

FAYETTE COUNTY COMMISSION

REGULAR SESSION

APRIL 11, 2006

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 11th day of April 2006.

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

The Commissioners recessed the County Commission meeting to inspect devices for early voting.

The Commission reconvened the County Commission meeting at 9:34 a.m.

Eddie Young, Assessor presented exonerations for real and personal property tax to be approved and signed to the Commissioners.

Commissioner Lopez offered a motion to approve and sign exonerations for personal property tax for Robert and Tim Sizemore, Joseph L. or Cynthia J. Dixon and Tammy and Kevin D. Dean as submitted by the Assessor. Commissioner Eskew seconded. Unanimous.

Commissioner Eskew offered a motion to approve and sign exonerations for real property tax for Steven L. and Victoria R. Setterl, Locie S. Hamilton, Matthew W. and Sarah Wilder, Earl R. and Rita C. Dodson, Jr. and Louise and Herman Geary as submitted by the Assessor. Commissioner Lopez seconded. Unanimous.

Ms. Holly presented to the Commissioners a letter from Eddie Young, Assessor informing that Victoria and Steven Setterl has been taxed as Class 4 for several years. Mr. Young told the Commissioners that since the Setterl live on the property they should have been

taxed at the Class 2 rate.

Mr. Young informed the Commissioners that due to the error he is requesting that the Commission grant a \$2,449.41 credit to be applied to future taxes for Mr. and Mrs. Setterl.

Commissioner Lopez offered a motion to approve tax refund for Victoria and Steven Setterl subject to the approval of the Assessor, the Petitioner be afforded tax relief for tax year 2000, 2001, 2002, 2003, and 2004 in the total amount of \$2,449.41 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 Eskew seconded. Unanimous.

Commissioner Lopez offered a motion to approve vouchers, invoices and payrolls, checks for vendors to be released today, payrolls to be released April 14, 2006. Commissioner Eskew seconded. Unanimous.

Sheriff Laird appeared before the Commission to inform them that he will not be able to attend the meeting scheduled for today at 10:45 a.m. to discuss unused sick leave policy.

Commissioner Wender asked the Commission if they recall approving a big screen TV and DVD player for the County Clerk's Office. The Commissioners replied no.

Commissioner Lopez asked about putting Dickie Smith back on the payroll to work in the maintenance department.

Commissioner Wender asked Ms. Holly to do a Budget Revision.

Commissioner Eskew offered a motion to hire Dickie Smith as a full time custodian as soon as possible for the maintenance department. Effective April 24, 2006 at the current rate of \$13,200

will receive a \$15,000 raise effective July 1, 2006. Commissioner Lopez seconded. Unanimous.

Tom Oxley, City Manager, City of Oak Hill appeared before the Commission to present an application for Annexation of the Wolf Creek Park.

Carl Harris, Prosecuting Attorney told the Commissioners he reviewed the application, application in proper order.

The application has been published and posted by the City of Oak Hill.

Commissioner Wender read the order as presented by the City of Oak Hill.

The Commissioners approved to schedule the hearing for May 19, 2006.

Commissioner Eskew offered a motion that the County Commission approves Order for Application for Annexation of Wolf Creek Park submitted by the City of Oak Hill, hearing to be scheduled for May 19, 2006. Commissioner Lopez seconded. Unanimous.

Celi VanDyke, Deputy James Sizemore, Elizabeth Sparks, Chassity Young with Just for Kids, Inc. appeared before the Commission to discuss the needs of the Fayette County Child Advocacy Center-Just For Kids Program.

Deputy Sizemore gave the Commission an update on the Just For Kids Program.

Celi VanDyke told the Commissioners that the West Virginia Division of Criminal Justice Services has released applications for their Justice Assistant Grant (JAG) funds.

Ms. VanDyke told the Commissioners that in order for them to apply for this grant they would need a sponsor. Ms. VanDyke is requesting that the Commission be their sponsor and administer and assist with this grant.

Ms. VanDyke told the Commissioners that this grant requires a matching fund of \$6,000 the Just For Kids, Inc. is asking that the Commission provide \$3,000.00 matching fee to help with the utilities.

Commissioner Lopez told Ms. VanDyke that the Commission has finished up their budget for this Fiscal Year. Commissioner Lopez suggested to Ms. VanDyke to get budget request in before the March budget session begin.

Ms. VanDyke told the Commissioners that this grant will be adding a couple of new components to the Program.

Commissioner Eskew offered a motion that the Commission be the sponsors for the Justice Assistance Grant (JAG) Program. Our financial limitation would be \$3,000.00. Commissioner Lopez seconded. Unanimous.

Ms. Holly presented the bids to be open for the Prosecuting Attorney's roof from Tri-State Roofing and Sheet Metal and Dravenstott/Builders.

The Commissioners asked that these bids be sent to Dan Snead to review and make recommendations.

Commissioner Lopez offered a motion to accept the lower bid (Dravenstott/Builders) provided that Dravenstott/Builders meets the specifications. Commissioner Eskew seconded. Unanimous.

The Commissioners signed the Quarterly State Tax Report for the

Fayette County Park.

Ms. Holly presented to the Commissioners drawdowns for the Fayette County Weatherization Program (\$3,000), Fayette County Facilities Accessibility Project (\$2,782.05), Southern Appalachian Labor School (\$5,000) and Fayette County Horseshoe Pit (\$1,368.55) for the Commission to approve and sign. The Commissioners approved and signed the drawdowns.

Ms. Holly informed the Commissioners she received a fax from Phil Samples requesting use of the Memorial Building for occasional practice of their AAU basketball team.

Commissioner Eskew offered a motion to approve the use of the Memorial Building for the AAU Basketball team practice pending no conflict of dates. The rental fee, and custodial and trash fees will be waived. All other rules are applicable including the insurance requirement. Commissioner Lopez seconded. Unanimous.

The Commissioners recessed the County Commission meeting at 10:50 a.m. for a five (5) minute recess.

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

The City of Oak Hill Petition for Annexation of the Grimmitt Property has been rescheduled for April 24, 2006.

The Commissioners recessed the County Commission meeting at 11:05 a.m. to go into an Executive Session to discuss Sick Leave Policy.

The Commissioners reconvened the County Commission meeting at 11:50 a.m.

Upon reconvening from the Executive Session Commissioner Wender

informed the Commissioner went into an executive session on a personal matter. First, to discuss allowing credit for accumulated sick with two (2) years without losing any years of service.

Commissioner Wender suggested that a motion be made that the sick leave policy of Fayette County be amended to include policy for deputy sheriffs only.

Commissioner Eskew offered a motion to amend the current sick leave policy to reflect that in the event that a deputy sheriff leaves his/her employment and has already become vested in the Deputy Sheriffs' Retirement System and is thereafter reinstated as a deputy sheriff within two (2) years after leaving said employment, the deputy sheriff may apply any accrued sick leave that existed at the time of leaving his/her employment as a deputy sheriff toward years of service as a vested retirement benefit. (See attached). Commissioner Wender seconded. Commissioner Lopez abstained due to person inquiring about the sick leave policy is a relative. Vote passed 2-1.

Second matter discussed involves the requirement of an opinion from the ethics commission concerning the position and responsibilities of the County Resource Coordinator regarding the Unified Development Code. The individual informed he has made a request for an opinion by the ethic commission.

Angie Groves, Region 4 Planning and Development Council appeared before the Commission to present first Environmental Assessment for the Page-Kincaid Public Service District-Ingram Branch Sewer Project #04SCBG0057.

Ms. Groves told the Commissioners that there's no significant

REVISION TO SICK LEAVE POLICY

WEHREAS, the sick leave policy of Fayette County now provides that all accrued sick leave is lost upon an employee leaving employment by the County for any reason, and

WHEREAS, the deputy sheriffs are able to apply accrued sick leave upon retirement to their years of service, and

WHEREAS, a deputy sheriff may leave his employment and be reinstated within two years without losing any years of service and

WHEREAS, the accrued sick leave at the time of a deputy's departure may not be applied to years of service if the deputy is not retiring at that time, and

WHEREAS, it is the desire of the Fayette County Commission to adopt the following policy to address this situation

NOW, THEREFORE, be it RESOLVED that the sick leave policy of Fayette County be amended to include the following provision for deputy sheriffs:

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In the event that a deputy sheriff leaves his/her employment and has already become vested in the Deputy Sheriffs' Retirement System and is thereafter reinstated as a deputy sheriff within two (2) years after leaving said employment, the deputy sheriff may apply any accrued sick leave that existed at the time of leaving his/her employment as a deputy sheriff toward years of service as a vested retirement benefit.

impact. This is the release of funds to start construction.

Ms. Groves presented a Proclamation to be signed for Fair Housing Month for April to the Commissioners.

Commissioner Lopez offered a motion to sign the Proclamation for Fair Housing Month for the month of April. Commissioner Eskew seconded. Unanimous.

Ms. Groves presented to the Commissioners a drawdown for the Elevator/SALS Project #035SCBG0102 project in the amount of \$3,967.48.

Commissioner Lopez 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 \$3,967.48. Commissioner Eskew seconded. Unanimous. Resolution signed.

Commissioner Eskew offered a motion not to use the iVotronic for early voting, West Virginia Code 3-4A-32 allows for the use of paper ballots for early voting because the materials were not available for testing for early voting. Commissioner Lopez seconded. Unanimous.

Carolyn Jones, member of the Minden Community Center appeared before the Commission to request \$500.00 for application fees for a 501(c)3 for the formation of the Arbuckle Creek Watershed Association. Discussion was held.

Commissioner Eskew offered a motion to reschedule for May 19, 2006 and to provide the \$500.00 for the application fee for the 501(c)3 for the formation of the Arbuckle Creek Watershed Association. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to adjourn for lunch at 12:20

p.m. Commissioner Eskew seconded. Unanimous.

The Commission reconvened the County Commission meeting at 1:45 p.m.

Commissioner Eskew offered a motion to approve J. Dan Snead as Architectural Consultant for the Jail Museum gutter replacement project not to exceed \$3,000.00. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a petition for exonerations from Attorney Erwin Conrad for the Southern Grace, Inc.

The Commissioners asked to hold until the Prosecuting Attorney review and comment.

Ms. Holly informed the Commissioners that Commissioner Wender had asked her to prepare letters to all the outside agencies informing them that the Commission has completed their budget for the fiscal year beginning July 1, 2006 and the amount they have approved for each organization.

The Commissioners signed letters to the Upper Kanawha Valley Little League (\$2,000), the Women's Resource Center (\$500), Mount Hope Community Center (\$2,000), New River Humane Society (\$120,000), the Town of Fayetteville (\$1,000), the Town of Fayetteville (\$500), the Town of Pax (\$1,000), Fayette County Jail Museum and Law Enforcement Museum (\$1,500), the City of Smithers (\$5,000), Beards Fork Community Center (\$500), Upper Kanawha Valley Community Center (\$2,000), the City of Montgomery (\$2,500), Fayette Toy Fund, Inc. (\$500), Lower Paint Creek Watershed Association (\$1,500), Wolf Creek Park Hospitality Training Center and Community Technical College at WVU

Tech (\$2,500), Mountain Heart Foundation (\$400), Gauneka Ruritan Club (\$1,500), Pax Regional Community Center (\$1,000), Fayette County REACT (\$1,000), Fayette County Weatherization Program (\$2,500), the Town of Ansted (\$3,500), Buckskin Council (\$1,000), Fayette-Nicholas Chapter American Red Cross (\$5,000), Mountain Resource Conservation and Development (\$500), Southern Appalachian Labor School (\$4,500), Meadow Bridge Baseball (\$3,000), Oak Leaf Festival (\$250), Danese Home Improvement Association (\$3,500), Mountain Transit Authority (\$1,000), Retired and Senior Volunteer Program (\$500), Fayette County Senior Program (\$1,000), Hank Williams Museum of Oak Hill (\$1,500), Hospice of Southern West Virginia (\$1,000), Watch Me Grow (\$1,500), and the Town of Gauley Bridge (\$2,000).

Ms. Holly informed the Commissioners she received approval of the budget for Fiscal Year 2006-2007 from the State Auditor's Office.

Commissioner Eskew offered a motion to approve James Perdue, Maintenance Supervisor overtime (16 hrs.). Commissioner Wender seconded. Unanimous.

Sheriff William Laird presented a request for payment to Andrew Caldwell, Batter Intervention and Prevention Program (BIPP) services at the Day Report Center, amount \$500.000 to be paid out of the Community Corrections Grant. Sheriff Laird told the Commissioners that this contract service expenses will be included in this month's request for reimbursement to be forwarded to the Division of Criminal Justices Services.

The Commissioners received a letter from Sheriff Bill Laird requesting that Kathy Jones, Fayette County Domestic Violence Advocate

and the County Facilitator for the Fayette County Batter Intervention and Prevention Program be reimbursed \$68.12 by the Commission for her travel expenses incurred as a result of her necessary attendance at a quarterly meeting of perpetrator intervention programs coordinated by the West Virginia Coalition Against Domestic Violence (WVCADV).

The Commissioners approved to take this travel expense out of the Fayette County Commission travel line.

The Commissioners received and reviewed a letter from the Secretary of State Office requesting that all voting equipment be stored in a locked, secure area when not in use: WV Code 3-4A-26 requires that the voting equipment is secured after the public test, mandatory that the equipment be secured by four locks, with keys held by the County Clerk and the County Commission.

Ms. Holly informed the Commissioners she received a complaint from Francie Withrow regarding smokers at both entrances to the Courthouse Annex. Ms. Withrow informed that she had her child with her and did not want him/her exposed to smoke. Employees were not cooperative in telling her who she should complain to.

The Commissioners asked Ms. Holly to send a copy of the complaint to the Assessor and the Sheriff and ask for their input regarding this matter.

Ms. Holly informed the Commissioners that the West Virginia State Auditor's Office is having their 2006 Financial Manager's Training on May 2-4. Ms. Holly told the Commissioners she would like to attend. The Commissioners approved.

The Commissioners received and reviewed a letter from Patty Giles

Davis regarding their road in Hilton Village. Ms. Davis is requesting assistance in getting their road paved or graveled.

The Commissioners asked Ms. Holly to contact Earl Pauley, Park Superintendent and have him go look at this road and prepare an estimate for gravel for the Commission to review. The Commission asked Ms. Holly to have Mr. Pauley contact Patty Davis.

The Commissioners received and reviewed a letter from the Secretary of State informing that \$10,000 has been approved to assist in providing accessible precincts for all voters.

The Commissioners received and reviewed a copy of a Grant Adjustment Notice to the Division of Criminal Justice Service for the Fayette County Day Report Center.

