDT Corporation, amount \$62.00, Commsouth Companies, amount \$1.00, Granite Telecommunications LLC, amount \$112.00, Metro Teleconnect Companies, amount \$9.80 and Citynet Holding, LL, amount \$5.82; Franchise Fees-Charter Communications, amount \$22,170.57; TRIDENT overtime, amount \$1,718.20; Family Law Master rent, amount \$2,025.00; WV Housing Development Building Inspector Grant, amount \$14,787.96.

The Commissioners received and reviewed an e-mail to Commissioner Wender from Jennifer McCauley regarding the vacate lot beside her Mom (Virginia Melesky) in Scarbro.

The Commissioners received and reviewed an e-mail from Roseann

Berry Executive Director ARC Fayette Nicholas Chapter regarding a call she received from a lady asking for a ½ bed and 1 full bed and a living room set.

The Commissioners received and reviewed an e-mail from Carl Thompson to Commissioner Wender regarding legal ad for any bids in excess of \$15,000.00.

The Commissioners received and reviewed an e-mail from John David to Commissioner Wender regarding rehab permit cost.

Commissioner Eskew offered a motion to adjourn. Commissioner Wender seconded.

The meeting was adjourned at 4:00 p.m. The next scheduled meeting is November 14, 2005.

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

FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
SEPTEMBER 2, 2005  
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 2<sup>nd</sup> day of September 2005.

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

Eddie Young submitted exonerations to the Commissioners to be approved and signed.

Commissioner Eskew offered a motion to approve and sign refund for George Gill submitted by the Assessor's Office. Commissioner Lopez seconded.

Commissioner Eskew offered a motion to approve and sign real property tax exemption submitted by the Assessor's Office. Commissioner Lopez seconded. Unanimous.

Commissioner Eskew offered a motion to approve and sign personal property tax exemption submitted by the Assessor's Office. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve invoices and payrolls. Commissioner Eskew seconded. Unanimous.

Dr. Margaret Staggers, Angie Goff, Richard Thacker, and Paula Johnson appeared before the Commission to discuss the complaint regarding the General Ambulance Service call to the White Oak Bowling Lane.

Dr. Staggers presented, demonstrated and explained the procedures used when answering an emergency call.

Commissioner Wender informed the Commissioners he received a

09-02-05

MARGARET STABOWSKI MD  
MED DIRECTOR General  
Am Bureau

Richard Thacker Gen. Amb.

Paula Johnson General Ambulance, Paramedic

Angie Goff General Ambulance, Training Coordinator

letter from Paul Blake, Prosecuting Attorney informing that he has been appointed by Governor Joe Manchin to fill the vacancy on the bench of the Twelfth Judicial Circuit Court, therefore it is necessary that he tender his resignation as Prosecuting Attorney.

The Commissioners congratulated Mr. Blake on his appointment to the bench.

The Commissioners informed they need to address filling the position of the Prosecuting Attorney.

Commissioner Eskew offered a motion that Carl Harris be appointed to fill the vacancy of the Prosecuting Attorney. Commission Lopez seconded. Unanimous. Order signed.

Commissioner Lopez offered a motion to approve Petitions to Combine or Divide and Segregate Land for Frank Scott Leilich and Debra Bobo, Ronnie Franklin and Donna Sue Sayre, Jr., Larry W. and Lula M. Rowe, Mostafa and Aziza Shaaban, Arthur L. and Annabelle Lee Smith, and Michael D. and Ceresa Petitt. Commissioner Eskew seconded. Unanimous.

Commissioner Lopez offered a motion to reappoint John David, a member of the Page-Kincaid Public Service District. Commissioner Eskew seconded. Unanimous. An appointment letter to serve and Order was signed.

Commissioner Lopez offered a motion to reappoint Ann Berry and Immogene Pennington members of the new Haven Public Service District. Commissioner Eskew seconded. Unanimous. An appointment to serve letters and Orders were signed.

The Commissioners signed the Fayette County Fire Levy Protection Agreement for the Pax Volunteer Fire Department, Inc. for the period

July 1, 2003 to June 30, 2006.

The Commissioners signed a letter to Okey Skidmore, Manager Fayette County Memorial Building approving the request of the American Red Cross to waive the rental fee for their Annual Christmas Festival and Craft Show.

The Commissioner received and reviewed Inspection Agreement from William L. McGraw.

The Commissioners signed a letter to Leon Cooper, Chairman of the Fayette County Planning Commission informing the Commission approved to rezone property applied for in the name LRC Holding, LLC, owners, zoning case Z-502-05-1, however the Commission did not adopt conditions because our legal council advised that we could not attach conditions to the zoning.

The Commissioner received and reviewed a letter from Chris Campbell, Chief of the Danese Volunteer Fire Department requesting that Earl Pauley, Park Superintendent dedicate his team immediately to finish the steps on the back of the fire station.

Commissioner Lopez asked Ms. Berry to contact Mr. Pauley to come in and discuss this issue.

The Commissioner received and reviewed a letter from Okey Skidmore informing that Tri-State Roofing has repaired the modified roof on the Memorial Building.

The Commissioners asked Ms. Berry to schedule Okey Skidmore on the agenda for the September 16, 2005 Commission meeting to discuss the invoices from Tri-State Roofing.

The Commissioner received and reviewed an invoice from Mountain Laurel Restaurant in the amount of \$572.40 for meals provided for a



prosecuting attorney's office staff meeting/retreat held on August 2, 2005.

Commissioner Lopez offered a motion to approve based on the opinion of the Prosecuting Attorney, to be paid out of the Drug Forfeiture Funds. Commissioner Eskew seconded. Unanimous.

Carl Thompson, Coordinator and Chris Dyer, Housing Consultant appeared before the Commission to request for the West Virginia Community Collaborative and the Fayette County Leadership Team funding match of \$1,500 to participate in their third and final Sustainable Communities Training Program.

Commissioner Lopez offered a motion to approve the request of a \$1,500.00 match for the Sustainable Communities Training Program. Commissioner Eskew seconded. Unanimous.

Commissioner Wender asked that Mark Ehrnschwender be scheduled to give an updated status to the Commission on the Plateau Humane Society property in Glen Jean.

Commissioner Wender asked that a letter be written to Alice King, Region 4 Planning and Development to request an updated status on the Kilsyth project.

Commissioner Wender informed the Commissioner he would like for Carl Harris, Assistant Prosecuting Attorney to address a letter to Pocahontas Land Corporation to give an update on the tax relief issue.

Commissioner Wender suggested asking Ms. Holly to give an update on the Legislative Digest commitments for the Fiscal Year 2004-2005.

Commissioner Wender informed the Commission that he met with John David he would like for Allen Ballard, Building Inspector to commit on paper regarding the \$400.00 building permit fee for the non-profit

organizations.

Commissioner Wender informed the Commissioners that they need to make a decision on the Help America Vote issue and asked to include Kelivn Holliday, County Clerk.

Commissioner Wender asked the Commission to purchase a bench for "In Memory of Larry Parsons" for the Courthouse lawn.

Commissioner Eskew offered a motion to order a bench engraved "In Memory of Larry Parsons" to be installed on the Courthouse lawn. Commissioner Lopez seconded. Unanimous.

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

The Commissioner received and reviewed from the Bank of New York Cash Statement and Asset List for August 22, 2005 and August 23, 2005.

The Commissioner received and reviewed a letter from Region 4 Planning and Development Council informing the application for the Branding Initiative New River Gorge Bridge-Governor's Community Partnership application has been examined and has found to be within the overall aims and goal of Region 4.

The Commissioner received and reviewed a letter from Sue Massey donating her (9) days of sick leave to Ruth Thomas and Larry Adkins.

The Commissioner received and reviewed a letter from Region 4 Planning and Development Council giving a status update on the Southern Appalachian Labor School Project #03SCBG0102 portion of the project.

The Commissioner received and reviewed a memorandum from Judge Charles Vickers and Janie Phillips thanking the Commission for the

cards and gifts they received.

The Commissioner received and reviewed a letter from Appalachian Electric Power informing that on Friday, August 26, 2005 they are filing for a general rate increase with the Public Service Commission.

The Commissioner received and reviewed a letter from the Town of Fayetteville informing they are in receipt of a request from New River Ledges Associates, LLC withdrawing their Petition for Annexation without election, which was submitted to the Town of Fayetteville on June 30, 2005.

The Commissioner received and reviewed a letter from the West Virginia Development Office acknowledging receipt and acceptance of the Small Cities Block Grant (SCBG) Final Performance Report submitted by the Fayette County Commission-New Haven Public Service District-Saturday Road Water Extension.

The Commissioner received and reviewed a copy of a letter from Paul Blake, Prosecuting Attorney to Debbie Aliff, Payroll Clerk informing that effective August 31, 2005 Debra J. Rinehart will resign from employment in the Prosecuting Attorney's Office.

The Commissioner received and reviewed a fax from J. Dan Snead and Associates forwarding specification requirements for insurance, bonds etc. on the Window Replacement Project.

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

The Commissioner received and reviewed from the Fayette County Animal Control Center/C-PAC Weekly Fees Collected for the week of August 19 to August 25, 2005, amount \$90.00, the week of August 26 to August 31, 2005, amount \$215.00, and September 1, 2005, amount \$25.00.

The Commissioner received and reviewed a Resume for Employment from April Weaver. A copy forwarded to David Neal, E911 Coordinator.

The Commissioners received and reviewed checks for 911 Fees from the CityNet Holding, LLC, amount \$5.82, Trinsic Communications, Inc., amount \$32.00, Nos Communications, Inc., amount \$2.00, Mountain Communications, LLC, amount \$52.92; Vision Service Plan refund, amount \$111.27; Jail Fee City of Oak Hill, amount \$1,746.00; Soldiers and Sailors Memorial Fund, amount \$25.00.

The meeting was adjourned at 11:00 a.m. The next scheduled meeting is September 16, 2005.



FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
SEPTEMBER 16, 2005  
COURTHOUSE  
FAYETTEVILLE, WV 25840

MEMBERS Present: Matthew D. Wender, John H. Lopez  
ALSO Present: Anthony Ciliberti, Jr., Assistant Prosecuting Attorney

The Fayette County Commission met in a regular session on this 16<sup>th</sup> day of September 2005.

Eddie Young, Assessor presented to the Commissioners for approval exonerations for person and real property.

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

Okey Skidmore, Manager for the Fayette County Memorial Building appeared before the Commission to discuss Tri-State Roofing invoices.

Mr. Skidmore told the Commissioners that each side of the Memorial Building has been repaired, did have a leak downstairs. Mr. Skidmore told the commissioners that this has been repaired, but that it hasn't rain since the repairs were made.

Commissioner Wender informed that the Commission keep paying invoices from Tri-State Roofing but we are still having problems.

Ms. Holly recommended that Tri-State Roofing give estimates and go ahead and do the repairs

Commissioner Wender suggested having Tri-State Roofing do inspections and give recommendations so they do not have surprises in the winter.

Commissioner Lopez offered a motion to approve invoices and

vouchers. Commissioner Wender seconded. Unanimous.

Jim Akers, Mayor of the Town of Fayetteville and Gary Driggs appeared before the Commission to present two Annexation of certain additional territory into the municipality of Fayetteville Fayette County, West Virginia.

Anthony Ciliberti, Assistant Prosecuting Attorney informed the Commissioners that based on the discussion with Carl Harris, Prosecuting Attorney, there was allegations that this was done inappropriately, but the Town has revisited and this has gone through the process. The Town can confirm that this was properly done.

Mr. Ciliberti recommended that the Fayette County Commission adopt the Annexation.

Mr. Driggs told the Commissioners that this development will not have adverse effect. Mr. Driggs welcomed anyone who has concerns to look at what's happening.

Commissioner Wender recommended to Mr. Driggs to be sensitive to the New River Gorge.

Mr. Driggs told the Commission he is taking a very comprehensive approach and will respect the New River Gorge.

Commissioner Wender asked about the prior suit.

Mr. Ciliberti informed this is a new separate petition does not have any bearing on the prior suit.

Ms. Holly informed the Commissioners that there are two (2) separate petition issues-1) 957.21 acres Ordinance with application from Mr. Driggs and 2) 26.95 acres Ordinance with application from Charlie Mahan.

Commissioner Lopez offered a motion to approve the annexation of the 957.21 acres as requested by the Town of Fayetteville for Gary Driggs. Commissioner Wender seconded. Unanimous.

Commissioner Lopez offered a motion to approve the annexation of the 26.95 acres as requested by the Town of Fayetteville for Charlie Mahan. Commissioner Wender seconded. Unanimous.

The Commissioners received and reviewed from C-PAC allotment for \$9,067.80 for the month of September 2005.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS the Monthly Revenue and Activity Reports for the month of August.

The Commissioners received and reviewed a General Livestock Adoption application from the Fayette County Animal Control Center for Stacy Workman.

The Commissioners received and reviewed a letter from Chief Magistrate Michael Parsons commending the maintenance staff for the excellent job they did over the weekend of September 10-11, 2005, in stripping and waxing the tile floors in the Fayette County Annex.

The Commissioners received and reviewed a letter from Region 4 Planning and Development Council informing that George Carico of the Marshall University Center for Environmental, Geotechnical, and Applied Science will present a presentation on the Southern WV Brownfields Assistance Center on Friday, September 16, 2005 at 1:00 p.m.

Commissioner Wender signed a letter to the Fayette County Firefighters Association thanking the Association for their invitation

to meet with them to discuss all issues related to pay raises.

The Commissioners received and reviewed a letter from the Fayette County Weatherization Program informing that a Weatherization Policy Advisory Council will meet on Monday, September 26, 2005 at 1:00 p.m. at the Oak Hill office.

The Commissioners received and reviewed a remittance by the Assessors to the West Virginia State Treasurer's Office in the amount of \$216.00 for the month of August.

The Commissioners received and reviewed a thank-you letter from Congressman Nick Rahall, II thanking the Commission for meeting with him during the August meeting of the Fayette County Urban Renewal Authority.

The Commissioners received and reviewed a letter from the Division of Highways requesting that the Commission make available (to anyone who wishes to review) the attached list of Scenic Byway modified Division of Highways projects.

The Commissioners received and reviewed a Public Notice from the West Virginia Division of Labor informing they are required by statute to "investigate and determine the prevailing hourly rate of wages in the localities in this state." This investigation and determination will establish the wages that must be paid to the various classifications of workmen and mechanics that are utilized by contractors that perform construction or maintenance work on public improvements as defined by West Virginia Code §21-5A-1(4).

The Commissioners received and reviewed an Official Oath of Office from John David, member of the Page-Kincaid Public Service



District.

The Commissioners received and reviewed from Branch Banking and Trust Company (BB&T) informing that as of August 31, 2005 the list of securities held by BB&T as collateral to secure the deposits of Fayette County Commission.

The Commissioners received and reviewed as of August 31, 2005 Pledge Statements from SunTrust Bank that represents securities pledged for the Fayette County Commission.

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

The Commissioners received and reviewed a Certificate of Membership from the County Commissioners Association of West Virginia.

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

The Commissioners received and reviewed checks for 911 Fees from VarTec Solution, amount \$3.88 and Operating Account, amount \$9.80; Alarm Fees amount \$330.00; Jail Fees from the City of Mount Hope, amount \$97.00 and the Town of Fayetteville, amount \$291.00; checks for Soldiers and Sailors Memorial Fund, amount \$50.00; a refund from St. Paul Travelers, amount \$2,006.00; reimbursement for overtime City of Beckley, amount \$1,065.5; Federal Grants-Homeland Security Law Enforcement, amount \$22,441.60; State Grant-Christians Helping Others, amounts \$3,063.68.

The Commissioners received and reviewed a Draft of the Statewide Transportation Improvement Program (STIP) from the Division of

Highways.

The Commissioners received and reviewed Cash Statement and Asset List from the Bank of New York as of August 31, 2005.

The Commissioners received and reviewed a letter from the State Tax Department informing they have reviewed the natural resource account of Edith B. Dorsey for possible appraisal error(s) for Tax Year 2005. Their review indicates that a clerical error was made and they have provided the recommended mineral appraisal changes.

The Commissioners received and reviewed a fax from the Office of the State Treasurer informing that funds due your political subdivision for wine, liquor and private clubs will be direct deposited into the bank on September 15, 2005, amount \$773.97.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of September 2 to September 8, 2005, amount \$145.00.

The Commissioners received and reviewed a fax from Senator Shirley Love informing of the abstract of Senate Bill #4018 and 2005 County Elected Officials Salaries.

The Commissioners received and reviewed a copy of a letter to Senator Shirley love from Judge John Hatcher asking him to check on our Budget Digest Grant for the purchase of chairs for the jury room.

The Commissioners received and reviewed an e-mail from Commissioner Wender to Ms. Holly informing her of the new survey regarding the health plan premium hikes.

The Commissioners received and reviewed a letter from Erin Haddix, NPCA requesting that her name and business name be added to

the list of groups opposing the Land Resources Companies development proposal. A copy forwarded to Tim Richardson, Zoning Officer.

The Commissioners received and reviewed notices of Chapter 7 Bankruptcy Case from the U. S. Bankruptcy Court District of Southern District of West Virginia regarding Melinda Marie Halvarson, aka Melinda Marie Loeffler.

The Commissioners received and reviewed an Order converting cases to Chapter 7 and appointing Marla C. Reynolds as Operating Trustee regarding Comm. South Companies, Inc. et al.

The Commissioners received and reviewed a letter from Carl Harris, Prosecuting Attorney informing that with the departure of Debbie Rinehart from the Prosecuting Attorney Office to Judge Blake's Office he has hired Roxanne Ballard at an annual salary of \$22,500.00 effective September 12, 2005, increasing Tina L. Beverly's salary to \$18,500 and Anthony Ciliberti, Jr. to \$37,000.00 effective September 16, 2005.

The Commissioners received and reviewed an e-mail from Eddie Young, Assessor asking the Commission to schedule a meeting to discuss the Pocahontas Land deal. Mr. Young asked that Carl Harris, Prosecuting Attorney be included.

The Commissioners received and reviewed an e-mail from Ms. Holly informing that the Division of Military Affairs called to see if they will be attending the Homeland Security meeting being held on Monday, September 19, 2005.

The Commissioners received and reviewed an e-mail from Sharon Cruikshank with the Fayette County Chamber of Commerce informing she

is working on a grant for a new county brochure, would like to have a list of county properties who support the county and who is paying the hotel/motel taxes into the County.

The Commissioners received and reviewed a fax of the Bill of Sale from State Electric to Chad Cox for the purchase of the Valley Tower generator.

The Commissioners received and reviewed a letter from Kelvin Holliday, County Clerk recommending that Fred Jesser be appointed to fill the vacancy of the Special Fiduciary Commissioner due to the appointment of Carl Harris as Prosecuting Attorney for Fayette County.

The Commissioners informed this will be addressed formally at 10:30 a.m.

Kelvin Holliday, County Clerk appeared before the Commission to discuss the HAVA grant for polling places.

Mr. Holliday told the Commissioners they can use the existing units. Will receive touch-tone for each precinct free.

Commissioner Wender asked Mr. Holliday if they are going to give up punch cards.

Mr. Holliday told the Commissioners the machine will print ballots, the scanner will determine over or under votes, will have ballot for handicap (one touch screen device).

Mr. Holliday told the Commissioners the State would provide one Touch Screen handicap for each precinct at no cost and one scanner for election night.

Mr. Holliday told the Commissioners there would be no counting at the precincts.

Commissioner Wender informed a scanner is not required for all the precincts.

Mr. Holliday told the Commissioners that the County would have no financial obligations.