The Commissioners received and reviewed a letter from Sheriff William Laird informing that the two (2) police vehicles approved in his Fiscal Year 2006 Budget have been delivered to Stephens Auto Center and are available for pick-up at this time.

Sheriff Laird is requesting that a check be issued in the amount of \$41,886.00 to Stephens Auto Center and this check be forwarded to Chief Deputy Steve Kessler so that arrangements can be made to pick up these two (2) vehicles as soon as possible.

The Commissioners received and reviewed a letter from Sheriff William Laird requesting that a Purchase Order be issued as soon as possible for the purchase of the four (4) new 2006 Ford Crown Victoria Police interceptor vehicles approved in the Fiscal Year 2007 budget for the Fayette County Sheriff's Department, amount \$21,587.00 each, total amount \$86,348.00.

The Commissioners received and reviewed a letter from Sheriff William Laird asking Ms. Holly to verify the information for the Online Application for the Bulletproof Vest Partnership Act account.

The Commissioners signed the minutes of the Zoning Hearing held March 24, 2006.

The Commissioners received and reviewed a copy of a letter to Mr. and Mrs. Luther Brown from the Public Service Commission regarding their request for new water service to the community of "Hilton Village" near Rainelle, West Virginia in Fayette County. A copy of the letter was forwarded to Dave Pollard, Country Resource Coordinator and W. D. Smith, Executive Director, Region 4 Planning and Development Council.

The Commissioners received and reviewed a copy of the Site Support Request and billing Confirmation from the Election System and Software.

The Commissioners received and reviewed a Work Related Injury Report Form from James Perdue, Maintenance Supervisor.

The Commissioners received and reviewed a letter from the Mount Hope Community Center expressing their sincere appreciation for the Commission's support of the Mount Hope Community Center.

The Commissioners signed a letter informing that all I-9 forms for new employees are to be done by the Payroll Office.

The Commissioners received and reviewed a letter from Delegate John Pino informing of the Governor's release of Digest request and presentations to Clay County, Oak Hill City Council, Mount Hope Council, Fayette County Commission and the Pax Town Council.

The Commissioners received and reviewed a letter from the Public Service Commission responding to a letter dated March 28, 2006 concerning the expansion of the Danese Public Service District and whether Meadow Bridge Public Service District is an active District. A copy forwarded to Dave Pollard, County Resource Coordinator and W. D. Smith, Executive Director, Region 4 Planning and Development Council.

The Commissioners received and reviewed first quarter operating Expense Report from the Boomer Volunteer Fire Department, Inc.

The Commissioners received and reviewed a Remittance by the County Assessor to the State Treasurer's Office for the Courthouse Facilities Improvement Fund for the month of March, amount \$108.00.

The Commissioners received and reviewed a letter from Region 4 Planning and Development Council regarding Fayette County Courthouse Elevator Project #03SCBG0102.

The Commissioners received and reviewed a letter from Attorney Thomas Michael regarding Application of LRC Holdings, LLC for approval of Subdivision Plan and Plat.

The Commissioners received and reviewed Answer to the Petition for Writ of Certiorari regarding the Nuttall, LLC.

The Commissioners received and reviewed from the U. S. Bankruptcy Court for the Southern District regarding Multi-County Community Action Against Poverty, Inc.

The Commissioners received and reviewed a letter from the Division of Highways requesting assistance in making available (to anyone who wishes to review them) the modified listings of Highway and

National Scenic Byway projects.

The Commissioners received and reviewed a letter from the Division of Highways informing that this year's legislative session, the Legislative passed the Local Powers Act (SB673) which provides counties with the plenary power and authority to impose, administer, collect and enforce payment for voter-approved service fees to pay for or finance the cost of infrastructure projects within their county.

The Commissioners received and reviewed the 50% allocation for the Hotel Occupancy Tax to the New River Convention and Visitor's Bureau for October, November, and December 2005, amount \$8,808.57.

The Commissioners reviewed a letter to Senator Robert Byrd announcing their support of the impending draft for the Watershed Assessment Plan and Environment Impact Statement for the homeowners along with a voluntary home buyout program to be published in May 2006.

The Commissioners received and reviewed a letter from Eddie Young, Assessor regarding the appraisal ratio study for CAMA. Mr. Young informed the Commissioners there is no corrective action needed for this year. He will take all necessary action to pass all phases for the 2007 tax years.

The Commissioners received and reviewed a letter from J. Dan Snead enclosing approval Application and Certificate for Payment #1 from Kyle Construction Company, Inc. in the amount of \$60,021.00 for the Fayette County Courthouse New Elevator.

The Commissioners received and reviewed a letter from J. Dan Snead enclosing two (2) originals of AIA Document B155, Standard Form

of Agreement Between Owner and Architect for the Fayette County Courthouse Jail Museum Gutter Replacement.

The Commissioners received and reviewed a copy of a letter to the Homeland Security Grant Manager requesting that reimbursement be made for the purchase of four (4) Motorola Brand XTS2500 UHF portable radios with two (2) remote microphones, amount \$7,016.00.

The Commissioners received and reviewed a letter to the West Virginia Criminal Justice Services a Request for Budget Adjustment for the Fayette County Community Corrections Program Project #06-CC-50.

The Commissioners received and reviewed an Order from the Public Service Commission regarding the Enhanced 911 Fee for Pre-paid Services.

The Commissioners received and reviewed a letter from the State Auditor's Office approval letter for an audit from the U. S. Department of Environmental to submit the Single Audit Report Protection for Fayette County.

The Commissioners received and reviewed Consumers' Sales Tax for January through March 2006 for the Fayette County Park.

The Commissioners received and reviewed a letter from the Department of Administration Board of Risk and Insurance Management enclosing a brochure introducing the Commission to the West Virginia Board of Risk and Insurance Management (BRIM).

The Commissioners received and reviewed a letter from the West Virginia Development Office informing that the governor has proclaimed April 2006 as Fair Housing Month.

The Commission denied Kelvin Holliday, County Clerk request to

purchase a Large Screen Console TV and VCR/DVD combo. The Commission suggested borrowing one from the Fayette County Board of Education, Prosecuting Attorney Office, Judge Paul M. Blake or renting.

The Commissioners received and reviewed a letter from the City of Mount Hope giving an update on the City of Mount Hope project #03SCBG0065-Kilysth Sewer Extension/Plan Upgrade.

The Commissioners received and reviewed a letter from the Division of Criminal Justice Services acknowledging receipt for the request for the amount of \$158,806 in Community Corrections Grant funds for the Fayette County Commission.

The Commissioners received and reviewed letters from the West Virginia Development Office congratulating the Fayette County Commission for their recent fiscal year 2006 Local Economic Development Assistance Program awards for the Fayette County Commission to provide bus transportation services during Bridge Day, amount \$12,000, to complete capital improvements at the Upper Kanawha Valley Community Center, amount \$18,000 and the Fayette County Historical Society, amount \$2,500.

The Commissioners received and reviewed a copy of a letter to John David, Southern Appalachian Labor School from Region 4 Planning and Development Council requesting a status on several issues before Southern Appalachian Labor School can start the procurement process to get the required materials on hand and be ready for construction, project #03SCBG0102-Elevator SALS project.

The Commissioners received and reviewed Official Oath of Office for Ann Skaggs, Carolyn Hill and Pat Wendell members of the Fayette

County Historic Landmark Commission.

The Commissioners received and reviewed from Thrasher Engineering a copy of the Fayette County Urban Renewal Authority, Fayette County West Virginia Proposed Wolf Creek Park-Contract #2-Access Road and Utilities Addendum #3.

The Commissioners signed a letter to the West Virginia Division of Culture and History informing of their support of the State Development proposal that Thomas and Charles Howard are submitting for the New River Office Building located at 411 Main Street in Mount Hope.

The Commissioners received and reviewed a letter from the West Virginia Institute of Technology inviting the Commission to the next meeting of the advisory committee for the Oak Hill Center of the Community and Technical College at WVU Institute of Tech on Thursday, April 13, at 5:00 p.m. at the Center.

The Commissioners received and reviewed a letter from Region 4 Planning and Development Council regarding the anticipated budget overrun of Wolf Creek Park.

The Commissioners received and reviewed a letter from the Division of Criminal Justice Services acknowledging receipt of the application for Fiscal Year 2006 Court Security Grant Program funds.

The Commissioners received and reviewed an invoice from St. Paul Travelers, amount \$66,637.17.

The Commissioners received and reviewed Courthouse Facilities Improvement Authority Application for Phase Restore Windows at the Fayette County Courthouse, amount \$80,000.00.

The Commissioners received and reviewed a letter from the West Virginia Prosecuting Attorney's Institute regarding State ex rel. DHHR v. Hutchison and the West Virginia Prosecuting Attorney's Institute-WV Supreme Court of Appeals #060380.

The Commissioners received and reviewed a notice from the U. S. Bankruptcy Court for the Northern District of Texas regarding Comm South Companies, Inc. et al.

The Commissioners received and reviewed a letter from Stafford Consultants, Inc. regarding the New Haven Public Service District 2003 Digest Grant Virginia Murphy Extension.

The Commissioners received and reviewed an invoice from the Fayette County National Bank for checks for the Prosecuting Attorney Asset Forfeiture Account, amount \$60.78.

The Commissioners received and reviewed a letter from Schumacher, Frances and Nelson regarding Braxton v. Fayette County Commission lawsuit.

The Commissioners received and reviewed an account statement from J. P. Morgan for the period January 1, 2006 to March 31, 2006.

The Commissioners received and reviewed Cash Statement and Asset List from the Bank of New York as of March 22, 2206, March 23, 2006 and March 31, 2006.

The Commissioners received and reviewed Pledge Statement from SunTrust Bank for securities pledged as of March 31, 2006.

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 several correspondences from BrickStreet and the Workers' Compensation Division.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS the Monthly Revenue Report and Activity Report for the month of March; C-PAC allotment for the month of April, amount \$10,520.07, and the Weekly Fees Collected for the week of March 24 to March 30, 2006, amount \$275.00, the week of March 31, 2006, amount \$75.00 and the week of April 1 to April 6, 2006, amount \$195.00.

The Commissioners received and reviewed several checks for the Soldiers and Sailors Memorial Fund, amount \$150.00; 911 Fees-Public Service Commission, amount \$142,388.06, Nos. Communications, Inc. amount \$2.00, and CityNet Holding, LLC, amount \$7.76; Jail Fees-City of Oak Hill, amount \$873.00 and Criminal Justice Services-Community Corrections Grant, amount \$5,915.73.

The Commissioners received and reviewed an e-mail from Steve Cruiskhank, OES Director to Charlotte Holly regarding signing of the application for the West Virginia EMPG funds.

The Commissioners received and reviewed an e-mail from Rebecca Dean to Commissioner Wender regarding a letter of support for their grant application.

The Commissioners received and reviewed an e-mail from the Roane County Commission to Commissioner Wender regarding abandoned vehicles.

The Commissioners received and reviewed an e-mail from Dannie Walker regarding the Angular position on Point of Sale; WV Public Service Commission-Case #06-0076-C-G1.

The Commissioners received and reviewed an e-mail from Dannie Walker regarding Case #06-0076-C-G1-Prepaid Wireless Rules.

The Commissioners received and reviewed an e-mail from Charlotte Holly to Commissioner Wender regarding hanging child abuse flag at the Courthouse.

The meeting was adjourned at 3:00 p.m. The next scheduled meeting is April 18, 2006.



FAYETTE COUNTY COMMISSION
SPECIAL SESSION
APRIL 18, 2006
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 18th day of April 2006.

Commissioner Wender called the meeting to order at 9:30 a.m. Commissioner Lopez offered a motion to approve vouchers and invoices to be released today. Commissioner Eskew seconded. Unanimous.

Ms. Holly informed the Commissioners they are here today to consider any objections and to officially adopt the levy rates for property taxation for the fiscal year beginning July 1, 2006 and presented a notice of conditional approval of the levy estimated (budget) from the West Virginia State Auditor.

Commissioner Lopez offered a motion to approve the County Commission Levy Order and Rate Sheet for Fiscal Year 2006-2007 (rates the same as last year). Commissioner Eskew seconded. The Commission signed an Order laying the Levy to be used in Fayette County for Fiscal Year 2006-2007. Kelvin Holliday, County Clerk signed the levy Rate Sheet.

Angie Groves, Region 4 Planning and Development Council appeared before the Commission to present a drawdown for the Courthouse Elevator-Fayette County Commission Project 03SCBG0102-Courthouse 504/SALS, amount \$60,021.00.

Commissioner Eskew offered a motion to approve Resolution and authorize the payment of services for a drawdown for the Courthouse

Elevator, amount \$60,021.00. Commissioner Lopez seconded. Unanimous. Resolution signed.

The Commissioners received and reviewed a letter from the Secretary of State reminding them the dates that early voting will begin (April 19 and runs through May 6, 2006) and testing the machines.

The Commissioners received and reviewed a letter from Kelvin Holliday, County Clerk informing that a public test has been scheduled on the MH50 and iVotronic Touch Screen Machines for Tuesday, May 2, 2006.

Ms. Holly informed the Commissioners that Earl Pauley, Park Superintendent, has purchased a truck from the Division of Highways for the Fayette County Solid Waste Authority, amount \$2,500. Ms. Holly asked the Commissioners if the title for the truck to be to the Fayette County Solid Waste Authority or the Fayette County Commission. The Commission replied title should be in the Fayette County Commission name.

Commissioner Eskew offered a motion to purchase the truck for the Fayette County Solid Waste Authority from the Division of Highways, amount \$2,500.00. Commissioner Lopez seconded. Unanimous.

The Commissioners signed letters to the elected officials and department heads regarding their fiscal year 2006-2007 budgets.

Ms. Holly told the Commissioners she would be taking vacation Wednesday, taking Amy to Doctor on Thursday and taking vacation on Friday. The Commissioners approved.

The Commissioners received/reviewed and signed from Sheriff

William Laird a Request for Reimbursement to the West Virginia Division of Criminal Justices for the expenditures for the Community Corrections Program, amount \$7,040.36 for the month of March.

The Commissioners signed a letter to the Friends of the Lewis House, Inc. informing they have completed their budget for the Fiscal Year beginning July 1, 2006 and have approved \$250.00 for their organization.

The Commissioners signed a letter to the Upper Kanawha Valley Economic Development Corporation informing they have completed their budget for the Fiscal Year beginning July 1, 2006 and have approved \$2,500.000 for their organization.

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 April.

The Commissioners received and reviewed a letter from the Public Service Commission enclosing a copy of the Order issued regarding Case No. 05-1303-C-G1-Enhanced 911 Fee for Pre-paid Services.

The Commissioners received and reviewed from Kelvin Holliday, County Clerk, a quote from Casto and Harris for records books, amount \$5,237.00

Senator Randy White and Shirley Love, and Delegates David Perry, John Pino appeared before the Commission to present several digest grant certificates. Also, present were Sharon Cruikshank, and Judson Wallace.

Delegate Perry presented to the Commissioners Certificates for the Upper Kanawha Valley Little League (\$4,000) for purchase of

equipment, Southern Appalachian Labor School (\$5,000) for capital improvements, installation of a fire alarm system.

Delegate Perry told the Commissioners that the White Oak-Trail had been rewarded a total of \$56,800 and Southern Appalachian Labor School had received \$5,000 for playground equipment early.

Delegate Pino presented to the Commissioners Certificates for the Fayette County Historical Society (\$2,500) capital improvements at the Contentment Historic complex, Sharon Cruikshank, (\$12,000) for bus transportation service for Bridge Day and Judson Wallace (\$18,000) Upper Kanawha Valley Community Center for capital improvements.

The Commissioners received and reviewed several correspondences from Workers' Compensation and BrickStreet Administrative Services.

The Commissioners received and reviewed several checks for the Soldiers Sailors Memorial Fund, amount \$100.00; Jail Fees-City of Mount Hope, amount \$48.50; 911 Fees-VarTec Solutions, amount \$3.88 and Verizon, amount \$33,550.24; a refund Stephens Auto Center, amount \$500.00.

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

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of April 7, to April 13, 2006, amount \$265.00.

The Commissioners received and reviewed a letter from the West Virginia Infrastructure and Jobs Development Council informing they have reviewed the New Haven Public Service District's revised

preliminary application to extend public water service to approximately 57 new customers in the areas of Shawver Road and Power Plant Road/Beauty Mountain Road and based on their findings the Council has determined that the project is technically feasible within the guidelines of the Infrastructure and Jobs Development Act. A copy forwarded to Dave Pollard, County Resource Coordinator.

The Commissioners received and reviewed from the 911 Center a Status Report of 911 calls received for the months of January, February and March 2006.

The Commissioners received and reviewed a letter from the Division of Criminal Justices Services acknowledging receipt of an application for Fiscal Year 2006 Justice Assistance Grant (JAG) Program funds.

The Commissioners received and reviewed a letter from Branch Banking and Trust Company (BB&T) giving a list informing that as of March 31, 2006 the securities were held by BB&T as collateral to secure the deposits of Fayette County Commission.

The Commissioners received and reviewed a letter from J. Dan Snead informing that he has reviewed the two (2) bids received for the Prosecutor's Office.

Mr. Snead told the Commissioners he knows no reason that a contract should not be awarded to the lowest bidder (Dravenstott's Roofing/Building, amount \$20,720.00).

The Commissioners received and reviewed a letter from the City of Montgomery requesting that the Commission release the \$2,500 funding allocated for the Montgomery Park Board.

The Commissioners received and reviewed a letter from the Upper Kanawha Valley Little League requesting the \$2,000 that were approved for this year's 2006 budget.

The Commissioners received and reviewed a Notice of Levy on Wages from the Department of the Treasury for Pete A. Lopez, amount \$3,026.15.

The Commissioners received and reviewed the Fayette County Planning Commission minutes of April 18, 2006.

The Commissioners received and reviewed a letter to Debbie Allif, Payroll Clerk from Sheriff William Laird informing that Steve Gray has fulfilled his military obligation and will be returning to work as a full time Deputy Sheriff. His return date for employment will be April 23, 2006, salary \$25,061.04 a year or \$2,088.42 per month.

The Commissioners received and reviewed a copy of the Deobligation and Closing of Project #04-LETPP-10 to the Department of Military and Public Safety-Homeland Security State Administrative Agency.

The Commissioners received and reviewed a letter from the Arbuckle Watershed Association requesting \$500.00 for the purpose of a 501(c)3 to become a non-profit organization.

The Commissioners received and reviewed a letter from the Secretary of State enclosing an updated copy of the Canvassing Manual and Recount Manual.

The Commissioners received and reviewed a letter from the Secretary of State informing the Board of Public Works held a meeting on April 12, 2006 and certified the Levy Order required by West

Virginia Code Chapter 11, Article 8, Section 8.

The Commissioners received and reviewed a Press Release from the Secretary of State announcing that early voting may open with paper ballots for some counties.

The Commissioners received and reviewed a Public Notice from the County Clerk announcing that Optical Scan paper ballots will be used for the early voting scheduled for April 19 through May 6, 2006.

The meeting was adjourned at 10:30 a.m. The next scheduled meeting is April 24, 2006.



FAYETTE COUNTY COMMISSION

REGULAR SESSION

APRIL 24, 2006

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 24th day of April 2006.

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

Eddie Young, Assessor presented exonerations to be approved and signed by the Commissioners.

Commissioner Lopez offered a motion to approve and sign exonerations for real property tax for Teresa Beavers, etal, Billy Wykle, Victoria R. and Steven L. Setterl and Homer Aliff as presented by the Assessor. Commissioner Eskew seconded. Unanimous.

Commissioner Eskew offered a motion to approve and sign refunds for Victoria R. and Steven L. Setterl (\$1,190.66), and Billy A. Wykle (\$109.65) as presented by the Assessor. Commissioner Lopez seconded.

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

Commissioner Eskew offered a motion to approve overtime for James Perdue, Maintenance Supervisor (21 hrs.). Commissioner Lopez seconded. Unanimous.

Ms. Holly informed the Commissioners that Know Your County Government Day is Friday, May 5, 2006.

Ms. Holly told the Commissioners that the County Clerk will be giving out election supplies in the Commission room on this day.

The Commissioner suggested to Ms. Holly to have Steve Cruikshank, OES Director or David Neal, E911 Coordinator give the County Commission group a tour of the 9111 Center.

The Commissioners signed letters expressing their support of the plan by Southern Appalachian Labor School (SALS) to develop a low-income housing project as part of a Youthbuild project and plan to seek Housing Preservation Grant funds.

The Commissioners signed a letter to the Division of Highways requesting they consider donating a tract of property currently owned by the Division of Highways to the Fayette County Commission. The Commission informed it is their intention to work closely with the Upper Paint Creek Watershed Association to enhance the area for the purpose of promoting recreation and tourism development and that the entire property will be used to serve the public.

Ms. Holly presented their Issued Class 5 Underground Injection Control Permit from the Department of Environmental Protection to the Commissioners. Ms. Holly informed the Commissioners she forwarded the original to Earl Pauley, Park Superintendent to review.

Ms. Holly told the Commissioners that Carl Harris, Prosecuting Attorney is to get in touch with Dravenstott/Builders regarding the roof for the Prosecuting Attorney's Office.

The Commissioners received and reviewed a letter from David Sayre, Chief Operator at the Armstrong Public Service District regarding his request for a hearing on discrimination, improper meetings, bribery and nepotism by the Armstrong Public Service District.

Carl Harris, Prosecuting Attorney advised the Commissioners to

write a letter to David Sayre and to inform him that the Fayette County Commission has no authority in these matters and that the Commission should take no further action.

Ms. Holly asked the Commissioners if they had any comments regarding Charter Communications application to transfer their cable franchise. The Commissioners replied no.

Ms. Holly informed the Commissioners that she had advertised to receive sealed bids for the Fayette County Courthouse Jail Museum.

Ms. Holly told the Commissioners she received one bid from Tri-State Roofing and Sheet Metal Company, amount \$24,078.

Ms. Holly told the Commissioners that Tri-State was the only Company that came to the pre-bid hearing.

Commissioner Eskew offered a motion to accept the bid from Tri-state Roofing and Sheet Metal Company contingent that the architectural fees that are required are reviewed and approved by Dan Snead and the State Fayette County Historic Culture and History, then the Commission will enter into a contract with Tri-State.

Commissioner Wender seconded. Unanimous.

Senators Shirley Love and Randy White, Delegates David Perry and John Pino appeared before the Commission to present a digest grant of \$25,000 to the Fayette County Commission for further development of the Sportsman's Center.

Also, present were Earl Pauley, Peggy Bennett, Jodie Ward, Bob Meadows and Pete Hobbs.

Senator Love told the Commissioners he has talked to Mr. Pauley to pursue a fishing hatchery.

Tim Richardson, Zoning Officer appeared before the Commission to

present presentation of recommendation of amendments, changes and addendums to the Unified Development Code by the Fayette County Planning Commission.

Also present was Carl Harris, Prosecuting Attorney, Allen Ballard, Building code Officer, and Mark Ehrnschwender, Document Specialist.

Mr. Richardson told the Commissioners told the Commissioners that the first three items on the list will be brought to the County Commission on their next month meeting.

Attached is a copy of the minutes and order of the recommendations of amendments, changes and addendums to the Unified Development Code that were approved by the Commissioners.

Attorney John Shumate appeared before the Commission to present an Order regarding annexation by minor boundary adjustments of 6.37 acre tract, situate near U. S. Route 16 and State Route 211, Southwest of the City of Mount Hope, Plateau District, Fayette County, West Virginia.

Mr. Shumate told the Commissioners that notices have been posted and legals have been ran.

Mr. Shumate presented application to the Commissioners to be approved and signed.

No one present to oppose the annexation by minor boundary adjustment.

Commissioner Eskew offered a motion to accept the application for annexation by minor boundary adjustment by the City of Mount Hope. Commissioner Lopez seconded. Unanimous.

The Commissioners recessed the County Commission meeting for

Fayette County Commission

Minutes

April 24, 2006

The Fayette County Commission met in regular session, April, 2006 at 10:00 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, and Carl Harris, Prosecuting Attorney, Building Code Official, Allen Ballard and Document Specialist Mark Ehrnschwender.

Presentation of recommendation of amendments, changes and addendums to the Unified Development Code by the Fayette County planning commission.

Explanation from Zoning Officer that the first three items will be brought to the county commission next month.

The following recommendations were :

- 1 year waiting period on reapplying for denied special use, variances, and rezoning requests. Recommendation to approve by a vote of 11-0.

Disposition : Motion to approve as recommended by Ken Eskew, second by John lopez. Vote 3-0.

- Add \$25.00 flat permit fee for home improvements (e.g., re-roofing, re-siding, etc.) Recommendation to deny this amendment by a vote of 10-1.

Disposition: Motion to approve as recommended by the planning commission to not amend and add this flat permit fee by John Lopez, second by Ken Eskew. Vote 3-0.

- Increase fee for electrical only inspections from \$50.00 to \$85.00. Recommendation from the planning commission is to also add \$85.00 reinspection fee.

Disposition : Motion to approve as recommended with the removal of the reinspection fee of \$85.00, by Ken Eskew, second by John lopez. Vote 3-0.

- Distinguish between Single Family Residential Detached Dwellings over 20 feet wide (excluding decks and porches) and dwellings under 20 feet wide (excluding decks and porches). Recommendation by planning commission to approve as presented.

Disposition : Motion to approve as recommended by Ken Eskew, second by John Lopez. Vote 3-0.

- Delete 1006, V Certificate of Compliance. Recommendation from the planning commission to approve as presented.

Disposition : Motion to approve as presented by John Lopez, second by Ken Eskew. Vote 3-0.

- Change 3002, II, B, 2, to “Standard Restaurant, Carry-out Restaurant, or Bar without dancing or live entertainment”. Recommendation from planning commission to approve as presented 11-0.

Disposition : Motion to approve as recommended by Ken Eskew, second by John Lopez. Vote 3-0.

- Change 3102, II, U, to “Ice Cream Parlors”. Recommendation From planning commission to approve as presented.

Disposition : Motion to approve as recommended by John Lopez, second by Ken Eskew. Vote 3-0.

- Change 3102, II, HH, to “Bar”. Recommendation from planning commission to approve as presented.

Disposition : Motion to approve as recommended by John Lopez, seconded by Ken Eskew. Vote 3-0.

- Change 3101 II permitted uses K change eating and Drinking Places excluding drive –ins to Restaurants, excluding drive-ins. Recommendation from planning to approve as presented.

Disposition : Motion to approve as presented by John Lopez, second by Ken Eskew. Vote 3-0.

Correct inconsistency 3104, III, A, After hours club not defined Adult Uses is (pg 1-3) need to clarify / make consistent. Recommendation from planning commission to approve as presented.


Disposition : Motion to approve as recommended by John Lopez, second by Ken Eskew. Vote 3-0.

- Administrative changes required by adoption of Building and Creation of Building and Safety Department
- Add definitions for Building Safety Department, Building Code Enforcement Officer
- Separate Building Code and Safety matters and Zoning Office (rezoning, special use, and variances) issues in article 1003
- Move Building Code matters to Section 5 – Article 5000 Recommendation from planning commission to approve as presented by 11-0 vote.

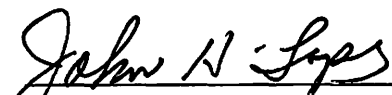
Disposition : Motion to approve as presented by Ken Eskew, second by John Lopez. Vote 3-0.

No other business.

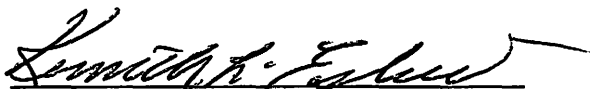
Zoning portion of this meeting. Adjourned.



Mathew D. Wender, President



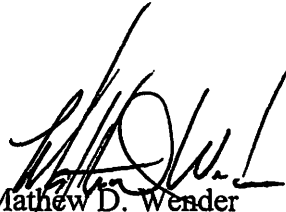
John H. Lopez, Commissioner



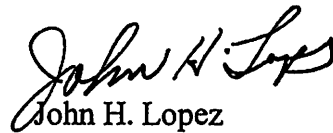
Kenneth L. Eskew , Commissioner

ORDER

On this 24th day of April 2006, it appearing to the Fayette County Commission a recommendation from the Fayette County Planning Commission to adopt the following (attached) amendments to the Fayette County Unified Development Code be and is hereby granted.



Mathew D. Wender
President



John H. Lopez
Commissioner



Kenneth L. Eskew
Commissioner

1002, II Terms defined

The creation of the Building Safety Department has developed a need to separate and differentiate the duties of the Zoning Officer and the Code Official. The following new definitions work toward that end – and were approved for recommendation by the Planning Commission and approved by the County Commission on 4/24/06

Add

Building Permits:A document issued to indicate the related construction, enlargement, moving, or reconstruction of a structure, has been properly applied for and is being inspected by the Building Safety Department to ensure compliance with the effective building codes.

Improvement Location Permits.....A document issued to indicate the related lands, construction, improvements, or intended use have been properly applied for and approved by the Zoning Department, to be in compliance with the zoning regulations of this ordinance, and may include rezoning, special use, variance, or special exception.

Chief Code Official:.....The Director of the Building Safety Department of Fayette County.