Ms. Holly informed the Commissioners that Mr. Holliday was scheduled today to discuss HAVA not the election equipment.

Ms. Holly told the Commissioners that this should be discussed at a future meeting.

Mr. Holliday told the Commissioners that the deadline extension is October 15, 2005.

Ms. Holly told the Commissioners that she would like a written commitment of what the State will provide.

Ms. Holly told the Commissioners that they need to determine how many machines they would need.

Ms. Holly asked that the documentation be forwarded to this office.

Commissioner Wender informed Mr. Holliday the Commission will vote on this September 30, 2005.

Mr. Holliday told the Commissioners that he Allen Ballard, and Dave Pollard have met and discussed the HAVA Grant.

Mr. Pollard told the Commissions that he is meeting with Region 4 Planning and Development Council today to discuss Grant preparations, working to make Community Public Facilities. Mr. Pollard told the Commissioners that they need to work Clifftop and Cannelton at the top of the list.

Ms. Holly told the Commissioners that she requested Mr. Ballard

to look at different precincts other than the schools.

Ms. Holly told the Commissioners she has asked Mr. Ballard to get estimates of what is needed at the different facilities.

The Commissioners reviewed the list submitted by Mr. Ballard.

Mr. Holliday recommended using the Rauneka Facility for Precinct #29.

Mr. Holliday told the Commissioners he would need a letter of endorsement from the Commission.

Commissioner Wender thanked Mr. Holliday for his presentation.

Commissioner Lopez offered a motion to approve and endorse application for grant monies for handicap funding needs for various precincts in Fayette County. Commissioner Wender seconded. Unanimous

Mr. Holliday told the Commissioners he will prepare the letter. Commissioner Wender and Commissioner Lopez will sign the letter. Mr. Holliday to sign letter Monday.

Ms. Holly presented a request from the New River Humane Society, Inc. requesting the use of the Memorial Building for the purpose of hosting an indoor yard sale/flea market October 7, 2005 to the Commissioners.

Commissioner Lopez offered a motion to approve the request of the New River Humane Society to waive the rental fee, and the custodial and trash service fees for the use of the Memorial Building for hosting an indoor flea market, all other rules are applicable, including the insurance requirement. Commissioner Wender seconded. Unanimous.

Ms. Holly presented a request from the Salvation Army, ASPCA and

Jan-Care Ambulance requesting the use of the Memorial Building for the purpose of a donation drive for victims of Hurricane Katrina September 24 and 25, 2005 to the Commissioners.

Commissioner Lopez offered a motion to approve the request of the Salvation Army, ASPCA and Jan-Care Ambulance to waive the rental fee, and the custodial and trash service fees for the use of the Memorial Building for the purpose of a donation drive for victims of Hurricane Katrina, all other rules are applicable, including the insurance requirement. Commissioner Wender seconded. Unanimous.

Ms. Holly presented an Order for Teresa A., Wilma J., and Roy L. Cales and an Order for Orval S. Grose requesting Tax Refund on their property to the Commissioners.

Ms. Holly told the Commissioners that Orval Grose tax assessment was incorrect due to a clerical error and said clerical error resulted in an overstatement of taxes for the years 2001, 2002, and 2003 in the amount of \$767.76.

Commissioner Lopez offered a motion subject to the approval of the Assessor that Orval Grose be afforded tax relief for tax year 2001, 2002, and 2003 in the total amount of \$767.76. Commissioner Wender seconded. Unanimous. Order signed.

Ms. Holly told the Commissioners that Teresa A., Wilma J. and Roy L. Cales tax assessment was incorrect due to a clerical error and said clerical error resulted in an overstatement of taxes for the year 2003 in the amount of \$469.94.

Commissioner Lopez offered a motion subject to the approval of the Assessor that Teresa A., Wilma J. and Roy L. Cales be afforded tax

relief for tax year 2003 in the total amount of \$469.94. Commissioner Wender seconded. Unanimous. Order signed.

Ms. Holly informed the Commissioners that in November 2004 they petitioned the Public Service Commission to consolidate Deepwater Public Service District with and into Armstrong Public Service District the petition stated water service.

Ms. Holly told the Commissioners that in 1963 the Order creating the District provided water and sewer service.

Ms. Holly told the Commissioners that apparently in the Order presented July 26, 2005 water and sewer service was not clarified in the merger.

Ms. Holly told the Commissioners she received a call from Amy Swan with the Public Service Commission informing that this was not clarified in the Petition. Ms. Swan asked Ms. Holly to prepare an order and indicate in the Order to include water and sewer service.

Ms. Holly told the Commissioners that she was told by Ms. Swan that this would not have to go through a public meeting.

Ms. Holly told the Commissioners she prepared the Order. Ms. Holly presented a copy to Brian Parsons, Assistant Prosecuting Attorney to review. Tom Steele, Assistant Prosecuting Attorney reviewed the Order did not see any problem.

Commissioner Lopez offered a motion to include water and sewer service in the merger of the Deepwater Public Service District with and into Armstrong Public Service District. Commissioner Wender seconded. Unanimous. Order signed.

Ms. Holly informed the Commissioners that Commissioner Eskew did



give authorization to use his stamp.

Commissioner Lopez offered a motion to approve Fred Jesser as Special Fiduciary Commissioners. Commissioner Wender seconded. Unanimous.

Sheriff William Laird appeared before the Commission to discuss his recommendation for hiring applicants for the positions of Director and Manager of the Fayette Country Community Corrections Day Report Center.

Sheriff Laird told the Commissioners that they had advertised and received approximately eighteen (18) applications.

Sheriff Laird told the Commissioners that from the applications they interviewed five (5) candidates.

Sheriff Laird told the Commissioners they had chosen a subcommittee of three (3) persons (Pete Hobbs, Tim Erwin and Judy Lively) who interviewed on September 15, 2005 they will contact their references.

Sheriff Laird request to the Commission is that he would like to empower the Subcommittee to make the appointment.

Commissioner Lopez offered a motion to approve recommendation to have Subcommittee select the director and manager for the Fayette County Community Correction Day Report Center subject to the approval of the Sheriff. Commissioner Wender seconded. All approved.

Sheriff Laird told the Commissioners that he was looking at the Summerlee School for housing the inmates.

Sheriff Laird told the Commissioners he will contact the adjacent individuals of the plans to make sure it would be acceptable in the

areas.

Sheriff Laird told the Commissioners he wants to make them aware that he has received the Courthouse Security Grant.

Sheriff Laird told the Commissioners that he did include the courthouse windows but did not include a budget for the installation.

Ms. Holly told the Commissioners she received letters from the West Virginia Development Office informing that the WV Legislature has provided them a summary of projects to be considered for funding from the Local Economic Development Assistance Program during fiscal year 2006 (FCC-Sportman Project #06-LEDA0129, Historical Society Project #06-LEDA0130 and Bridge Day Festivities Project #06LEDA0128).

Ms. Holly told the Commissioners that there was one that she did not know if it was for the Fayette County Commission.

Ms. Holly told the Commissioners that the Information Sheets for each project must be returned no later than January 31, 2006.

Ms. Holly told the Commissioners it would probably be at least a year down the road to know for sure if they have been approved.

Commissioner Wender told Ms. Holly that the extra Legislative Digest Grant might be for the City of Oak Hill-Hank Williams Museum. Commissioner Wender told Ms. Holly that if it is she needs to let the City of Oak Hill know.

Ms. Holly told the Commissioners that each entity needs to take care of individually.

The Commissioners signed invoices to the Fayette County Board of Education for rental of the Memorial Building for the months of September and October, amount \$10,833.34.

Ms. Holly informed the Commissioners that the Federal Government has increased the gas mileage to forty-eight and a half cent (.485¢) effective September 14, 2005.

Commissioner Lopez offered a motion that the Fayette County Commission recognizes the Federal and State Travel Management Office to increase mileage from 40.5¢ to 48.5¢ effective September 14, 2005. Commissioner Wender seconded. Unanimous. Order signed.

Ms. Holly presented to the Commissioners Request for Reimbursement from the West Virginia Courthouse Facilities Improvement Authority for Phase II Courthouse Window Project, amount \$54,000.00.

The Commissioners received and reviewed a letter from the West Virginia Development Office Legislature Digest Grant Agreements for Southern Appalachian Labor School, amount \$5,000.00, Gauneka-Ruritan Community Center, amount \$5,000.00 and Fayette County Commission-Fayette County Park, amount \$5,000.00.

The Commissioners signed letters enclosing a copy of a certificate of award and a copy of the Agreement for the Legislative Digest Grant to Gauneka-Ruritan Community Center to assist in the replacement of the community center roof, amount \$5,000.00 and Southern Appalachian labor School for repair and replacement of the fire alarm system and emergency lights and construction of a playground structure, amount \$5,000.00.

The Commissioners received from Angie Groves, Region 4 Planning and Development Council a drawdown request for the Fayette County Commission's Small Cities Block Grant-Page-Kincaid Public Service District-Ingram Branch Wastewater System Extension.

Commissioner Lopez offered a motion to approve and authorize drawdown request as presented for the SCBG-Page-Kincaid Public Service District-Ingram Branch Wastewater System Extension, amount \$23,067.98. Commissioner Wender seconded. Unanimous. Resolution signed.

The Commissioners received a resignation from Timothy Fish, a member of the Fayette County Urban Renewal Authority Board.

Commissioner Wender recommended that Michael Smith fill the vacancy.

Commissioner Lopez offered a motion to appoint Michael Smith to fill the unexpired term as a member of the Fayette County Urban Renewal Authority Board. Commissioner Wender seconded. All approved. An appointment letter to serve and order signed.

Commissioner Wender requested that a letter be written to Senator Robert Byrd requesting that he support and/or co-sign the amendment to the Omnibus Park and Public Lands Management Act.

The Commissioners signed a letter to the Economic Development Administration regarding the 2004-2008 Comprehensive Economic Development Strategy (CEDS) Fiscal Year 2005 Annual Report indicating that the Fayette County Commission is actively involved in the planning process of the Region 4 Planning and Development Council and that a separate document for the County is unnecessary.