The following terms are a reworking to eliminate mobile home discrimination, this wording is currently acceptable to the manufactured housing industry and makes a distinction (Type1 or Type2) based on width and not manufacture/construction technique – and were approved for recommendation by the Planning Commission. And approved by the County Commission on 4/24/06

Add

Dwelling, Single Type1:A building containing not more than one dwelling unit over 20 ft wide (excluding decks and porches) and not occupied by more than one family.

Dwelling, Single Type2:A building containing not more than one dwelling unit under 20 ft wide (excluding decks and porches) and not occupied by more than one family.

Delete

Dwelling, Single:

The following items all relate to the above approval for the use of dwellings, single type1 and type2 in place of mobile home/manufactured housing – approved by the County Commission on 4/24/06

2001.3 R-A Agricultural Districts

II Permitted Uses F. – Change, Single family detached units to Dwelling, Single Type1, Detached

III Special Use Permits K. – Change, Mobile homes to Dwelling, Single Type2, Detached

2001.4 R-R Rural Residential Districts

II Permitted Uses F. – Change, Single family detached units to Dwelling, Single Type1, Detached

III Special Use Permits L. – Change, Mobile homes to Dwelling, Single Type2, Detached

2002 R-2 Residential District

II Permitted Uses D. – Change, Single family detached units to Dwelling, Single Type1, Detached

III Special Use Permits J. – Change, Mobile homes to Dwelling, Single Type2, Detached

2004 R-4 Residential District

II Permitted Uses C. – Change, Single family detached units to Dwelling, Single Type1, Detached

III Special Use Permits K. – Change, Mobile homes to Dwelling, Single Type2, Detached

2005 R-5 Residential District

II Permitted Uses B. – Change to Dwelling, Single Type1, Detached

C. – Change to Dwelling, Single Type1, Attached

III Special Use Permits N. – Change, Mobile homes to Dwelling, Single Type2, Detached

2008 R-8 Residential District

II Permitted Uses B. – Move to C.

C. – Change to Dwelling, Single Type1, Detached and Move to B.

D. – Change to Dwelling, Single Type1, Attached and move to C.

20012 R-12 Residential District

II Permitted Uses A. – Move to C.

B. – Change to Dwelling, Multi-family and Move to A.

C. – Change to Dwelling, Single Type1, Attached and move to B.

3001 R-O Residential Office District

II Permitted Uses B. – Change to Dwelling, Single Type1, Detached

C. – Change to Dwelling, Single Type1, Attached

Again prior the building and safety Department the Zoning officer had multiple duties and now need to be separated out. We were asking for permission to review and separate these distinct duties with the building safety related activities moving to article 5000 and the zoning officer duties remaining as required through out the document. This was approved for recommendation by the Planning Commission. And approved by the County Commission on 4/24/06

1006, IV Determination by Zoning Enforcement Officer

Separate – Zoning office and Building Safety office duties.

Move – Building Safety information to Section 5.

Differentiate - between Location Improvement and Building Permits. (See terms defined, above)

Additionally requested were 3 specific line items

Add, Change, etc. to Building Safety

- Increase fee for electrical only inspections from \$50 to \$85 for both Non Profits & Private construction.

Modified from Planning Commission's recommendation eliminating "each inspection and required re inspection". To be review in 6 months (October/2006) Approved by the County Commission on 4/24/06

Add \$25 flat permit fee for home improvements (e.g. re-roofing, siding, replacement windows, etc.) –
Denied by the County Commission on 4/24/06

Add, Change, etc. to Zoning

1 year waiting period on reapplying for denied special use, variances, and rezoning requests.

Approved by the County Commission on 4/24/06 – effects the following sections

1007, III Filing Procedure

A. Rezoning – Add 8. If the rezoning request is denied by the County Commission, there is a one year moratorium before another request to rezone said property can be submitted.

C. Special Use – Add 10. If the special use request is denied by the BZA, there is a one year moratorium before another special use request for said property can be submitted.

1008, VIII Filing Procedure for Variance

Add F. - If the variance request is denied by the BZA or Planning Commission, there is a one year moratorium before another request for variance on said property can be submitted.

With the advent of building codes the certificate of compliance is essentially replaced by the certificate of occupancy. Wording to be developed – approved for recommendation by the Planning Commission

1006, V Certificate of Compliance

Delete – Replace with certificate of occupancy

The following are related to the use of drinking establishments and include the use of tavern where bar should be used and confusing text, which have or may be used to argue for allowance of drinking establishments - approved for recommendation by the Planning Commission

3002 O-1 Office District

II Permitted Uses C. 2. e). – Change Standard Restaurant, Carry-out Restaurant, or tavern without dancing or live entertainment to Standard Restaurant, Carry-out Restaurant, or Bar without dancing or live entertainment - *approved by the County Commission on 4/24/06*

3101 B-1 Business, Neighborhood District

II Permitted uses K. – Change Eating and Drinking Places, excluding drive-ins to Restaurants, excluding drive-ins. - *approved by the County Commission on 4/24/06*

3102 B-2 Business, Local District

II permitted uses U. – Change Bars (ice cream parlors) to Ice cream parlors - *approved by the County Commission on 4/24/06*

III Special Use Permits HH. – Change tavern to Bar - *approved by the County Commission on 4/24/06*

The term after-hours club is not defined and by definition illegal, after discussion the Planning Commission determined to replace after-hours club with the defined term of adult uses - approved for recommendation by the Planning Commission

B3104 B-4 Business, Major

III special Use Permits A. After-hours Club not defined – Adult Uses is defined on (pg 1-3) need to clarify/make consistent.

Change term after hours club to Adult uses - approved by the County Commission on 4/24/06

1002, II Terms defined

Add

Building Permits:Document issued to indicate the related construction, enlargement, moving, or reconstruction of a structure, has been properly applied for and is being inspected by the Building Safety Department to ensure compliance with the effective building codes.

Improvement Location Permits.....Document issued to indicate the related lands, construction, improvements, or intended use have been properly applied for and approved by Fayette County, to be in compliance with the zoning regulations of this ordinance, and may include rezoning, special use, variance, or special exception.

Building and Safety Officer:.....Director of the Building Safety Department of Fayette County.

Dwelling, Single Type1:A building containing not more than one dwelling unit over 20 ft wide (excluding decks and porches) and not occupied by more than one family.

Dwelling, Single Type2:A building containing not more than one dwelling unit under 20 ft wide (excluding decks and porches) and not occupied by more than one family.

Delete

Dwelling, Single:

1006, IV Determination by Zoning Enforcement Officer

Separate – Zoning office and Building Safety office duties.

Move – Building Safety information to Section 5.

Differentiate - between Location Improvement and Building Permits.

Add, Change, etc. to Building Safety

- Increase fee for electrical only inspections from \$50 to \$85 for both Non Profit & Private
- Add \$25 flat permit fee for home improvements (e.g. re-roofing, siding, replacement windows, etc.)

Add, Change, etc. to Zoning

- 1 year waiting period on reapplying for denied special use, variances, and rezoning requests

1006, V Certificate of Compliance

Delete

1007, III Filing Procedure

A. Rezoning – Add 8. If the rezoning request is denied by the County Commission, there is a one year moratorium before another request to rezone said property can be submitted.

C. Special Use – Add 10. If the special use request is denied by the County Commission, there is a one year moratorium before another special use request for said property can be submitted.

1008, VIII Filing Procedure for Variance

Add F. - If the variance request is denied by the BZA or Planning Commission, there is a one year moratorium before another request for variance on said property can be submitted.

2001.3 R-A Agricultural Districts

II Permitted Uses F. – Change, Single family detached units *to* Dwelling, Single Type1, Detached

III Special Use Permits K. – Change, Mobile homes *to* Dwelling, Single Type2, Detached

2001.4 R-R Rural Residential Districts

II Permitted Uses F. – Change, Single family detached units *to* Dwelling, Single Type1, Detached

III Special Use Permits L. – Change, Mobile homes *to* Dwelling, Single Type2, Detached

2002 R-2 Residential District

II Permitted Uses D. – Change, Single family detached units *to* Dwelling, Single Type1, Detached

III Special Use Permits J. – Change, Mobile homes *to* Dwelling, Single Type2, Detached

2004 R-4 Residential District

II Permitted Uses C. – Change, Single family detached units *to* Dwelling, Single Type1, Detached

III Special Use Permits K. – Change, Mobile homes *to* Dwelling, Single Type2, Detached

2005 R-5 Residential District

II Permitted Uses B. – Change *to* Dwelling, Single Type1, Detached

C. – Change *to* Dwelling, Single Type1, Attached

III Special Use Permits N. – Change, Mobile homes *to* Dwelling, Single Type2, Detached

2008 R-8 Residential District

II Permitted Uses B. – Move to C.

C. – Change *to* Dwelling, Single Type1, Detached *and* Move to B.

D. – Change *to* Dwelling, Single Type1, Attached *and* move to C.

20012 R-12 Residential District

II Permitted Uses A. – Move to C.

B. – Change *to* Dwelling, Multi-family *and* Move to A.

C. – Change *to* Dwelling, Single Type1, Attached *and* move to B.

3001 R-O Residential Office District

II Permitted Uses B. – Change to Dwelling, Single Type1, Detached

C. – Change to Dwelling, Single Type1, Attached

3002 O-1 Office District

II Permitted Uses C. 2. e). – Change Standard Restaurant, Carry-out Restaurant, or Tavern without dancing or live entertainment to Standard Restaurant, Carry-out Restaurant, or Bar without dancing or live entertainment

3101 B-1 Business, Neighborhood District

II Permitted uses K. – Change Eating and Drinking Places, excluding drive-ins to Restaurants, excluding drive-ins

3102 B-2 Business, Local District

II permitted uses U. – Change to Ice cream parlors

III Special Use Permits HH. – Change to Bar

B3104 B-4 Business, Major

III special Use Permits A. After-hours Club not defined – Adult Uses is (pg 1-3) need to clarify/make consistent

five (5) minutes 11:10 a.m.

The Commissioners reconvened the County Commission meeting at 11:20 A.M.

Brian Parsons, Attorney for the City of Oak Hill appeared before the Commission to present a Petition for Annexation of Grimmatt Property.

Mr. Parsons presented to the Commissioners the originals cover letters, exhibits and copies of waivers to the Commissioners.

Mr. Parsons told the Commissioners he would submit an Order this afternoon to set the hearing date.

Commissioner Eskew offered a motion to enter the annexation of the Grimmatt property in the City of Oak Hill pending the no conditional clause. Commissioner Lopez seconded.

Charles Isaacs appeared before the Commission to ask that the Commission make a request to the Division of Highways to put up a "Share the Road" sign from route 41 North from the intersection of Route 60 to Nallen in Fayette County.

Commissioner Eskew offered a motion to prepare and approve Resolution to designate the Share the Highway as requested from Interstate Route 60 off of Nallen to Route 41 North to Nallen. Commissioner Lopez seconded.

Ms. Holly informed the Commissioners she received a letter from the West Virginia Development Office informing that the grant for the Courtroom chairs has a balance of \$2,235, and the grant for the Boomer Volunteer Fire department has a balance of \$10,000 for the fiscal Year 2003 informing that the contract for these projects will expire on June 30, 2006. Invoices for expenses related to these

grants that have not been reimbursed prior to the expiration of these contracts must be postmarked no later than August 16, 2006 to be considered for reimbursement.

Ms. Holly told the Commissioners the grants will not be extended.

Ms. Holly told the Commissioners as for the Boomer Volunteer Fire Department grant she talked with Anthony Domingo and he informed her that the Boomer Volunteer Fire Department will not be using the funds.

Ms. Holly suggested to the Commissioners to request a change in scope from the Boomer Volunteer Fire Department grant to the Fayette County Courthouse Jail Museum Gutter Replacement and Related Repairs.

The Commissioners signed a letter to Judge John Hatcher informing him of the unexpended balance of the Courtroom Chairs Grant, amount \$2,235.00.

Ms. Holly informed the Commissioners she received an e-mail from Patti Payne asking if an eighteen (18) year old could drive the Fayette County Animal Shelter truck. Commissioner Eskew and Commissioner Lopez replied no.

Ms. Holly informed the Commissioners she would like to attend the Workers' Compensation Seminar being held tomorrow at Charleston and will hand carry the bid for the Fayette County Courthouse Jail Museum Gutter Replacement and Related Repairs to the State Culture and Historic Society.

The Commissioners received and reviewed a letter from the Secretary of State informing that every county should have an accessible voting machine, either an Ivotronic or and AutoMARK in

each precinct.

The Commissioners received and reviewed a copy of a letter to Debbie Aliff, Payroll Clerk from Earl Pauley, Park Superintendent informing he has hired two (2) men for the summer ground maintenance position, Brandon Smith and Dennis Crist, to be paid at \$4.15 per hour, 40 hours a week.

The Commissioners signed invoices for the City of Oak Hill, amount \$1,552.00, the Town of Fayetteville, amount \$97.00, and the City of Mount Hope, amount \$388.00 for the confinement of inmates at the Southern Regional Jail for the month of March.

The Commissioners received and reviewed a letter from Senator Robert Byrd thanking the Commissioners for contacting his office to express their support for funding for a voluntary home buyout program for the Dunloup Creek Watershed.

The Commissioners received and reviewed a notice of a hearing from Attorney John Wooton on behalf of the Estate of Dora F. Hiltunen, and the Successor Executor of the Estate Donald J. Hiltunen will appear before the Fayette County Commission on the 19th of May 2006 at 10:00 a.m.

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 several correspondences from the Workers' Compensation Division and BrickStreet Administrative Services.

The Commissioners received and reviewed Monthly Progress Report from the Fayette County Community Corrections Grant Program.

The Commissioners received and reviewed letters from the Division of Criminal Justice Services informing the change in Court Security Grant Review location, acknowledging receipt of the application for Fiscal Year 2006 Justice Assistance Grant Program funds and informing that the Fayette County Commission has been scheduled to orally present its application at 9:45 a.m. on Wednesday, May 17, 2006 for the Community Corrections Grant Funds to the Community Correction Subcommittee.

The Commissioners received and reviewed a letter from Judge John Hatcher requesting that the main stairway and the narrow stairway leading to his chambers and the Courtroom be thoroughly swept and mopped and the tile floor on the stairway landing and the tile floor outside his chambers and the tile floor in the Courtroom be scrubbed, buffed/waxed.

The Commissioners received and reviewed checks for 911 Fees from Citizens Communications, amount \$48.50, Operating Account, amount \$1,920.60, IDT Corporation, amount \$58.00, Spectrotel, Inc., amount \$40.00, Granite Telecommunication LLC, amount \$124.00, AT&T Communications of WV, amount \$1,502.00, and Cleartell Telecommunications, amount \$14.00; Rent-FLM, amount \$2,025.00; Soldiers and Sailors Wall of Honor, amount \$350.00; Weekly Fees Collected for the Fayette County Animal Shelter/NRHS for the week of April 14, to April 20, 2006, amount \$328.00.