Ms. Holly told the Commissioners that she has asked Earl Pauley, Park Superintendent to give her an update on the steps at the Danese Volunteer Fire Department.

Ms. Holly presented to the Commissioners checks written to the Regional Jail for the months of May (\$61,546.50), June (\$52,913.50),

July (\$49, 130.50) and August (\$54,950.50) that she is holding. Ms. Holly asked the Commissioners if it was okay to release.

Commissioner Lopez offered a motion to release checks to the Regional Jail total amount \$218,54.00. Commissioner Wender seconded. All approved.

The Commissioners received and reviewed a request from James Perdue, Maintenance Supervisor, requesting purchase of a riding lawnmower for the Courthouse, amount \$1,875.00.

Commissioner Wender asked to hold for review in March 2006.

The Commissioners received and reviewed information from James Perdue, Maintenance Supervisor regarding the removal and replacement of the maple tree in front of the Courthouse.

Mr. Perdue told the Commissioners he had called several nurseries looking for the size that had been discussed, the only nursery that has that size is Turner Nursery near Lewisburg. Mr. Perdue told the Commissioners the tree will have a one-year warranty.

Mr. Perdue told the Commissioners the 6" diameter tree would cost approximately \$5,500 to \$7,000 and the 3" diameter tree would cost \$1,000.00.

Commissioner Lopez offered a motion to approve the 3" diameter tree at a total of \$1,000.00. Commissioner Wender seconded. All approved.

Commissioner Wender asked that Mr. Perdue get care instructions from the nursery (i.e., watering etc.).

Commissioner Wender told the Commissioners that Daniel Wright can get seedlings from Historical places.

The Commissioners received and reviewed a letter from the Great Kanawha Valley Foundation asking that they recommend up to three (3) potential candidates to be considered by the Foundation's Nominating Committee for a seat on the Foundations's Board of Trustees.

Commissioner Wender informed he would take under advisement.

The Commissioners received and reviewed a letter from Region 4 Planning and Development Council giving an update on the City of Mount Hope-Kilsyth Sewer Extension/Plant Upgrade.

Ms. Holly informed the Commissioners she received a request for the use of the Memorial Building for a beauty pageant and several other events.

Ms. Holly informed the Commissioners that she passed along the schedule of fees but they were not happy.

The Commissioners received and reviewed a letter from Sheriff William Laird informing that at a recent meeting with the Division of Criminal Justices, he and Tim Erwin were advised of the need to submit a revised budget for the operation of the County Commission's Community Corrections Program.

Sheriff Laird informed the Commission that the need for this budget revision was based on the fact that this grant project was funded at a level of \$89,000 rather than the \$110,052 level as was originally proposed.

The Commissioners received and reviewed from Sheriff Laird a request for reimbursement from the West Virginia Division of Criminal Justice Services for Project 05-JAG-06, amount \$1,718.20.

The Commissioners received and reviewed a copy of the Project

Financial Report submitted to the West Virginia Division of Criminal Justice Service for Project #05-JAG-06.

The Commissioners received and reviewed a letter from Walt Helmick, Chairman of the Senate Finance Committee clarifying the funding in the Legislature Digest for fiscal year 2006 for the Fayette County Commission, total of \$40,000 for Sportsman Recreation Center, amount \$25,000 and Hank Williams Museum, amount \$15,000.

The Commissioners received and reviewed a copy of a certificate from the West Virginia Department of Transportation-Transportation Enhancement Program informing that the Oak Hill Rail Trail, Phase II for Fiscal Year 2005 has been approved for \$59,840 in Federal Funds pursuant to the Transportation Equity Act for the 21<sup>st</sup> Century.

The Commissioners received and reviewed a copy of a letter to Debbie Aliff, Payroll Clerk from Daniel Wright, Circuit Clerk informing that effective September 14, 2005 he has hired Paula J. Sutphin as a deputy clerk to replace Sue Massey, salary would be \$17,000.

The Commissioners received and signed invoices for the confinement of inmates at the Southern Regional Jail for the Town of Fayetteville, amount \$145.50, the City of Oak Hill, amount \$1,164.00, and the City of Mount Hope, amount \$145.50.

The Commissioners signed a letter to Michael Proops, Controller with the Family Law Masters, requesting reimbursement for rent in the amount of \$2,025.00 for the month of October 2005.

The Commissioners received and reviewed a letter from the Regional Jail and Correctional Facility Authority informing their

auditor's Gibbons and Kawash, CPA's are conducting an audit of their financial statements. They are asking that the Fayette County Commission confirm the amount due to them as of June 30, 2005 is \$158,886.00.

The Commissioners received and reviewed a request for quotes from Judge Paul Blake for wall paper and drapes for his office.

The Commissioners approved for Judge Paul Blake to continue use of his radio purchased when he was Prosecuting Attorney, cost \$11.00 monthly.

The Commissioners received and reviewed from the West Virginia County Records Management and Preservation Grants program grant information and application. Copies forwarded to the Circuit Clerk, County Clerk, Sheriff, Assessor, Prosecuting Attorney and County Resource Coordinator.

Commissioner Wender asked Ms. Holly to schedule Mark Ehrnschwender to come in and give an update on the former Humane Society property in Glen Jean.

Commissioner Wender informed the Commission that they need something in writing regarding the building permit fees for non-profit organizations.

Commissioner Wender asked Ms. Holly what is the status of the fire proof inspection of the Circuit Clerk and the County Clerk's Office.

The Commissioners had a discussion with Earl Pauley, Park Superintendent regarding the gas at the Fayette County Park.

The Commissioners signed a letter to the Secretary of State



asking that they be considered available grant money to improve handicapped accessibility to a number of their precincts.

The Commissioners received and reviewed a copy of a letter to Debbie Aliff, Payroll Clerk from the West Virginia Public Employees Retirement Board regarding Garland E. Burke retirement account. Ms. Holly forwarded a copy of the letter to Sheriff William Laird to review and advise.

Commissioner Wender asked Anthony Ciliberti, Jr., Assistant Prosecuting Attorney to stress to Carl Harris, Prosecuting Attorney to talk with Dave Abrams, Attorney for the Oak Hill Senior Citizen Center to discuss the importance of the right of way matter.

The meeting was adjourned at 11:50 a.m. The next scheduled meeting is September 30, 2005.



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FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
SEPTEMBER 30, 2005  
COURTHOUSE

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

The Fayette County Commission met in a regular session on this 30<sup>th</sup> day of September 2005.

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

Mary K. Weatherford presented exonerations and refunds to be approved and signed to the Commissioners.

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

Commissioner Lopez offered a motion to approve refunds for Thom W. Cathy Morgan, amount \$143.46 and Roy and Wilma Jean Cales, amount \$145.78. Commissioner Eskew seconded. All approved.

Ms. Holly presented Petitions to Combine or Divide and Segregate Land as submitted by the Assessor's Office to the Commissioners.

Commissioner Lopez offered a motion to approve Petitions to Combine or Divide and Segregate Land for Herbert Thompson, Doris Jean Burgess, Carl Douglas Bowles, Myrtle Ramsey, Carl Lee Kennedy, Beverly Ann Davis, Timothy L. Fernet, Herbert H. Lane, Jr., Terry W. and Amy R. Hicks, Cynthia Dye and BMRS Management LLC. Commissioner Eskew seconded. Unanimous.

Commissioner Wender offered a motion to approve minutes for August 26 and September 2, 2005. Commissioner Lopez seconded. Unanimous.

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

Ms. Holly presented a list of the vendor's revenue expenditures for the Annual Financial Statement Fiscal Year 2004-2005 to the Commissioners.

Commissioner Eskew offered a motion to approve the list of vendors for the Annual Financial Statement for Fiscal Year 2004-2005 as presented by Ms. Holly. Commissioner Lopez seconded. Unanimous.

Ms. Holly informed the Commissioners she received contracts agreements from the West Virginia Development Office for Fiscal Year 2005 Local Economic Development Assistance Grant that needs to be signed award for Multi-Cap Watch Me Grow, amount \$2,500.00, Fayette County Courthouse the purchase of new jury room chairs, amount \$6,000.00, Fayette County Sheriffs Department to purchase specialized firearms, amount \$5,000.00, Fayette County Weatherization Program, amount \$3,000.00, and the White Oak Trail, amount \$6,000.00.

Commissioner Lopez offered a motion to authorize President Wender to execute and sign the contract agreements and Resolution for Multi-Cap Watch Me Grow, Fayette County Courthouse Jury Room chairs, Fayette County Sheriffs Department, Fayette County Weatherization Program, and White Oak Trail. Commissioner Eskew seconded. Unanimous. Contract agreements and Resolutions signed.

The Commissioners signed letters to Corporal Micah Feltner and Sergeant James Sizemore extending their congratulations of their promotion in the Fayette County Sheriff's Department.

The Commissioners signed a letter to Deputy Densil Bennet informing they had be advised of his resignation as a Fayette County Deputy effective September 24, 2005 and offering their sincere appreciation for his 5½ years of service to Fayette County and our citizens.

Leon Spencer, Fayette County Surveyor appeared before the Commission to discuss the description for boundaries for Precinct 14 and Precinct 12.

Mr. Spencer told the Commissioners that the boundary description for Precinct 12 has changed since they dropped Precinct 14 and merged it into Precinct 12.

Commissioner Eskew offered a motion that the County Clerk and Leon Spencer change the map and boundary description of precinct 12 no voters would be changed. Commissioner Lopez seconded. Unanimous.

Steve Cruikshank, OES Director appeared before the Commission.

Mr. Cruikshank told the Commissioners that all Fire Levy Agreement contracts for this Fiscal Year 2005-2006 have been signed. The Contracts are the same rates as the previous three years.

Mr. Cruikshank presented to and asked the Commissioners if they would adopt the National Incident Management System County Ordinance that the Homeland Security Presidential Directive established.