The Commissioners received and reviewed an e-mail from Ann Cavalier, Ed.D, Director of Tech's EDA University Center Program regarding Legislative Digest Chamber of Commerce Funding Grant.

The Commissioners received and reviewed a copy of an e-mail to

the County Commissioners Association of WV regarding established poling of other county elected officials giving pay increases.

The Commissioners received and reviewed a letter from Governor Joe Manchin, III thanking the Commission for their fiscal year 2005 application to the Local Economic Development Assistance Program.

The Commissioners received and reviewed an e-mail from the Office of the State Treasurer informing the March Limited Video Lottery proceeds will be directly deposited on April 26, 2006, amount \$6,277.59.

The Commissioners received and reviewed an e-mail from the Office of the State Treasurer informing the distribution of Coal Severance Tax for the 75% will be directly deposited on April 21, 2006, amount \$96,098.78.

The Commissioners received and reviewed an e-mail from the Office of the State Treasurer informing the distribution of Coal Severance Tax for the 25% will be directly deposited on April 21, 2006, amount \$23,730.07.

The Commissioners received and reviewed an e-mail from Tim Richardson, Zoning Officer informing of the items left off of the discussion in his April planning Commission meeting, they will have to revise in the Planning Commission meeting for May.

The meeting was adjourned at 11:50 a.m. The next scheduled meeting is May 2, 2006.



FAYETTE COUNTY COMMISSION
REGULAR SESSION
AUGUST 11, 2006
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 11th day of August 2006.

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

Steve Fox, Deputy Clerk from the Assessor's Office presented exonerations to be approved and signed.

Commissioner Lopez offered a motion to approve exonerations for personal property tax (See attached list). Commissioner Eskew seconded. Unanimous.

Commissioner Eskew offered a motion to approve exonerations for real property tax (See attached list). Commissioner Lopez seconded. Unanimous.

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

Commissioner Lopez offered a motion to approve Debbie Aliff, Jackie Hickman, and Debbie Berry overtime. Commissioner Eskew seconded. Unanimous.

Ms. Holly presented to the Commission an Order designating that for the General Election to be held on November 7, 2006 the total number and type of election boards for the various precincts to be used and notice to the county executive committees of the democrat and republican parties notifying them in writing the number of nomination

ACCOUNT NUMBER	TICKET NUMBER	NAME OF TAXPAYER	DATE CANCELED	REASON FOR CANCELLATION	STRAIGHT CANCEL	CORRECTED TICKET CREATED	RE-ISSUED SUPPLEMENTAL	CANCELED LEVY	TAX DISTRICT
6013887	28973	ANDERSON, THELMA LEE	7/31/2006	S/B HOMESTEAD		X		\$308.80	4
6080910	8252	PUGH, WAYNE EDWARD & DONNA RA	7/31/2006	S/B CLASS 2		X		\$185.88	1
6190766	16130	HUMPHREY, PHILLIP GLEN	7/31/2006	DOES NOT EXIST	X			\$18.24	2
8160045	1837	CANTERBURY, LARRY B SR	7/31/2006	DOES NOT EXIST	X			\$76.60	1
6120271	34661	CHMARA, NELLIE & PAUL & JOHN	7/31/2006	CANCEL P/D 18-669	X			\$100.06	9
6120271	34663	CHMARA, NELLIE & PAUL & JOHN	7/31/2006	S/B HOMESTEAD		X		\$208.74	9
6313866	27986	ST CLAIR, RAYMOND C JR & AARON	7/31/2006	S/B CLASS 2		X		\$245.34	3
8130998	280	ALLEY, PHILLIP WILLIAM	8/1/2006	S/B CLASS 2		X		\$13.20	1
6309826	22285	BAKER, RANDY ALLEN	8/1/2006	S/B CLASS 2 & HOMESTEAD		X		\$168.22	3
6012557	6027	LEGG, GEORGE & ROBERT	8/1/2006	ERRONEOUS VALUE		X		\$1,114.13	1
6012575	8026	LEGG, GEORGE & ROBERT	8/1/2006	ERRONEOUS VALUE		X		\$28.48	1
6012566	6025	LEGG, GEORGE & ROBERT	8/1/2006	ERRONEOUS VALUE		X		\$74.02	1
6121840	34895	DAY, JAMES R	8/1/2006	S/B CLASS 2		X		\$302.00	9
6060685	5414	JONES, DOUGLAS EUGENE & BELVA	8/1/2006	S/B CLASS 2		X		\$250.28	1
6217168	3526	FAYETTE COUNTY COMMISSION	8/1/2006	S/B NON-TAXABLE	X			\$34.18	1
6104468	38522	PAX MUNICIPALITY	8/1/2006	S/B NON-TAXABLE	X			\$11.12	10
6013878	6943	MYLES, RICKY	8/1/2006	ERRONEOUS VALUE		X		\$20.96	1

ACCOUNT NUMBER	TICKET NUMBER	NAME OF TAXPAYER	DATE CANCELED	REASON FOR CANCELLATION	STRAIGHT CANCEL	CORRECTED TICKET CREATED	RE-ISSUED SUPPLEMENTAL	CANCELED LEVY	TAX DISTRICT
1148779	310426	JARVIS PRO HARDWARE	8/2/2006	ERRONEOUS VALUE		X		\$1,235.20	13
8130998	260	ALLEY, PHILLIP WILLIAM	8/2/2006	S/B CLASS 2		X		\$13.20	1
8131078	254	ALLEY, BERNARD A	8/2/2006	S/B CLASS 2		X		\$4.66	1
8130989	255	ALLEY, BERNARD A	8/2/2006	S/B CLASS 2		X		\$1.56	1
9002842	11018	WILLIAMS, LILLIAN L	8/7/2006	S/B CLASS 2 & HOMESTEAD		X		\$391.32	1
6209863	4193	GRAY, LOUISE & HERMAN	8/7/2006	ERRONEOUS VALUE		X		\$18.84	1
9001771	22049	ANGEL, IRIS	8/7/2006	ERRONEOUS VALUE		X		\$89.30	3
6055369	8386	REDDEN, DONNA E & ALLEN K	8/7/2006	S/B CLASS 2		X		\$206.52	1
6336823	32813	MOUNTAINEER ESTATES INC	8/7/2006	ERRONEOUS VALUE		X		\$2,016.82	7
6259871	16407	JOHNSON, JOHN E & BERNELL	8/7/2006	S/B CLASS 2		X		\$44.25	2
6089305	8711	ROGERS, WADE W & ELSIE H	8/7/2006	S/B ACTIVE FARM		X		\$77.72	1
6089314	8713	ROGERS WILLARD WADE ET UX	8/7/2006	S/B ACTIVE FARM		X		\$109.16	1
6089181	8672	RODGERS, WILLARD W & ELSIE	8/7/2006	S/B ACTIVE FARM		X		\$122.44	1
6195271	22775	BRAGG, MARGARET A	8/7/2006	S/B CLASS 2		X		\$267.08	3
8042828	8508	RICHMAN, DAVID S & CHARLOTTE	8/7/2006	S/B CLASS 2		X		\$24.08	1
8081595	8509	RICHMAN, DAVID S & CHARLOTTE	8/7/2006	S/B CLASS 2		X		\$71.43	1
6026686	3399	EPPS, EDITH	8/7/2006	ERRONEOUS VALUE		X		\$40.38	1

for each party which may be made for poll clerk, election commissioners, alternates, and emergency absentee ballot commissioners.

Ms. Holly informed the Commissioners that the county executive's committee list has to be returned by September 12, 2006.

Commissioner Eskew offered a motion to approve the Order designating the number and type of election boards for the executive's committees of the democrat and republican parties. Commissioner Lopez seconded. Unanimous. Order signed.

Gloria King, Stephanie Bowers, Felicia McKinney, Judy Learmonth and Susan Gee appeared before the Commission to discuss the animal shelter operations.

Ms. McKinney told the Commissioners that the shelter is up and running. The new Director is Susan Gee.

Ms. McKinney told the commissioners they are unable to euthanize animals at this time, no one is certified.

Dr. Jarrell, the veterinarian, from Bradley is not willing to help. Dr. Swank is willing to help, but their problem is transporting the animals to the Oak Hill Animal Hospital.

Ms. McKinney told the Commissioners that Dr. Swank charges \$10.00 per animal.

Ms. McKinney told the Commissioners that the next Euthanasia Class is April, they are held once a year in Fairmont must be West Virginia Certified to euthanize animals.

Ms. McKinney told the Commissioners that Dr. Swank is the only option at this point.

Ms. McKinney told the Commissioners they are planning to contact Nicholas County for assistance.

Commissioner Eskew asked them to pursue Nicholas County for assistance.

Commissioner Wender asked Ms. McKinney to take a look at and see how much it would cost to euthanize.

Commissioner Wender asked that they draft a letter regarding euthanizing class and waivers.

Commissioner Wender asked that they get on the agenda for the next County Commission meeting.

Ms. Holly presented to the Commissioners from Dave Pollard, County Resource Coordinator a Resolution for the Wolf Creek Park to be signed.

Commissioner Wender offered a motion to approve vote of the Fayette County Urban Renewal Authority that Kenneth Eskew, W. D. Smith and Dave Pollard be authorized to execute any and all funding packages with the Fayette County National Bank. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion that Kenneth Eskew is authorized to execute a binding letter of credit with the Fayette County National Bank per the terms of the attached letter. Commissioner Wender seconded. Unanimous. Resolution signed. (See attached letter and Resolution)

Commissioner Wender suggested that Sheriff William Laird and Carl Harris, Prosecuting Attorney get together to discuss the Regional Jail Fees. Commissioner Wender asked that they be put on the agenda to

**Fayette County Urban Renewal Authority
Fayette County Courthouse
Fayetteville, WV 25840**

*Kenneth Eskew – Chair
James Lively – Vice Chair
James Criniti – Member
Jeff Proctor – Member
Guy Dooley, Jr. – Member
Mike Smith – Member*

*David W. Pollard - Staff
Carl Thompson - Staff*

Whereas, the Fayette County Urban Renewal Authority was formed pursuant to the Code of the State of West Virginia and;

Whereas, the Fayette County Urban Renewal Authority was incorporated by order of the Fayette County (West Virginia) Commission and;

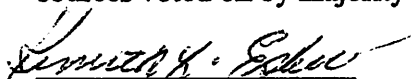
Whereas, it is the statutory obligation of the Fayette County Urban Renewal Authority to promote and restore economic vitality to areas deemed as blighted and;

Whereas, the property known as Wolf Creek Park has been included in a plan adopted by the Fayette County Urban Renewal Authority and the Fayette County Commission as the principal county asset to be restored from a blighted condition and;

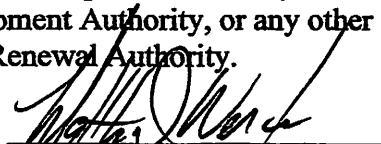
Whereas the Wolf Creek Park mixed-use business park has been approved to seek funding source by the Fayette County Urban Renewal Authority and the Fayette County Commission and;

Whereas minutes of the Fayette County Urban Renewal Authority duly reflect that Kenneth L. Eskew, W.D. Smith and/or David W. Pollard have been authorized to execute such funding, be it;

Resolved by vote of the Fayette County Urban Renewal Authority on this, the 2nd day of August 2006, that Kenneth L. Eskew, W.D. Smith, and/or David W. Pollard are empowered to execute any and all funding packages with Fayette County National Bank, the West Virginia Infrastructure and Jobs Development Council, the West Virginia Housing Development Fund, the West Virginia Economic Development Authority, the United States Department of Commerce Economic Development Authority, or any other sources voted on by majority of the Fayette County urban Renewal Authority.



Kenneth L. Eskew
Chair
August 2, 2006



Matthew D. Wender
Fayette County Commission
August 2, 2006

orig. Dave Pollard



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

Whereas, the Fayette County Urban Renewal Authority was formed pursuant to the Code of the State of West Virginia and;

Whereas, the Fayette County Urban Renewal Authority was incorporated by order of the Fayette County (West Virginia) Commission and;

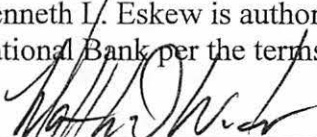
Whereas, it is the statutory obligation of the Fayette County Urban Renewal Authority to promote and restore economic vitality to areas deemed as blighted and;

Whereas, the property known as Wolf Creek Park has been included in a plan adopted by the Fayette County Urban Renewal Authority and the Fayette County Commission as the principal county asset to be restored from a blighted condition and;

Whereas, the Wolf Creek Park mixed-use business park has been approved to seek funding sources by the Fayette County Urban Renewal Authority and the Fayette County Commission and;

Whereas, the minutes of the Fayette County urban Renewal Authority duly reflect that Kenneth L. Eskew, W.D. Smith and/or David W. Pollard have been authorized to execute such funding, be it;

Resolved by vote of the Fayette County Commission on the 11th day of August 2006, that Kenneth L. Eskew is authorized to execute a binding letter of credit with Fayette County National Bank per the terms in the attached letter.


Matthew D. Wender
President

orig. Dave Pollard



**Fayette County
National Bank**

*Peggy G Tolley, Loan Officer
Branch Manager, Oak Hill Office*

January 20, 2005

Fayette County Commission
David Pollard, Resource Coordinator
PO Box 569
Fayetteville WV 25840

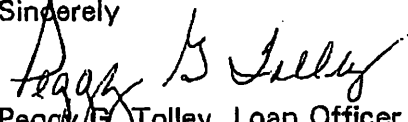
Gentlemen:

Fayette County National Bank is pleased to inform you that your request that the bank act as surety for the West Virginia Division of Highways road access grant for the Wolf Creek Park project was approved.

Your request was for an Irrevocable Letter of Credit in the amount of \$462,465.00 (Four Hundred Sixty-Two Thousand Four Hundred Sixty-Five Dollars No Cents) in favor of the WVDOH. Fayette County National Bank hereby agrees to issue the requested letter of credit, for a term up to six years, (5 years from date of completion of project, with an expected year of construction time) at an interest rate of WSJP + 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 \$463.00 for issuing the above referenced Letter of Credit.

It is our understanding that this letter of credit is to be issued when construction starts on the project, which should be the summer 2005.