Commissioner Eskew offered a motion that the Fayette County Commission adopts the National Incident Management System County Ordinance. Commissioner Lopez seconded. Unanimous.

Mr. Cruikshank presented a request by the Fayette County Firefighters Association to raise the salary of Lynn Holstine

\$1,000.00 for the current fiscal year retroactive to July 1, 2005 to the Commissioners.

Commissioner Eskew offered a motion to approve raising Lynn Holstine's salary to \$1,000.00 for the current Fiscal Year 2005-2006 retroactive to July 1, 2005. Commissioner Lopez seconded. Unanimous.

Mr. Cruikshank presented to the Commissioners a revised and updated Appendix C to the Emergency Plan.

Commissioner Wender offered a motion that the Commission approves the reviewed and updated Appendix C to the Emergency Plan. Commissioner Eskew seconded. Unanimous.

Sheriff William Laird appeared before the Commission on behalf of the American Red Cross.

Sheriff Laird asked the Commission if they would be the sponsors for the Crestview Foundation Grant that the American Red Cross is applying for.

Sheriff Laird told the Commissioners the American Red Cross is trying to purchase a building.

Commissioner Eskew offered a motion that the Fayette County Commission sends a letter of support for the Crestview Foundation Grant that the Americana Red Cross is applying for. Commissioner Lopez seconded. Unanimous.

Commissioner Wender opened the bids for the Courthouse elevator at 10:00 a.m.

Commissioner Lopez offered a motion that the elevator bids are opened. Commissioner Eskew seconded. Unanimous.

Commissioner Wender informed they received two bids for the

Elevator Project, Kyle Construction, amount \$63,180.00 and Flat Top Construction, amount \$70,000.00.

Commissioner Eskew offered a motion to pass the bids to J. Dan Snead and Associates, Inc. to make recommendations. Commissioner Lopez seconded. Unanimous.

Sally Pennington appeared before the Commission to request funding for the Wolf Creek Park Hospitality Learning Center.

Ms. Pennington with the assistance of Carl Thompson presented a DVD explaining the program.

Ms. Pennington told the Commissioners she is requesting \$5,000.00 to put into partnering with West Virginia University Tech. The leasing of the WVU Tech building would bring more students into the Center.

Ms. Pennington told the Commissioners that in order to get the 3009 Grant they need matching funds.

Ms. Pennington is asking for a commitment from the Commission for their matching funds.

Commissioner Eskew offered a motion that the Commission commits to funding of \$2,500 to come out of this year fiscal year budget and the second half to come out of the fiscal year 2006-2007 budget with the understanding that these funds are used for the development of the Wolf Creek Park Hospitality Learning Center. Commissioner Lopez seconded. Unanimous. (See attached)

The Commissioners received and reviewed a fax from J. Dan Snead and Associates, Inc. informing they received the two bids that were received for the Courthouse Elevator Project (Kyle Construction,

**Fayette County Commission  
Request for Funding  
Wolf Creek Park Hospitality Learning Center  
September 30, 2005**

**Project Profile**

**Project Owner: Fayette County Urban Renewal Authority  
Project Administration: Region 4 Planning and Development Council  
Project Marketing: 4C Economic Development  
Project Funding to Date: Flex-E Grant  
Project Funding Seeking: HD 3009 Grant (requires matching funds)**

**Project Description:**

Tourism is Southern West Virginia's fastest growing industry with significant economic, environmental and socio-cultural impacts. Tourism has had a swift and continued growth pattern—11 percent per year-- that has positively affected the economy of Southern West Virginia since the 1970's. Over 106,000 jobs have been created from tourism in the state. The total spending by tourists in West Virginia has had over a \$3.4 billion direct economic impact and over a \$5.6 billion total economic impact on the state (2004 report by the West Virginia Division of Tourism\*). Travel spending generated the greatest number of jobs in accommodations and food services, arts, and entertainment recreation.

Southern West Virginia is in strong need of a system that will deliver fully integrated hospitality training that will assure industry success in delivering the kinds of experience that will result in West Virginia becoming a large player in the tourism destination market. Other than degreed professionals, the industry finds itself in the position of devising and delivering its own in-house training programs. While these are working for the individual providers, the services are not consistent across the board. This results in fragmented delivery to the traveler and lessens the potential positive impact of the tourism experience for those visiting West Virginia.

**Project Objectives:**

- 1. Hospitality Training will be available to those individuals who are seeking entry into the tourism industry, as well to employees and supervisory staff currently in the tourism and hospitality industry who seek skills upgrading, or advancement in supervisory or management positions.**
- 2. Offer Hospitality and tourism programs in a setting which will provide practical experience to students, as well as bring potential employers and employees together to their mutual benefit. The emphasis is on delivering training programs that meet industry and state certification standards.**
- 3. To leverage from an existing pool of expertise at various educational institutions to provide a "one-stop" training program to serve the hospitality industry in southern West Virginia.**
- 4. To successfully market educational programs to the hospitality industry employers, employees, and general public.**
- 5. To work closely with Wolf Creek Park developers to assure that excellent educational facilities and appropriate equipment are secured.**
- 6. To established a self-supporting training facility within 10 years.**

7. To offer initial identified high need hospitality training courses as early as 2006 at WVU Tech, Oak Hill Center.

Project Research:

Survey analysis identified core curriculum:

Concepts of Customer Service  
Communication Skills  
Attraction Knowledge and Historical Knowledge  
Computer Skills  
Hospitality Law and Ethics

Sector Curriculum:

National Restaurant Association  
American Hotel and Lodging Association  
Federal Retail Association  
Extreme Sports/Outfitters national organizations

Project Support to Date:

WVUIT -- , Jo Harris -- Partnership to obtain 3009 Grant, Training Providers  
WV HEAT  
4C Economic Development Authority

Current Industry Support:

WVPRO  
Fayette Co. Education Fund  
Laurel Lodge Enterprise  
Pepsi  
WalMart  
Quality Inn  
Sleep Inn  
Dairy Queen  
ACE  
Land Resources (pending)  
Super 8  
Tudor's/Ginos  
Holiday Inn  
Country Inn & Suites

Request:

**\$5,000 to apply toward facility rental at WVUIT, Oak Hill Center. Classes will be held at the Tech Oak Hill Center until the Learning Center Building is completed at Wolf Creek Park. Classes will begin early 2006. Rental fee total will \$10,000 for 2006.**



**WVUIT will benefit having this additional program to offer students. Important element of Learning Center is to foster career ladders and to feed higher education by the articulation of certificates and experiential learning. Working closely with existing programs offered at the VocTech, the Wolf Creek Learning Center become the next step for these students wishing to further their skills in the hospitality area.**

amount \$63,180.00 and Flat Top Construction \$70,000,00).

Mr. Snead told the Commissioners he reviewed the bids, and it was his recommendation to the Commission that the low bidder, Kyle Construction of Summersville is awarded the contract.

Commissioner Lopez offered a motion that the Commission approves the recommendation of Dan Snead to award the contract to the lower bidder, Kyle Construction, amount \$63,180.00. Commissioner Eskew seconded. Unanimous.

The Commissioners asked that J. Dan Snead and Associates prepare the contract.

Kelvin Holliday, County Clerk appeared before the Commission to get a decision on the voting system machines.

Mr. Holliday presented the HAVA contract for the voting systems to be used effective January 1, 2006 to the Commissioners.

Commissioner Wender offered a motion to choose the No-Cost Package, this equipment will put the County in compliance with all aspects of the Help America Vote Act, one high speed Optical Scanner, one computer with election management and reporting software to merge optical scan results with touch-screen counts, one statewide election cycle, funding for one ballot stand, voter training and education limited to the use of optical scan ballots, and free upgrades. Commissioner Eskew seconded. Unanimous.

The Commissioners received and reviewed a request from the Fayette County Chamber of Commerce requesting permission to use the Fayette County Courthouse parking lot as a location for Bridge Day paring on Saturday, October 15, 2005 during the time of 8:00 a.m. to

4:00 p.m.

Commissioner Eskew offered a motion to approve the request of the Fayette County Chamber of Commerce permission to use the Fayette County Courthouse parking lot as a location for Bridge Day parking on Saturday, October 15, during the time of 8:00 a.m. to 4:00 p.m. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve overtime for James Perdue, Maintenance Supervisor, Debbie Berry, and Jackie Hickman. Commissioner Eskew seconded. Unanimous.

Ms. Holly informed the Commissioners that at the request of Judge Paul Blake he asked that James Perdue get estimates for wallpaper for his office.

Ms. Holly informed the Commissioners that Mr. Perdue estimated the material would cost \$1,274.32.

Mr. Perdue informed the Commissioners he called three contractors only one submitted a bid, Bless This House stripping old paper from Judge Blake's and his assistant office would cost \$3,258.00 and repairing wallpaper seams in the courtroom would cost \$450.00.

The Commissioners asked Ms. Holly to hold and put on the agenda for October 14, 2005 to discuss.

Commissioner Wender welcomed everyone to the Zoning Hearing.

Commissioner Wender asked Tim Richardson, Zoning Officer to conduct the hearing.

Mr. Richardson presented to the Commissioners a list of members of the public wishing to speak and petition for and against the zoning request.

Commissioner Wender swore in all the members of the public wishing to speak in regard to this request.

Mr. Richardson presented Case #Z-501-05-1 for disposition: Request of Cammy Lynn Adkins, occupant for a change in land classification from R-R (Rural Residence District) to B-2 (Business, Local District) on property legally described as 1.53 acres Glade Creek, located on Route 31, Danese, New Haven District.

Mr. Richardson informed the Commissioners that the Planning Commission voted to deny the request for change in land classification. (See attached minutes of the zoning hearing)

Commissioner Lopez offered a motion to uphold the Planning Commission decision to deny Cammy Adkins request. Commissioner Eskew seconded. Unanimous.

Mr. Richardson informed the Commissioners that the Planning Commission had met in a special session regarding the recommendation on Z-502-05-1, LRC Holding, that they add the 10 conditions to their request.

Mr. Richardson informed the Commissioners that the Planning Commission voted unanimously (12-0) to remove the 10 conditions included in the original recommendation.

Mr. Richardson presented documentation regarding this matter to the Commissioners. No further action is required.

Howard Hughes appeared before the Commission to update everyone on the proposed Upper Paint Creek Watershed Association Nature Trail, Trailhead and Campground area site.

Mr. Hughes presented the plan and maps of the area in question to

# Fayette County Commission

## Minutes

September 30 , 2005

The Fayette County Commission met in regular session, September 30, 2005 at 11:00 am. The zoning portion of this meeting as follows:

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

Also present, Tim Richardson, Zoning Officer.

First order of business request:

List of members of the public wishing to speak presented to the President and petitions for and against presented.

Commission President swore in all members of public wishing to speak in regard to this request.

Next order of business:

**Z-501-05-1:** Request of Cammy Lynn Adkins,, occupant, for a change in land classification from R-R ( Rural Residence District) to B-2 (Business, Local District) on property legally described as 1.53 AC. Glade Creek, located on Route 31, Danese, New Haven District.

Zoning officer presented recommendation to county commission from the Planning Commission.

Ms. Adkins present spoke in regard to her application, stating she wanted to clarify the parking on the lot, stated parking was adequate for 30-50 cars as confirmed by an appraiser. Presented pictures of the location This was not presented to the planning commission.

Question, Ken Eskew, does the handicapped parking meet the federal guidelines ? Adkins, yes it does. Eskew and have you met the health permit requirements ? Adkins, yes I have.

Ken Eskew, is there a concern of flooding in this location. Adkins, flood waters did not reach the inside of the building in prior floods. Adkins, I have done everything by the law.

Question Matt Wender, you are requesting B-2 to have a restaurant, an ABC license for video lottery and a bar ? Adkins, yes.

Matt Wender, what about B-2 for restaurant use only ? Adkins, I want video lottery and a bar to go along with the restaurant.

Question, John Lopez, was this a non-conforming compliance before ?

Tim Richardson, ZEO, yes it was but the business was closed for longer than one year and lost it's non-conforming designation and reverted to R-R and they were required to reapply for the business zoned district.

Alan Whitt, the planning commission's recommendation was just. There is a concern of flooding in this location and of the septic system. I am certain that this business was closed before because of septic system failure over four years ago. I also have a petition with an additional 91 signatures against this request bringing the total against to 591. This will be a deterrent to the community. Their plans are for video lottery, a bar and liquor sales. We are representing the community and ask that you please honor the recommendation of the planning commission.

Question, John Lopez, is there any business located within 300 feet of this? Alan Whitt, no. There is a sign for a Christian school close to this building, but not within 300 feet itself.

Ken Eskew, is there a problem of a restaurant only being operated? Alan Whitt, there is a concern of the property not being a desirable location and needs further investigation. This business was operating illegally against the county guidelines. We are not opposed to a business location.

Matt Wender, question, are there no health concerns? What about no alcohol or video lottery, a restaurant only? Any opposition to this? No opposition.

Cammy Adkins, the septic was approved, health department did a dye test.

Alan Whitt, there is no documentation to prove this. There were problems with the septic with prior businesses located here.

Ken Eskew, this was closed because of health concerns?

Tim Richardson, ZEO, explained B-2 zoning could be approved with no alcohol consumption on site, a bar with video lottery would have to be approved by the BZA with application for a special use permit, but there would be package sales approved within B-2.

Debbie White, Cammy Adkins has worked hard to get this business going. Amanda Skaggs, from the health department approved the health department part of the business. Cammy Adkins was unaware of the zoning guidelines when opening the business. She needs a chance to prove the business. Parking is not a problem.

Connie Pennington, I work at a lottery video business, bar restaurant, they are monitored by the ABC commission. There is no problem with these establishments.

Alan Whitt, there are problems associated with these businesses, that's why there is a gamblers hotline.

Cammy Adkins, this is really no different than lottery ticket sales.

Alan Whitt, I am in opposition of this also.

Deborah Taylor, I opened a restaurant business only at this location, March 1999 and there were no problems and closed due to other obligations.

Matt Wender, question, do you have to have video lottery and a bar ?

Cammy Adkins, I plan to apply for a special use permit for further use of the business.

Rev. Pope, my location is a few hundred feet from this location. The county commission has done good work for the communities here today. Do we need another location for alcohol ? Need revenue for the county ? Law enforcement, fire and EMS will have more calls because of this business. There will be domestic problems because of this. You have an opportunity to look out for the welfare of the county. You have to live with your decision. Some businesses don't serve alcohol, but most do. Make a difference in your decision.

Catleen White, there should not be a bar in Danese, we love these people, but we don't love what they want to do.

BreAnn Justice, please don't allow a bar in Danese, the community is bad enough. Please, no bar.

Don Ray Bragg, Church and God's people are too silent, it's time to stand up. God gave you the ability to make the right decision.

Cynthia Jones, several restaurants have tried to make a go of it her, family restaurants, this location has sewer problems, you can't have carryout beer without a liquor license. This will compound problems, children will suffer. A hometown community is against alcohol.

Tim Richardson, ZEO, explained that B-2 would allow packaged sales of alcohol.

Deborah Taylor, stated that the prior business was not closed because of sewer problems.

Delores Berry, wished to speak but didn't because she had not previously signed to do so.



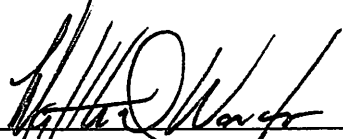
ZEO, Tim Richardson, the recommendation was to deny this request to rezone from R-R ( Rural Residence District) B-2 (Business, Local District). The vote by the Planning Commission was 10 for the motion for 0 against and 2 abstention.

**Disposition :** Motion to deny request as recommended by the planning commission by John Lopez , second by Ken Eskew .

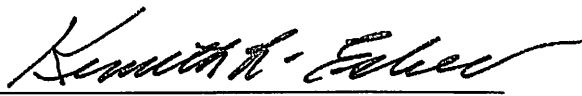
Vote 3-0.

Zoning officer then notified the county commission that the planning commission had met in special session in regard to the remand of the recommendation on Z-502-05-1, LRC Holdings, and voted, unanimously, 12-0 to remove the 10 conditions included in the original recommendation and presented the commission documentation in regard to this action.

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

  
\_\_\_\_\_  
Mathew D. Wender, President

  
\_\_\_\_\_  
John H. Lopez, Commissioner

  
\_\_\_\_\_  
Kenneth L. Eskew , Commissioner

# FAYETTE COUNTY COMMISSION

## ZONING HEARING

Sept. 30, 2005

### SIGN IN SHEET

- |                             | (WISH TO SPEAK)   |
|-----------------------------|---|
| 1. <u>Cammy Adkins</u>      | ✓ <input checked="" type="radio"/> YES <input type="radio"/> NO |
| 2. <u>Debbie White</u>      | ✓ <input checked="" type="radio"/> YES <input type="radio"/> NO |
| 3. <u>Connie Pennington</u> | ✓ <input checked="" type="radio"/> YES <input type="radio"/> NO |
| 4. <u>Charlotte Perkins</u> | <input type="radio"/> YES <input checked="" type="radio"/> NO   |
| 5. <u>James L. Gray</u>     | <input type="radio"/> YES <input checked="" type="radio"/> NO   |
| 6. <u>Shirley McLuie</u>    | <input type="radio"/> YES <input checked="" type="radio"/> NO   |
| 7. <u>Delores Taylor</u>    | ✓ <input checked="" type="radio"/> YES <input type="radio"/> NO |
| 8. <u>Rev. Jesse Pope</u>   | ✓ <input checked="" type="radio"/> YES <input type="radio"/> NO |
| 9. <u>Yuan Taylor</u>       | <input type="radio"/> YES <input checked="" type="radio"/> NO   |
| 10. <u>Janette Shuck</u>    | <input type="radio"/> YES <input checked="" type="radio"/> NO   |

**FAYETTE COUNTY COMMISSION**  
**ZONING HEARING**

September 30, 2005

**SIGN IN SHEET**

- |                             | (WISH TO SPEAK)                         |
|-----------------------------|---|
| 1. <u>Patricia Hatfield</u> | YES <input checked="" type="radio"/> NO |
| 2. <u>Roy Fox</u>           | YES <input checked="" type="radio"/> NO |
| 3. <u>Deborah Adkins</u>    | YES <input checked="" type="radio"/> NO |
| 4. <u>Patricia Pugh</u>     | YES <input checked="" type="radio"/> NO |
| 5. <u>Robert C. Nutter</u>  | YES <input checked="" type="radio"/> NO |
| 6. <u>Ken Bowen</u>         | YES <input checked="" type="radio"/> NO |
| 7. _____                    | YES NO                                  |
| 8. _____                    | YES NO                                  |
| 9. _____                    | YES NO                                  |
| 10. _____                   | YES NO                                  |

# FAYETTE COUNTY COMMISSION

## ZONING HEARING

September 30, 2005

### SIGN IN SHEET

- |                             | (WISH TO SPEAK)                         |
|-----------------------------|---|
| 1. <u>Dreda Sheaves</u>     | YES <input checked="" type="radio"/> NO |
| 2. <u>Jean Burdette</u>     | YES <input checked="" type="radio"/> NO |
| 3. <u>Joyce Bever</u>       | YES <input checked="" type="radio"/> NO |
| 4. <u>Lisa White</u>        | YES <input checked="" type="radio"/> NO |
| 5. <u>Jacquelin Stock</u>   | YES <input checked="" type="radio"/> NO |
| 6. <u>Delores Berry</u>     | YES <input checked="" type="radio"/> NO |
| 7. <u>Curtis Pentage</u>    | YES NO                                  |
| 8. <u>Norman Richard</u>    | YES <input checked="" type="radio"/> NO |
| 9. <u>Josephine Richard</u> | YES <input checked="" type="radio"/> NO |
| 10. <u>Theda Fox</u>        | YES <input checked="" type="radio"/> NO |