Sincerely


Peggy G. Tolley, Loan Officer
& Manager, Oak Hill Office
Fayette County National Bank

Cc: Charles E. Mahan, IV, President & Chairman of the Board
Fayette County National Bank
Cc: ✓ Judy Radford, 4C Economic Development Authority
Cc: File

Telephone (304) 469-2555
Fayette County National Bank

ptolley@fayconatl-bank.com
PO Box 1414

FAX (304) 469-2555
Oak Hill, West Virginia 25901

"Where Everyone is Somebody"

discuss at the August 25, 2006 Commission meeting.

The Commissioners asked to put on the agenda for August 25, 2006 at 1:30 p.m. discussion of Beckwith, Valley District Precinct. Commissioner Wender asked Carl Harris to check to see if it's possible to changing the Magisterial District to five (5).

Ms. Holly informed the Commissioners that a letter was sent to the Regional Jail Authority regarding the Regional Jail invoices for June and subsequent months.

Ms. Holly told the Commissioners she has written the check for the June invoice bus is holding.

Sheriff William Laird appeared before the Commission to discuss the Community Corrections fees.

Sheriff Laird told the Commissioners that they have a balance of \$4,060.00 for this month.

Sheriff Laird told the Commissioners they would have to set up a separate account for the Community Corrections Day Report Grant cannot be part of the General County Fund. Sheriff Laird informed the Commissioners that Tom Woodrum, Chief Tax Deputy will set up the account.

Commissioner Lopez offered a motion to authorize Tom Woodrum to establish a fund for the Community Corrections Grant/Criminal Justice Fund Chart of Accounts to transfer the balance of \$4,060.00 from the General County Fund and pay July contract services from the new account. Commissioner Eskew seconded. Unanimous.

Ms. Holly informed the Commissioners she received one bid for the mechanical filing system for the Circuit Clerk and Prosecuting

REQUEST FOR BIDS
MECHANICAL FILING SYSTEM

The Fayette County Commission will receive bids until 10:00 a.m. on Friday, August 11, 2006, for a cardex or equivalent mechanical filing system for each of the Office of the Clerk of the Circuit Court and for the Office of the Prosecuting Attorney. Specifications for the systems may be obtained from the Fayette County Administrator's Office, the Fayette County Prosecuting Attorney's Office or the Fayette County Circuit Clerk's Office; location site inspection may be done during regular Courthouse hours. Bids for each system must include procurement of equipment, delivery charges, storage until installation, installation, complete clean-up after installation, and must be completed no later than January 1, 2007. Sealed bids are to be marked "mechanical filing systems" and mailed to the Fayette County Commission, Post Office Box 307, Fayetteville, West Virginia 25840.

The Fayette County Commission reserves the right to reject in whole or in part any and all bids received.

FAYETTE COUNTY CLERK
KARDEX KOMPAKT MOVABLE SHELVING

\$10,907.04

Presented by:

Better Business Systems, Inc.
&
KARDEX Systems, Inc.

BBS Better Business Systems, Inc.
A Professional Records Management Firm

Jack L. Bratton II
President

Rt. 1 Box 289-A
Charleston, WV 25312
Phone: 304-348-6951 Ext. 12
1-800-339-6951
Fax: 304-720-5575
E-mail: jack@bbswv.com
Web: www.bbswv.com

Movable Shelving Systems
Rotary File Systems
Color-Coded folders
Records Tracking Systems
Shredders

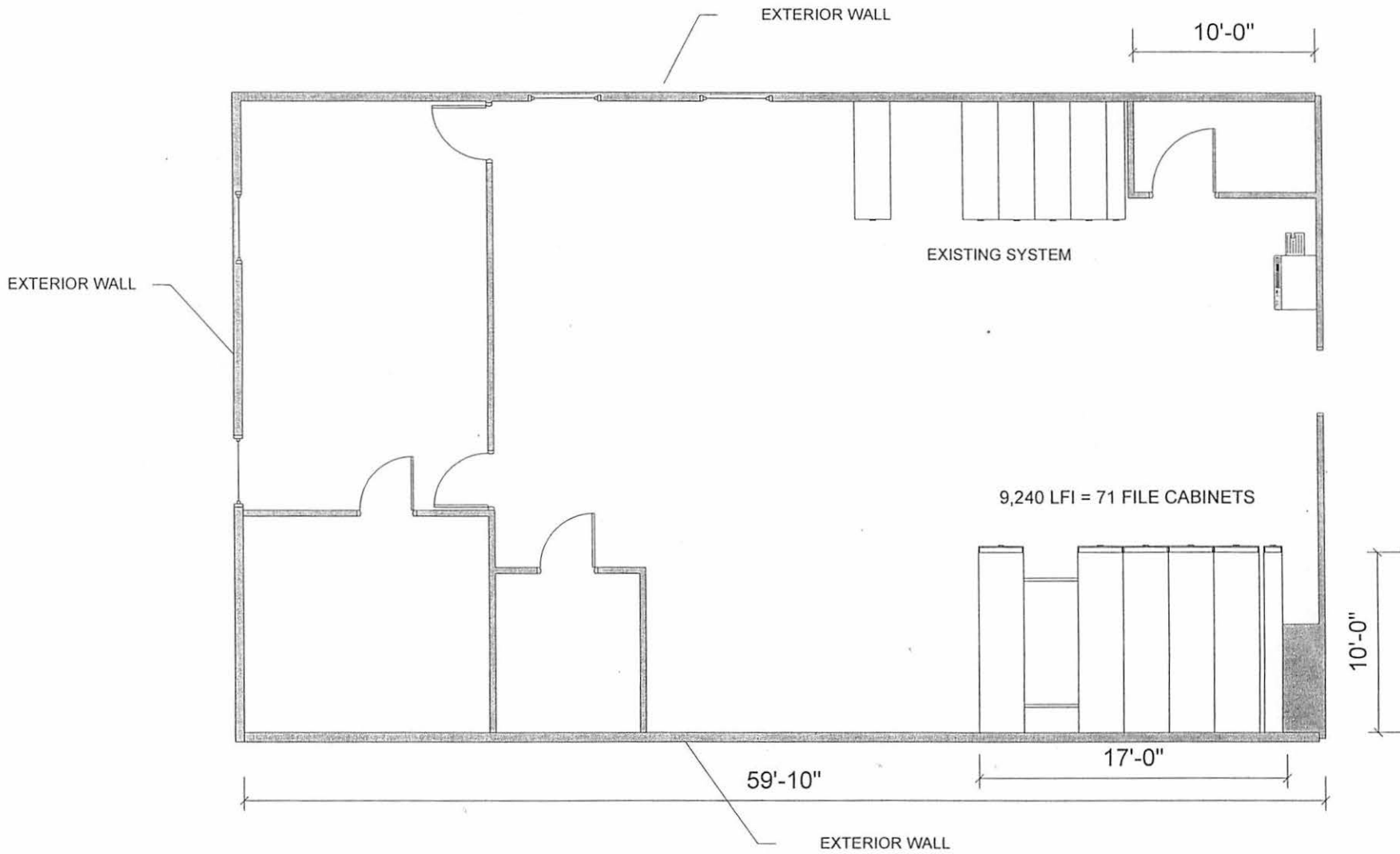
8/11/06
Denny
For your
review &
recommendation.
Charlott

FAYETTE COUNTY CLERK
KARDEX KOMPAKT MOVABLE SHELVING

\$10,907.04

Presented by:

Better Business Systems, Inc.
&
KARDEX Systems, Inc.



Attorney's Office.

The Commissioners asked to hold bids until Carl Harris, Prosecuting Attorney return this afternoon.

The Commissioners recessed the County Commission meeting at 10:35 a.m.

The Commissioners reconvened the County Commission meeting at 10:55 a.m.

Allen Ballard, Building Inspector and Tom Steele, Assistant Prosecuting Attorney appeared before the Commission to present an Order Adopting the 2006 Fayette County Building Code.

Mr. Steele informed the Commissioners that this 2006 Building Code Ordinance is updating the 2003 Building Code Ordinance.

Commissioner Eskew offered a motion to approve attaching the 2006 Fayette County Building Code Ordinance to replace the prior Building Code Ordinance effective August 11, 2006.

Mr. Allen informed the Commissioners that all of the Builders have been notified of the new Building Code Ordinance. (See attached)

Kelvin Holliday, County Clerk presented for approval his travel voucher for NACo Conference in Chicago, amount \$709.09.

Commissioner Eskew offered a motion to approve the County Clerk's travel voucher for NACo Conference as submitted, amount 4709.09.

Commissioner Lopez seconded. Unanimous.

Ms. Holly informed the Commissioners she has several invoices from outside agencies that needed to be take care of.

Ms. Holly asked the Commissioners if it was okay to release check to the Town of Gauley Bridge for the Senior Center, amount \$2,000.00.

ORDER ADOPTING 2006 FAYETTE COUNTY 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.

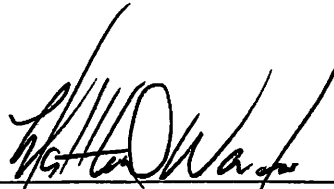
WHEREAS, it is the desire of the County Commission of Fayette County, West Virginia to adopt, in all respects, the state building code relating to minimum building and housing standards; and

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;

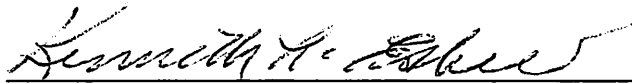
NOW, THEREFORE, BE IT ORDAINED BY County Commission of Fayette County, West Virginia that the attached five (5) page document titled "2006 FAYETTE COUNTY BUILDING CODE" be and is hereby adopted to replace the prior building codes of Fayette County.

BE IT FURTHER ORDAINED that this Order shall take effect and be in force from and after its passage, the public welfare requiring it.

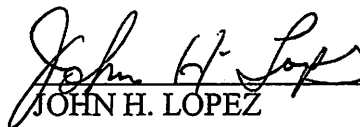
PASSED AS APPROVED BY County Commission of Fayette County, West Virginia on the 11th day of August, 2006.



MATTHEW D. WENDER



KENNETH L. ESKEW



JOHN H. LOPEZ

2006 FAYETTE COUNTY BUILDING CODE

(a) There is adopted by reference, for the purpose of establishing rules and regulations, the State Building Code as promulgated by the West Virginia State Fire Commission pursuant to West Virginia Code §29-3-5(b) and the provisions thereof shall be controlling within the corporate limits of Fayette County. One (1) copy of the code, certified by the Fayette County Commission, shall be maintained on file in the office of the Fayette County Clerk and shall be available to the public for inspection and use during all regular business hours.

(b) Any existing Fayette County ordinance that is more stringent or imposes a higher standard than is required by the above referenced codes shall govern, provided such ordinance is not inconsistent with the laws of West Virginia and is not contrary to recognized standards and good engineering practices.

(c) Any existing Fayette County ordinance that is less stringent or imposes a lower standard than is required by the above referenced codes is hereby amended to comply therewith.

(d) The standards and requirements as set out and as published by the International Code Council and American Standards Institute, as listed below, shall have the same force and effect as if set out verbatim in this section, except that any and all references to ICC Electrical Code mean NFPA 70, National Electric Code/2005:

- (1) The International Building Code, Sixth Printing, 2003, with the following exceptions:

(i) Provided; that the section entitled "Fire Prevention" and identified as Section 101.4.6 is deleted and not considered to be a part of the code.

(ii) Further provided that the section entitled "Duties and Powers of Building Official" and identified as Section 101.1 General is modified to read as follows:

"The building official shall enforce the provisions of this code. The building official may render interpretations of this code and adopt policies and procedures in order to clarify the application of its provisions. The interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. The policies and procedures shall not have the effect of waiving requirements specifically provided for in this code."

(2) The International Plumbing Code, Fifth Edition, 2003.

(3) The International Mechanical Code, Fourth Edition, 2003.

(4) International Fuel Gas Code, Fifth Edition, 2003, with the following exception:

Section 404.9 Underground piping systems shall be installed a minimum depth of 12 inches (305 mm) below grade. If the minimum depth cannot be maintained, the piping system shall be installed in conduit or shielded in an approved manner.

(5) The International Energy Conservation Code, Fifth Edition, 2003.

- (6) International Residential Code, Seventh Edition, 2003, Appendix E, Manufactured Housing Used as a Dwelling, with exceptions. See attachment.
 - (7) ICC/ANSI A1.1 Standards for Accessibility & Usable Buildings and Facilities First Edition, 2003.
 - (8) International Existing Building Code, 2003 with the following exception:
Omit reference to International Fire Code and substitute NFPA Life Safety Code 2003 Edition.
- (e) The following structures are not subject to inspection by the County of Fayette:
- Group U utility structures and storage sheds comprising an area not more than one hundred fifty (150) square feet which have no plumbing or electrical connections and are used only for residential storage purposes. (Examples include sheds that are for the residential storage of lawnmowers, tools, bicycles, or furniture.) Not included are those utility structures and storage sheds which have plumbing or electrical connections, are a non-residential use, or are for the storage of explosives or other hazardous or explosive materials.
- (f) A copy of the codes listed herein is on file with the Secretary of State and the Fayette County Building Safety Department. These code books, collectively or separately, may be obtained by contacting the publisher.

(g) Amendments.

The State Building Code is hereby amended as follows:

(1) *International Residential Code 2003*

Section R101.1 Insert "the County of Fayette"

Table R301.2.(1) Insert

"Roof Snow Load – 30 psf
Wind Speed – 90 mph
Seismic Design Category – B
Weathering – Severe
Frost Line Depth – 24"
Termite – Moderate to Heavy
Decay – Slight to Moderate
Winter Design Temp – 11 Degrees
Flood Hazards – as noted in the Floodplain District Ordinance,
Sept. 11, 1984 and FIRM 1984"

(h) Unlawful acts; penalty; injunctive relief upon violation.

(a) *Unlawful acts.* It shall be unlawful for any person, firm, or corporation to erect, construct, alter, extend, repair, remove, demolish, maintain, fail to maintain, provide, fail to provide, occupy, let to another to occupy or permit another person to occupy any premises, property, structure, or equipment regulated by the County of Fayette Building Code, or cause same to be done, contrary to or in conflict with or in violation of any of the provisions of the code, or fail to obey a lawful order of the code official, or to remove or deface a placard or notice posted under the provisions of the code.

(b) *Penalty.* Any person who shall violate a provision of the Fayette County Building Code upon conviction thereof, be subject to a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) at the discretion of the court. Each day

that a violation continues after due notice has been served shall be deemed a separate offense.

(c) *Injunction.* In the case of any unlawful acts, the commission or such person as the commission may designate is hereby authorized and empowered to institute and maintain a suit to restrain by injunction the violation of the Building Code notwithstanding the penalty for the violation thereof .

(i) **Conflicts.**

(a) Whenever there arises a conflict between the State Fire Code and the State Building Code, the State Fire Code shall take precedence.