# FAYETTE COUNTY COMMISSION

## ZONING HEARING

September 30, 2005

### SIGN IN SHEET

- |                            | (WISH TO SPEAK)                         |
|----------------------------|---|
| 1. <u>Bertha Wells</u>     | YES <input checked="" type="radio"/> NO |
| 2. <u>Clare C. Maitre</u>  | YES <input checked="" type="radio"/> NO |
| 3. <u>Sandi Higgins</u>    | YES <input checked="" type="radio"/> NO |
| 4. <u>Lisa Crave</u>       | YES <input checked="" type="radio"/> NO |
| 5. <u>Tara Wiseman</u>     | YES <input checked="" type="radio"/> NO |
| 6. <u>Larry Wiseman</u>    | YES <input checked="" type="radio"/> NO |
| 7. <u>Nancy Whitt</u>      | YES <input checked="" type="radio"/> NO |
| 8. <u>Cathy Fox</u>        | YES <input checked="" type="radio"/> NO |
| 9. <u>Donal Harper</u>     | YES <input checked="" type="radio"/> NO |
| 10. <u>George Hatfield</u> | YES <input checked="" type="radio"/> NO |

**FAYETTE COUNTY COMMISSION**  
**ZONING HEARING**

September 30, 2005

**SIGN IN SHEET**

(WISH TO SPEAK)

- |                            |   |
|----------------------------|---|
| 1. <u>Lama Atsenirager</u> | YES <input checked="" type="radio"/> NO |
| 2. <u>Caitlin White</u>    | YES <input checked="" type="radio"/> NO |
| 3. <u>Brianne Justice</u>  | YES <input checked="" type="radio"/> NO |
| 4. <u>Kelly Jester</u>     | YES <input checked="" type="radio"/> NO |
| 5. <u>Mary Dyer</u>        | YES <input checked="" type="radio"/> NO |
| 6. <u>Steven Green</u>     | YES <input checked="" type="radio"/> NO |
| 7. <u>Rhonda Harper</u>    | YES <input checked="" type="radio"/> NO |
| 8. <u>Louise Halcomb</u>   | YES <input checked="" type="radio"/> NO |
| 9. <u>Roger Shuck</u>      | YES NO                                  |
| 10. <u>Larry Wells</u>     | YES <input checked="" type="radio"/> NO |

**FAYETTE COUNTY COMMISSION**  
**ZONING HEARING**

Sept. 30, 2005

**SIGN IN SHEET**

- |                                | (WISH TO SPEAK)   |
|--------------------------------|---|
| 1. <u>Dessa Shuck</u>          | YES <input checked="" type="radio"/> NO                       |
| 2. <u>Betty Pittenbarger</u>   | YES <input type="radio"/> NO                                  |
| 3. <u>Janice Bragg</u>         | YES <input type="radio"/> NO                                  |
| 4. <u>George O. Zickelrose</u> | YES <input type="radio"/> NO                                  |
| 5. <u>Don Ray Bragg</u> ✓      | <input checked="" type="radio"/> YES <input type="radio"/> NO |
| 6. <u>Roberta Syers</u>        | YES <input type="radio"/> NO                                  |
| 7. <u>Meredith Quinn</u>       | YES <input type="radio"/> NO                                  |
| 8. <u>Caroly G Berry</u>       | YES <input type="radio"/> NO                                  |
| 9. <u>Evelyn McComb</u>        | YES <input type="radio"/> NO                                  |
| 10. <u>Gloria Martin</u>       | YES <input type="radio"/> NO                                  |

# FAYETTE COUNTY COMMISSION

## ZONING HEARING

September 30, 2005

### SIGN IN SHEET

- |   | (WISH TO SPEAK)  |
|---|--|
| 1. <u>Dorothy L Shuck</u>                     | YES <input checked="" type="radio"/> NO <i>Against</i> |
| 2. <u>Norma M<sup>rs</sup> Clavitt</u>        | YES <input checked="" type="radio"/> NO <i>Against</i> |
| 3. <u>Clayton G Shriver</u>                   | YES <input checked="" type="radio"/> NO                |
| 4. <u>Loran Jones</u>                         | YES <input checked="" type="radio"/> NO <i>Against</i> |
| 5. <u>Harold Shuck</u>                        | YES <input checked="" type="radio"/> NO                |
| 6. <u>ALLEN R. WHITT</u> ✓                    | <input checked="" type="radio"/> YES NO                |
| 7. <u>Carlos Buehler</u>                      | YES <input checked="" type="radio"/> NO                |
| 8. <sup>LANNIE</sup> <u>Cynthia M Jones</u> ✓ | <input checked="" type="radio"/> YES NO                |
| 9. <u>Kelly Swaggart</u>                      | YES <input checked="" type="radio"/> NO                |
| 10. <u>Wayne Swaggart</u>                     | YES <input checked="" type="radio"/> NO                |



the proposed site.

Commissioner Lopez asked if there is a fee for the leasing of this property.

Discussion was held regarding Mr. Hughes request to have this are added on the County's liability insurance coverage.

Carl Harris, Prosecuting Attorney informed the Commissioners he would have to review. Mr. Harris told the Commissioners they would have to be a party to the lease.

The Commissioners asked that Jim Lively Insurance review.

Commissioner Wender asked Jim Lively to review what the County's premium cost would be if the Commission was a party to the lease agreement.

Commissioner Wender suggested putting on the agenda for October 14 to discuss the liability insurance for the proposed Nature Trail, Trailhead and Campground Area.

The Commissioners adjourned for lunch at 12:30 p.m.

The Commissioners reconvened the Commission meeting at 1:20 p.m.

The Commissioners recessed to go into an Executive Session to discuss personnel matter with Daniel Wright, Circuit Clerk, to discuss attorney client matter relating to the Pocahontas Land Company with Carl Harris, Prosecuting Attorney, and to discuss personnel matter with David Neal, E911 Coordinator.

The Commissioners reconvened from the Executive Session at 2:35 p.m.

Earl Pauley, Park Superintendent, Peggy Bennet and Patti Payne appeared before the Commission to discuss problems at the Dog Pound

and questions regarding budget.

Mr. Pauley informed the Commissioners that the paving of the roads at the animal shelter has been completed.

Mr. Pauley is requesting a budget revision of \$4,000.00 so that he can keep part-time workers' Donna Cooper, Jonathan Richmond and Johnny Worick to help with Christmas lights, painting at the Animal Shelter, installing installation in the nursing station.

Commissioner Eskew asked Mr. Pauley where he would get the \$4,000 from. Mr. Pauley replied not out of his budget.

Commissioner Eskew offered a motion to increase the Fayette County Park budget to \$4,000.000 for the three part-time workers. Commissioner Lopez seconded. Unanimous.

Mr. Pauley told the Commissioners he is planning a bike give away at the Fayette County Park the weekend of December 23 and is planning on asking Wal-Mart if they would donate a boy and girl bike for this give away.

The Commissioners asked Mr. Pauley to check with K-Mark to see if they would donate the bikes. Mr. Pauley asked the Commission if Wal-Mart or K-Mart didn't donate the bikes would the Commission be willing to donate.

Mr. Pauley asked the Commission about budgeting out of the \$4,407.67 donations the Fayette County Park receives to purchase a controller for the Christmas lights for next year. Mr. Pauley told the Commissioners the cost would be from \$65 to \$500.00.

Commissioner Wender asked that this be worked on in March.

Mr. Pauley told the Commissioners that the City of Mount hope is

running a dog catcher facility.

Mr. Pauley told the Commissioners that the facility is not properly equipped to house dogs.

The Commissioners asked to hold off discussion of this until Carl Harris, Prosecuting Attorney returns.

Commissioner Wender asked Mr. Pauley about the steps at the Danese Volunteer Fire Department.

Mr. Pauley presented a break-down of the materials used for steps at the Danese Volunteer Fire Department to the Commissioners.

Commissioner Wender told the Commission that Chris Campbell is asking that the roof over the steps be redone.

Commissioner Eskew offered a motion that Earl Pauley spends up to \$1,100.00 to complete the pavement at the Danese Fire Department and the Community Center. Commissioner Lopez seconded. Unanimous.

Commissioner Eskew offered a motion to spend up to \$300.00 using county equipment to redo the roof over the steps of the Danese Fire Department. Commissioner Lopez seconded. Unanimous.

Upon the return of Carl Harris, Prosecuting Attorney the Commission asked him about the situation at Mount Hope regarding housing of dogs at their facility.

Mr. Harris suggested that a letter be sent to the City of Mount Hope informing them they are in violation of the Humane Society laws and also suggested to Mr. Pauley to ask that when delivering dogs to the Fayette County Animal Control Center all paperwork should be in order.

Mr. Pauley told the Commissioners that they have received several

complaints on Mark Campbell the dog Warden.

Commissioner Lopez suggested that this be addressed on the October 14, agenda. Commissioner Lopez suggested discussing putting Russell Parker on as Dog Warden. Commissioners asked that Steve Kessler be present for this meeting.

The Commissioners signed the contract for the purchase of new voting equipment for the Voter's Registration Office.

The Commissioners signed the Federal Equitable Sharing Agreement allowing the Fayette County Sheriff's Department and the U. S. Department of Justice to receive certain forfeiture funds resulting from joint investigations with federal agencies involving their department.

The Commissioners received and reviewed two requisitions from Eddie Young, Assessor for the purchase of two printers (DesignJet 500 printer, \$2,927.58 and HP Laser Jet, \$2,344.71) for his office. This is to be paid out of the PVC Fund.

The Commissioners received and reviewed a request from SS Peter and Paul Catholic School requesting the use of the Memorial Building for their upcoming basketball games.

The Commissioners received and reviewed a request from the Oak Hill Cheerleading Boosters requesting the use of the Memorial Building for cheerleading practice.

The Commissioners received and reviewed a request from the Fayetteville Fairs and Festival Committee requesting permission to use the Courthouse lawn/sidewalk on Friday, October 14, 2005 to honor the unveiling of the State quarter.

Commissioner Wender offered a motion to approve the request of SS Peter and Paul Catholic School to use the Memorial Building for their upcoming basketball games, the \$1,000 rental fee will be waived, all other rules are applicable, including insurance garbage, and custodian services; the request of the Oak Hill Cheerleading Boosters the use of the Memorial Building for cheerleading practice is an official school function and covered under the certificate of insurance from the Board of Education; the request of the Fayetteville Fairs and Festival Committee the use of the Courthouse lawn/sidewalk on Friday, October 14, 2005 to honor the unveiling of the State quarter. Commissioner Eskew seconded. Unanimous.

Ms. Holly informed the Commissioners about the problem with the Emergency doors. Ms. Holly told the Commissioners that Fayette Awning has agreed to replace the doors at no cost to the County.

Commissioner Lopez asked Ms. Holly about the door to the Magistrate Office.

Ms. Holly told the Commissioners that this was her first time hearing about the problem with the Magistrate's door.

Commissioner Lopez asked Ms. Holly to contact Mike Parsons regarding this matter.

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

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

The Commissioners received and reviewed several correspondences from Steptoe and Johnson and Schumacher, Francis and Nelson regarding

lawsuits.

The Commissioners received and reviewed checks for the 911 Fees from Granite Telecommunications, LLC, amount \$102.00, IDT Corporation, amount \$66.00 AT&T Communication of WV, amount \$1,282.00, Metro Teleconnect Co., amount \$9.80, Verizon, amount \$34,050.76; Family Law Master rent, amount \$2,025.00; reimbursement Memorial Building, amount \$64.26; TRIDENT overtime, amount \$1,536.35; reimbursement Law Enforcement overtime, amount \$282.90; Soldiers and Sailors Memorial Building, amount \$25.00; Magistrate Court, amount \$1.00.

The Commissioners received and reviewed a copy of a check to the Regional Jail and Corrections for the month of August, amount \$65,135.50.

The Commissioners received and reviewed an invitation from the Southern Conservation District Annual Award Banquet inviting the Commission to attend their banquet being held October 11, 2005.

The Commissioners received and reviewed several faxes from the Office of the Secretary of State regarding the new voting system being implemented for the upcoming election.

The Commissioners received and reviewed a letter from Governor Joe Manchin regarding the passage of Senate Bill 319 the Local Government Flexibility Act which establishes an application and review process for county commissions, municipalities, and county boards of education to apply for a waiver of a specific policy, rule or regulation from the Governor through the Secretary of the West Virginia Department of Commerce.

The Commissioners received and reviewed an invoice from Shannon-

Baum signs for \$44.75 paid out of the 911 Fund.

The Commissioners received and reviewed a note from Debbie Aliff, Payroll Clerk informing Allen Armstrong has quit.

The Commissioners received and reviewed Weekly Fees Collected from the Fayette County Animal Control Center/NRHS for the week of September 9 to September 15, 2005, amount \$235.00, the week of September 16 to September 22, 2005, amount \$285.00, the week of September 23, to September 29, 2005, amount \$425.00.

The Commissioners received and reviewed Statement of Expenditures as of June, July and August 2005 for the Fayette County Park and the Central Garage.

The Commissioners received and reviewed Cash Statement and Asset List from the Bank of New York for September 22 and September 23, 2005.

The Commissioners received and reviewed a notice from the Oak Hill United Methodist Church informing of the Deed Ceremony being held October 13, 2005 at 10:00 a. m., the Fayette County Board of Education will sign over the deed of the old Oak Hill Football Field to the Lewis Community Foundation.

The Commissioners received and reviewed a letter from the Pipeline Group inviting the Commission and equipment operators to a free dinner and brief safety training presentation on damage prevention related to excavation activities.

The Commissioners received and reviewed a letter from Sheriff William Laird informing that the subcommittee of the Fayette County Local Criminal Justice Board has made the decision to employ Renee

Harper as the Director of the new Fayette County Community Corrections Program, salary \$27,000. The salary to be paid by grant funds reimbursed by the Division of Criminal Justice Services, as matched locally by the Fayette County Commission.

The Commissioners received and reviewed a copy of a letter to Debbie Aliff, Payroll Clerk from Sheriff William Laird informing that the rank and pay of Deputy Sheriff C. D. Moses have been reduced. Mr. Moses is to occupy the rank of a deputy sheriff within this department and as a result of this reduction in rank, his salary level is to be reduced in the amount of \$400.00 effective October 1, 2005.

The Commissioners received and reviewed a plaque naming the contributors of the Statue of the Marquis de Lafayette.

The Commissioners received and reviewed information regarding the 12<sup>th</sup> Annual Christmas Festival and Craft Show being held Saturday, November 5, 2005.

The Commissioners received and reviewed a letter from the West Virginia Infrastructure and Jobs Development Council regarding the Annual Employment Status Report regarding Wolf Creek Industrial Park-2004E-089 Loan. Original forwarded to Dave Pollard, County Resource Coordinator.

The Commissioners received and reviewed a letter from Kelvin Holliday, County Clerk to the Secretary of State regarding our election night help expenses for the special election held June 25, 2005.

The Commissioners received and reviewed a letter from Carl Harris, Prosecuting Attorney informing of the personal office



furniture he moved from his private practice to the prosecuting Attorney's Office (one bookcase credenza, one computer desk, one executive desk (all manufactured by the ALMA Co.), two wing back chairs, two green office chairs, one leather high back executive chair, one end table with a lamp, one end table, and one oak computer desk (located in the adjoining office).

The Commissioners received and reviewed a letter from Carl Harris, Prosecuting Attorney regarding the demolition of Fitzgerald property.

The Commissioners received and reviewed a copy of an accident report of Deputy Eddie C. Gilkerson, II.

The Commissioners received and reviewed a letter from the West Virginia Development Office regarding Fiscal Year 2006 Land and Water Conservation Fund Notice Invitation to Submit Application.

The Commissioners received and reviewed a letter from the Forward Southern West Virginia regarding developing a Grad Loge to the Fayette County region.

The Commissioners received and reviewed a letter from the City of Mount Hope informing that a ceremony to sign agreement to provide expanded sewage collection and treatment capability to Mount Hope is scheduled for Monday, October 13, 2005 at 11:00 a.m. at the Mount Hope Housing Authority Community Room.

The Commissioners received and reviewed a copy of a letter to Debbie Aliff, Payroll Clerk from the Consolidated Public Retirement Board regarding information that has become available regarding Garland Burke's retirement account.

The Commissioners received and reviewed a copy of a memo to Debbie Aliff, Payroll Clerk from Chief Deputy Steve Kessler informing of Denny Bennett resignation from the Sheriff Department effective September 24, 2005.

The Commissioners received and reviewed Status Report of the 911 Center for January to August 2005.

The Commissioners received and reviewed a letter from Region 4 Planning and Development Council regarding the Town of Meadow Bridge proposed water extension to Beelick Knob. A copy of the letter forwarded to Dave Pollard, County Resource Coordinator.

The Commissioners received and reviewed a letter from Charter Communications informing of an upcoming price adjustment in the area effective October 17, 2005.

The Commissioners received and reviewed a letter from the Internal Revenue Service informing that the request to remove the Failure to Deposit penalty has been granted.

The Commissioners received and reviewed a letter from Holly Templin opposing the development housing along the New River Gorge. A copy of the letter forwarded to Tim Richardson, Zoning Officer.

The Commissioners received and reviewed a message from Michelle Blankenship regarding a complaint against Earl Pauley, Park Supervisor.

The Commissioners received and reviewed an invoice from Charles Franck for the removal of the tree in front of the Courthouse, amount \$700.00.

The Commissioners received and reviewed a copy of a letter from

the City of St. Marys thanking the Land Resource Companies for all the contributions it has made to their community.

The Commissioners received and reviewed an e-mail from the New River Humane Society thanking the Commission for the use of the Memorial Building for their Big Flea Market, but after their general meeting September 13, 2005 they decided to consider the project in January 2006.

The Commissioners received and reviewed an e-mail from Mark Ehrnschwender giving a status of the sale of the Humane Society property in Glen Jean.

The Commissioners received and reviewed an e-mail from Ron Booker, TRIDENT Task Force informing that the James Braxton lawsuit has been dismissed.

The Commissioners received and reviewed an e-mail from Rosalie Smith informing the Fayette County Youth Issues Committee is scheduled to meet on October 27, 2005 in the conference room under the New River health Pharmacy.

The Commissioners received and reviewed an e-mail from the Office of the State Treasurer informing that the funds dues for the September Limited Video Lottery proceeds were deposited in the bank on September 26, 2005, amount \$5,638.41.

The Commissioners received and reviewed an e-mail informing that a deposit has been made to the Environmental Protection Agency, amount \$38,312.73.

The Commissioners received and reviewed an e-mail from the Fayette County Animal Control Center/NRHS thanking the Commission for

the paving at the animal shelter.

The Commissioners received and reviewed an e-mail from Lucinda A. Potter announcing the Spring 2006 Local Government Leadership Academy meeting being held Saturday, April 22 and Sunday, April 23, 2005 at the Radisson Hotel in Morgantown.

The Commissioners received and reviewed an e-mail from Commissioner Wender regarding the Records Management and Preservation Grant.

The Commissioners received and reviewed an e-mail from Charlotte Holly to Carl Harris, Prosecuting Attorney regarding the Senior Center right-of-way.

The Commissioners received and reviewed an e-mail from Dave Pollard, County Resource Center informing he would be out of the office September 25-30, 2005 for the Certified Community Developer Institute.

The meeting was adjourned at 3:50 p.m. The next scheduled meeting is October 14, 2005.