(b) Whenever there arises a conflict between the International Plumbing Code portion of the State Building Code and the rules of the West Virginia State Department of Health and Human Resources, the rules of the Department of Health and Human Resources shall take precedence.

(c) Whenever there arises a conflict between the State Building Code and statutory laws of the State of West Virginia, the West Virginia Code shall take precedence.

(d) In the event that any provision of the State Building Code conflicts with any provision of the electrical code adopted in this chapter, and such conflicting provisions relate to electrical work, the applicable provisions of the electrical code shall prevail.

The Commissioners replied okay to release the check to the City of Mount Hope for the Town Park project. Commissioner Wender asked ms. Holy to get a copy of the check and send to Robert Dorado.

Ms. Holly told the Commissioners she received a request from the Mount Hope Community Center, the Commission asked to hold until next Commission meeting, August 25, 2006.

Ms. Holly told the Commissioners she received a fax from Ron Booker, TRIDENT informing that he and the Sheriff had an agreement regarding the 2003 Dodge Durango, it's to be returned to TRIDENT in exchange for the 2003 Blazer. Sheriff Laird recommended signing the title over to TRIDENT.

Commissioner Eskew offered a motion to sign title for the 2003 Dodge Durango to TRIDENT and the County in return will receive the 2003 Blazer. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to authorize Commissioner Wender, President of the Fayette County Commission to act on its behalf to enter into a contractual agreement with the Division of Criminal Justice to receive and administer grant funds pursuant to provisions of the Community Corrections Fund. Commissioner Eskew seconded. Resolution and Grant Agreement signed.

John Crookshank appeared before the Commission to discuss getting water on Shawver Creek Road.

Commission Wender encouraged Mr. Crookshank to work with New Haven Public Service District. Commissioner Wender told Mr. Crookshank that currently the Fayette County Commission is sponsoring the Danese Public Service District.

The Commissioners received and reviewed from Attorney James Blankenship a Petition of Stephanie A. Dravenstott Gouge to abandon an unnamed and unused street hearing to be held Friday, September 15, 2006 at 10:30 a.m.

Commissioner Lopez offered a motion to approve scheduling the hearing to abandon an unnamed and unused street on Friday, September 15, 2006. Commissioner Eskew seconded. Unanimous.

Ms. Holly informed the Commissioners she received an Addendum to Tri-State Roofing contract.

On the recommendation of the State to include an addition to the base bid and two alternates the contractor agrees that for a price of \$1,200.00 that he will saw cut two additional slots in the perimeter stone cap to accommodate new downspouts, and to trim as may be required, the two existing downspouts slots.

Ms. Holly told the Commissioners she will ask Carl Harris, Prosecuting Attorney if he has more copies of the contract.

Ms. Holly told the Commissioners that she will ask Tri-State Roofing to do the annual checking of guttering and roof.

Carl Thompson, WV State Extension/4-C Economic Development Authority appeared before the Commission to inform them that sixteen (16) people have expressed an interest in being a part of the 2006/2007 Community Collaborative Team. Mr. Thompson told the Commissioners last year they participated with \$2,500.00 local matching funds.

Mr. Thompson told the Commissioners he is here today to again request the \$2,500.00 local matching funds.

Commissioner Eskew offered a motion to provide the \$2,500.00 match for the 2006/2007 Community Collaborative Team with the understanding that other funds are in place. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a drawdown request for Just For Kids, Inc., amount \$1,384.79.

The Commissioners received and reviewed a request from Just For Kids, Inc. contribution of \$3,000.00 for match for the Justice Assistance Grant.

The Commissioners received and reviewed from Region 4 Planning and Development Council a drawdown request for the Fayette County Commission-Page Kincaid Public Service District-Ingram Branch Wastewater Project #04SCBG0057, amount \$13,157.84.

The Commissioners signed a letter to the West Virginia Development Office enclosing a proposed Budget Amendment to allocate the 1.5 million dollars for the Fayette County Commission-Page Kincaid Public Service District-Ingram Branch Wastewater Project #04SCBG0057.

Commissioner Lopez offered a motion to approve the drawdown request for the Fayette County Commission-Page Kincaid Public Service District-Ingram Branch Wastewater Project #04SCBG0057, amount \$13,157.84. Commissioner Eskew seconded. Unanimous.

Commissioner Eskew offered a motion to approve Budget Amendment to allocate the 1.5 million dollars for the Fayette County Commission-Page Kincaid Public Service District-Ingram Branch Wastewater Project #04SCBG0057. Commissioner Lopez seconded. Unanimous.

The Commissioners signed a letter to Congressman Nick Rahall

requesting his assistance in helping the Danese Public Service District receive funding from the Small Cities Block Grant and the USDA Rural Utilities Service to extend water service to currently unserved areas.

The Commission signed several Fire Levy Protection Agreements for the Town of Fayetteville, Meadow Bridge Volunteer Fire Department, Nuttall Volunteer Fire Department and Modification Agreements for the Meadow Bridge Volunteer Fire Department and Ansted Certified Fire Department for the period July 1, 2006 to June 30, 2007.

The Commissioners signed titles for four (4) new vehicles for the Law Enforcement.

Ms. Holly informed the Commissioners that Chief Deputy Steve Kessler brought in the invoices for the new vehicles. The check has been prepared.

The Commissioners received and reviewed a letter from the Fayette County Public Libraries informing the term of Philip J. Tissue, as a member of the Fayette County Library Board expired on June 30, 2006, they are requesting that the Fayette County Commission reappoint Mr. Tissue for another term on the Board of Directors.

Commissioner Lopez offered a motion to reappoint Philip Tissue as a member of the Fayette County Public Library Board of Directors for a five-year term. Commissioner Eskew seconded. Unanimous. The Order and the appointment to serve letter was signed.

The Commissioners signed a letter to Dana L. Redman, Sr. responding to his request for the return of the painting of the Bank of Glen Jean created by Betty Lou Redman. The Commissioners attached

a copy of the Agreement of the Original Transfer of Artwork signed by Ms. Redman on June 5, 1990.

The Commissioners told Mr. Redman that according to the agreement, the original artwork is donated to the Fayette County without cost for the expressed purpose of exhibitions for a period of 30 years beginning June 1, 1990.

The Commissioners signed a letter to the Economic Development Administration notifying that the Fayette County Commission is actively involved in the planning process of the Region 4 Planning and Development Council (2004-2008) Comprehensive Economic Development Strategy (CEDS) Fiscal Year 2006 Annual Report.

The Commissioners signed drawdown request for TRIDENT, amount \$1,097.32 for the month of July.

The Commissioners received and reviewed an Order from the Public Service Commission approving request to dissolve the Meadow Bridge Public Service District and to enlarge the boundaries of the Danese Public Service District.

The Commissioners received and reviewed a letter from the Town of Meadow Bridge requesting assistance in purchasing signs for the completion of naming their streets, amount \$3,017.11

The Commissioners asked that a letter be sent to the Town of Meadow Bridge asking that they explore the possibility of streets being taken into State Highway System or explore seeking State Grants, if Meadow Bridge receive State Funds the County would consider participating in a local match.

The Commissioners received and reviewed a letter from Jim Lively

Insurance commending the Commission and those responsible for the excellent building and premises maintenance that has kept Fayette County free of such claims.

The Commission asked that a copy of this letter be sent to every County Officeholder.

The Commissioners received and reviewed a letter from Jim Lively Insurance commending all the drivers of the County fleet that operate the majority of the county vehicles.

The Commissioners received and reviewed a fax from Nancy Almond, Marketing Representative for Sam's Club 4860 informing she would like to do a membership drive for the employees of Fayette County to offer them Sam's Club advantage membership. The Commission replied no thanks.

The Commissioners received and reviewed from Butch Evans the 911 information he will be discussing at the September 15 Commission meeting regarding the Wide Area Rapid Notification (W.A.R.N.)

The Commissioners received and reviewed a letter from the Department of Military Affairs and Public Safety regarding the Homeland Security-Citizen Corps Sub-Grant #04-CC-06 asking that a request for a reimbursement letter for approved grant purchases made within the grant period. If the Commission has completed the sub-grant and is not claiming further reimbursement they need to do a letter stating "No further grant funds will be requested, and the Commission hereby relinquishes remaining grant funds to the West Virginia Homeland Security Grant Program."

Ms. Holly informed the Commissioners she received an invoice from

Software System for upgrade of the OS/400 to V5RS Installation Services, amount \$6,783.31.

Ms. Holly told the Commissioners that she received a quote on May 19, 2006 of \$2,960.00 for the upgrade and if the total costs should exceed 10% of the estimated fees, they will contact this office to obtain approval for additional work.

Ms. Holly told the Commissioners that Software Systems did not contact her for additional cost approval and she feels that the \$6,783.31 should not be paid but the original quote of \$2,960.00 should be paid.

Carl Harris, Prosecuting Attorney recommend to the Commissioners to send a letter to Software Systems and request a written explanation of the reason(s) that the first upgrade attempt was not successful.

The Commissioners received and reviewed an invitation from MS Consultants, Inc. inviting the Commission to attend "A Series of Fortunate Event" throughout the week of the Pete Dye Classic August 23 through August 27, 2006.

Ms. Holly told the Commissioners that an invoice was sent to Tom Louisos on July 18, 2006 for recount of the 2006 Primary Election for the 29th Delegate District of the House of Delegate, as of today have not received payment.

The Commissioners asked to hold until the end of August.

Commissioner Wender presented minutes of February 21, 23, and March 17, and 20 to be approved.

Commissioner Eskew offered a motion to approve minutes of February 21, February 23, March 17 and March 20, 2006. Commissioner

Lopez seconded. Unanimous. Minutes signed.

The Commissioners received and reviewed a letter from Region 4 Planning and Development Council regarding EDA Project #01-01-08060 Fayette County Urban Renewal Authority (Wolf Creek Park)-Request for Budget Revision, Request to Award Construction Contract and Intercreditor Agreement.

The Commissioners received and reviewed a letter from Kominisky Chiropractic regarding Linda Casey's treatment of the injuries she sustained as a result of a work related injury.

Ms. Holly presented a letter to Congressman Nick Rahall regarding iTown Communications. Commissioner Wender asked Ms. Holly not to send the letter.

The Commissioners received and reviewed a copy of a letter to the Department of Environmental Protection from the New Haven Public Service District regarding New Haven Public Service, Beauty Mountain/Power Plant Road, Derry Hill, Edmond/Spy Rock Road Water System Extensions Water Project #2002 W-708.

The Commissioners received and reviewed a letter from the New Haven Public Service District thanking the Commission for their time on June 30, 2006 to discuss the Phase IIIA water projects.

The Commissioners received and reviewed a letter from the City of Mount Hope inviting the Commissioners to attend a "work session" being held Monday, August 7, 2006.

The Commissioners received and reviewed a letter from the Southern Conservation District inviting the Commission to join them for a Congressional Tour and luncheon noon on August 9, 2006 at the

Tamarack Conference Center.

The Commissioners received and reviewed a thank-you letter from the New Haven Veterans Memorial Committee thanking the Commissioners for their contribution for fiscal year 2006.

The Commissioners received and reviewed from the West Virginia Association of Counties a comparison of their dental/vision program with that of a competitor's.

Ms. Holly told the Commissioners she received a tax ticket for property owned in Beckwith from the Tax Office. Ms. Holly told the Commissioners she sent a copy of the ticket to Eddie Young, Assessor. Mr. Young will be issuing an exoneration.

The Commissioners received and reviewed a fax from the Secretary of State enclosing the calendar as agreed upon by Election Software and Systems in regards to the deadlines for the programming and delivery of materials.

The Commissioners received and reviewed a letter from the West Virginia Housing Development Fund informing they have agreed to make a construction and permanent loan in a principal amount not to exceed \$1,621,050 for a term not to exceed 16 years for a firm commitment approval Wolf Creek Park Phase I (Access Road and utilities) State Route 16, Fayette County.

The Commission received and reviewed a letter from the West Virginia Association of Counties enclosing the revised information on the West Virginia Open Governmental Proceedings Act as compiled by the Office of the Attorney General, reflecting statutory changes from the 2006 legislative session.

The Commission received and reviewed from the Bank of New York Cash Statement and Asset List for July 31, 2006.

The Commission received and reviewed from Branch Banking and Trust Company securities that were held as collateral to secure the deposits of Fayette County Commission as of July 31, 2006.

The Commission received and reviewed from Branch Banking and Trust Report of Investments and Transactions for the period from February 1, 2006 to July 31, 2006.

The Commission received and reviewed from SunTrust Bank securities that were pledged as of July 31, 2006.

The Commission received and reviewed a letter from J P Morgan informing that approximately 90 days since J P Morgan Chase announced a strategic business transaction with The Bank of New York to exchange portions of their corporate trust business for the Bank of New York's consumer, small-and middle-market businesses in the New York Tri-State area. They have signed a definitive agreement to this effect and they are proceeding with the necessary, regulatory approvals.

The Commission received and reviewed from the West Virginia Kids Count Fund the 2005 West Virginia Kids Count Data Book.

The Commission received and reviewed a copy of a letter from the Natural Resources Conservation Service to Michael Martin, Mayor of the City of Mount Hope thanking the City of Mount Hope for inviting them to participate in the coordination meeting on the Kilsyth sewer line extension project.

The Commission received and reviewed a copy of a letter from Sheriff William Laird to Janet Frye Steele regarding the installation

of the anti-ballistic materials at the Family Law Court.

The Commission received and reviewed a copy of a letter from Kelvin Holliday, County Clerk to the West Virginia Division of Culture requesting an extension on the Fayette County Clerk's 2005-2006 grant from the Records Management and Preservation Board.

The Commission received and reviewed a letter from the West Virginia Division of Culture and History informing that the board was not agreeable to approve the request to extend the Fayette County 2005-2006 record's grant.

The Commission received and reviewed a letter from the PEIA informing they have not received an insurance premium for the month of June, amount \$2,278.67.

The Commission received and reviewed a letter from the Department of Environmental Protection informing that they received the Commission objection to the removal of Loop Creek from the Tier 2.5 list and the request for a public hearing on the issue. Unfortunately the Commission was not aware of the public hearing which was held on July 10, 2006 and the public comment period.

The DEP actively publicized the hearing the comment period and indeed had over 100 citizens in attendance. Several citizens from the Fayette County area spoke in favor of returning Loop Creek to the Tier 2.5 list.

The Commission received and reviewed a fax from John David regarding a notice Page-Kincaid Public Service District received from the Ground Vibration Consultants.

The Commission received and reviewed from the Fayette County

Animal Control Center/NRHS Activity Report and Revenue Report for the month of July and Weekly Fees Collected for the week of July 28 to July 31, 2006, amount \$0, the week of August 10, 2006, amount \$225.00.

The Commission received and reviewed an invitation from the Southern West Virginia Broadband Summit inviting the Commission to join Senator Jay Rockefeller at a regional forum focused on improving access to a broadband infrastructure and its economic impact on rural communities being held September 18, 2006 from 9:00 a.m. to 4:00 p.m.

The Commission received and reviewed a thank you letter from the City of Montgomery thanking the Commission for their contribution to the Montgomery River Park and Montgomery Swimming Pool.

The Commission received and reviewed a letter from Steptoe and Johnson regarding Charles Canterbury lawsuit.

The Commission received and reviewed a letter from the Division of Highways informing that the West Virginia Department of Transportation's Division of Highways, incorporation with the Federal Highway Administration, announces the availability of Safe Routes to School Program Grants.

The Commission received and reviewed a copy of a letter to the West Virginia DEP-Division of Land Restoration from the Dunloup Creek Watershed Association requesting prompt action be taken in regard to the Price Hills water treatment ponds.

The Commission received and reviewed Official Oath of Office from William L. Toney, Jr. as a member of the Fayette County Solid Waste Authority.

The Commission received and reviewed a letter from Commercial

Insurance Services informing they would appreciate the opportunity to provide the County a proposal for the new Property and Casualty Program.

The Commission received and reviewed a copy of a letter to Debbie Aliff, Payroll Clerk, from David Neal E911 Coordinator informing of the payroll adjustments. Jenny Adkins has completed all necessary requirements as a probationary part-time Communications Specialist hourly rate of pay be changed to \$8.50 an hour; Andrea Coleman has completed the probationary part-time requirements, hourly rate of pay be changed to \$8.00 an hour; Danielle Barker new probationary part-time Communications Specialist hourly rate is \$7.50; and Philip Stover has returned to employment as a part-time Communication Specialist his hourly rate is to be the same as his rate of pay at the time of his resignation from full-time \$8.42 an hour.

The Commission received and reviewed a letter from the State Tax Department informing they have been asked to review the natural resource account(s) of Milburn and Margaret Park for possible appraisal error(s) for Tax Year 2006. Their records indicate that clerical error(s) have occurred and they have provided the recommended non-producing mineral appraisal changes.

The Commission received and reviewed several correspondences from BrickStreet Insurance regarding Workers' Compensation claims and from the Unemployment Compensation Division claims.

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

The Commission received and reviewed several checks for Franchise Fees from Bradley Communications, Inc. amount \$521.88, Charter Communications, amount \$20,722.73 and Rapid Communications, amount \$560.08; 911 Fee checks from the City Net Holdings, LLC, amount \$7.76, Mountain Communications, LLC, amount \$49.74 and Nos Communications, Inc., amount \$2.00; Homeland Security, amount \$00.00; Jail Fees check from the City of Mount Hope, amount \$242.50; Fayette County Board of Education-Contribution WVU Extension Office, amount \$19,237.00; Refund Complete Systems Support, amount \$600.00; Dept. of Transportation-Oak Hill Rail Trail, amount \$56,800.00; TRIDENT, amount \$477.00, Criminal Justice Services-Community Corrections, amount \$9,137.84.

The Commission received and reviewed an e-mail from Carl Harris, Prosecuting Attorney regarding the Memorial Building lease.

The Commission received and reviewed an e-mail from Commissioner Wender requesting that Ms. Holly ask James Perdue, Maintenance Supervisor to give Danny Wright an update on when the remodeling in Circuit Clerk's Office will be complete and asked that a copy of the Department of Environmental Protection letter be sent to John David.

The Commission received and reviewed an e-mail from the Office of the State Treasurers informing that the July Limited Video Lottery proceeds will be directly deposit on July 26, 2006, amount \$5,859.91.

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

The meeting was adjourned at 1:00 p.m. The next scheduled meeting is August 25, 2006.



FAYETTE COUNTY COMMISSION
REGULAR SESSION
AUGUST 25, 2006
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 25th day of August 2006.

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

Eddie Young, Assessor presented exonerations to be approved and signed.

Commissioner Lopez offered a motion to approve exonerations for personal property tax (See attached list). Commissioner Wender seconded. Unanimous.

Commissioner Lopez offered a motion to approve exonerations for real property tax (See attached list). Commissioner Wender seconded. Unanimous.

Commissioner Lopez offered a motion to approve refunds for Leonard Navicki et ux (\$137.26) and Alan B. and Kathryn C. Wickline (\$73.81). Commissioner Wender seconded. Unanimous.

Eddie Young made a request to the Commissioners to purchase two (2) vehicles, one for the Day Report Center and one for the Town of Smithers. Mr. Young told the Commissioners these vehicles would be paid out of the PVC Fund.

Commissioner Lopez offered a motion to authorize Eddie Young to purchase the two (2) vehicles for the Town of Smithers and the Community Corrections Day Report Center, to be paid out of the PVC Fund, State contract. Commissioner Wender seconded. Unanimous.

REAL PROPERTY TAX TICKETS CANCELLED OR EXONERATED
 MONTH OF August 25, 2006

ACCOUNT NUMBER	TICKET NUMBER	NAME OF TAXPAYER	DATE CANCELED	REASON FOR CANCELLATION	STRAIGHT CANCEL	CORRECTED TICKET CREATED	RE-ISSUED SUPPLEMENTAL	CANCELED LEVY	TAX DISTRICT
6102512	29900	WALTER MORTGAGE COMPANY	8/22/2006	S/B CLASS 2		X		\$510.44	
6314687	22059	ANGUS, THOMAS EARL & MANISCALCO	8/22/2006	S/B CLASS 2 & HOMESTEAD		X		\$462.74	
*06314687	22043	ANGUS, THOMAS EARL & MANISCALCO	8/22/2006	S/B CLASS 2 & HOMESTEAD		X		\$484.58	
8003395	11014	WILLIAMS, JERRY	8/22/2006	ERRONEOUS VALUE		X		\$156.85	
9003587	23793	DRAVENSTOTT, GOLDIE R	8/22/2006	S/B CLASS 2 & HOMESTEAD		X		\$66.78	
6052077	6347	MARTIN, DAVID W	8/22/2006	ERRONEOUS VALUE		X		\$251.56	
6322794	24399	GROSE, JONATHAN M & MARY E	8/22/2006	S/B CLASS 2		X		\$283.39	3
6155929	14753	ELMORE, EDWARD EUGENE III	8/22/2006	ERRONEOUS VALUE		X		\$34.18	2
6187609	13432	CANTERBURY, WILLIAM R & BETTY	8/22/2006	ERRONEOUS VALUE		X		\$268.64	2
6258569	21375	WICKLINE, ALAN B & KATHRYN C	8/22/2006	ERRONEOUS VALUE		X		\$151.40	2
6190365	37392	SHELTON, NATHAN F	8/22/2006	S/B CLASS 2		X		\$123.38	9
6186343	17340	MARTIN, IRA T & DELORES A	8/22/2006	ERRONEOUS VALUE		X		\$91.62	2
6261966	14782	ENDICOTT, STEPHEN G JR & DAWN	8/22/2006	ERRONEOUS VALUE		X		\$468.94	2
6177228	18050	NAVICKI, LEONARD ETUX	8/23/2006	ERRONEOUS VALUE		X		\$140.78	2
6133052	15526	GROSE, ORVAL S & SANDRA	8/24/2006	ERRONEOUS VALUE		X		\$77.64	2
6027382	7648	PARKS, NATHAN L & HOLLIE E	8/24/2006	S/B CLASS 2		X		\$446.95	1
8102652	37369	SEXTON, ELAINE M & SHAWN R	8/24/2006	S/B CLASS 2		X		\$622.54	9

REAL PROPERTY TAX TICKETS CANCELLED OR EXONERATED
MONTH OF August 25, 2006

ACCOUNT NUMBER	TICKET NUMBER	NAME OF TAXPAYER	DATE CANCELED	REASON FOR CANCELLATION	STRAIGHT CANCEL	CORRECTED TICKET CREATED	RE-ISSUED SUPPLEMENTAL	CANCELED LEVY	TAX DIST
9003300	*10519	UNITED STATES OF AMERICA	8/16/2006	S/B NON-TAXABLE	X			\$1,091.06	
8081354	5142	HUNT, W K & JEAN A	8/21/2006	NO MINERAL SURFACE ONLY		X		\$109.34	
6289848	24786	HUDNALL, ARNOLD LEFFEL	8/21/2006	S/B HOMESTEAD		X		\$144.42	
6088093	7508	NUTTALL LLC	8/21/2006	BY CIRCUIT COURT ORDER		X		\$784.34	
6034720	10088	TODD H W ETALS TRSTS	8/21/2006	BY CIRCUIT COURT ORDER		X		\$156.92	
6034711	10087	TODD H W ETALS TRSTS	8/21/2006	BY CIRCUIT COURT ORDER		X		\$103.04	
6088119	7514	NUTTALL LLC	8/21/2006	BY CIRCUIT COURT ORDER		X		\$146.44	
8115933	7516	NUTTALL LLC	8/21/2006	BY CIRCUIT COURT ORDER		X		\$52.90	
6053995	1490	BROWN, DARLENE	8/22/2006	ERRONEOUS VALUE		X		\$66.78	
6337190	32871	WHITE, DONALD	8/22/2006	ERRONEOUS VALUE		X		\$38.04	
8016149	5168	HYPES, CHARLES & KATHLEEN	8/22/2006	S/B HOMESTEAD		X		\$206.52	
6314678	22233	AUXIER, TIMOTHY R & EVELYN M	8/22/2006	ERRONEOUS VALUE		X		\$90.86	
8120874	7254	MYLES, DAVID E	8/22/2006	ERRONEOUS VALUE		X		\$36.52	
6068462	10986	WICKLINE, LUTHER WAYNR JR	8/22/2006	S/B CLASS 2		X		\$83.08	
6164376	13134	BRYANT, DONNA	8/22/2006	ERRONEOUS VALUE		X		\$38.84	
6088672	4478	HANSHEW, GARY L	8/22/2006	ERRONEOUS VALUE		X		\$99.38	
6199124	36465	MERCHANT, SADIE M	8/22/2006	ERRONEOUS VALUE		X		\$233.46	

REAL PROPERTY TAX TICKETS CANCELLED OR EXONERATED
MONTH OF August 25, 2006

ACCOUNT NUMBER	TICKET NUMBER	NAME OF TAXPAYER	DATE CANCELED	REASON FOR CANCELLATION	STRAIGHT CANCEL	CORRECTED TICKET CREATED	RE-ISSUED SUPPLEMENTAL	CANCELED LEVY	TAX DISTRICT
6256516	20900	WALTON, WM J	8/14/2006	S/B CLASS 2		X		\$211.96	
6204136	17516	MCCLAIN, VONAH E	8/14/2006	S/B NON-TAXABLE	X			\$241.98	
6204136	17517	MCCLAIN, VONAH E	8/14/2006	S/B NON-TAXABLE	X			\$1,045.30	
6204136	17518	MCCLAIN, VONAH E	8/14/2006	S/B NON-TAXABLE	X			\$1,074.54	
6275176	23059	CHAFFINS, DORIS J & JACK C	8/14/2006	DOES NOT EXIST	X			\$3,678.34	
8158708	4670	HATFIELD, ALFRED	8/14/2006	ERRONEOUS VALUE		X		\$31.06	
8151055	18297	PACK, MILBURN & MARGARET	8/14/2006	ERRONEOUS MINERAL VALUE		X		\$88.26	
6029601	6043	LEGG, LADDIE A & LORENA	8/14/2006	DOES NOT EXIST	X			\$2.60	
6312705	22231	AUXIER, TIMOTHY R	8/14/2006	ERRONEOUS MINERAL VALUE		X		\$291.34	
6155377	17590	MCKINNEY, HERBERT	8/15/2006	DOUBLE ASSESSMENT		X		\$10.88	
6301343	28138	TAYLOR, KARL SR & KARL JR	8/15/2006	S/B HOMESTEAD		X		\$103.26	
	25201	KINCAID, FRANCES W	8/15/2006	DOUBLE ASSESSMENT	X			\$208.08	
6015215	2696	C S X	8/16/2006	DOES NOT EXIST	X			\$401.92	
6014939	7317	NEAL, JOANNE & SARA ETAL	8/16/2006	S/B CLASS 2 & HOMESTEAD		X		\$360.26	
6121305	34780	COOPER, MINNIE	8/16/2006	ERRONEOUS VALUE		X		\$64.86	
6079931	5215	INGRAM, ROBERT R & LODEMA G	8/16/2006	S/B CLASS 2		X		\$378.88	
9003300	10346	UNITED STATES OF AMERICA	8/16/2006	S/B NON-TAXABLE	X			\$1,083.86	

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

Commissioner Wender offered a motion to approve and sign minutes of May 19, 26, and 30th and June 9, 2006. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve mechanical fling system for the Prosecuting Attorney and Circuit Clerk's Office provided they meet the specifications and approval of the officeholders. Commissioner Wender seconded. Unanimous.

Commissioner Wender asked to put the approval of the Memorial Building lease and discussion of the Regional Jail overcharge on the agenda for September 5, 2006.

Commissioner Wender asked Ms. Holly to contact Bill Laird of the meeting.

Ms. Holly told the Commissioners that Sheriff Laird suggested working out a credit for overpayments on the municipality's invoices.

Commissioner Lopez offered a motion to continue to invoice the municipalities and add an addendum informing that if the Commission prevails reduced per diem the Commission will refund municipalities the difference. Commissioner Wender seconded. Unanimous.

Pete Hobbs, Mayor of the Town of Ansted appeared before the Commission to request funding for the Brushy Fork Institute.

Mr. Hobbs told the Commissioners they are planning on sending seven individuals to Brushy Fork Institute to further public service.

Mr. Hobbs told the Commissioners that the Town does not have the

finances to pay for the tuition, transportation and lodging cost for Ansted's Brushy Fork Institute.

Mr. Hobbs asked the Commission if they would grant them a temporary loan to pay for the tuition, transportation and lodging cost for Ansted's Brushy Fork Institute.

Mr. Hobbs told the Commissioners the grant from the Appalachian Regional Commission will provide funds after the Brushy Fork training (September 12-15, 2006).

Mr. Hobbs is asking the Commission for a loan of \$5,000.00. This will be repaid before the end of the fourth quarter 2006.

Commissioner Wender suggested offering the grant with the understanding that if the grant from Appalachian Regional Commission successful the Town of Ansted will then grant the \$5,000.000 back to the Commission.

Commissioner Lopez offered a motion that the Commissions offer a grant of \$5,000.00 to the Town of Ansted to send several individuals to Brushy Fork Institute to further public service with the understanding that if the grant from Appalachian Regional Commission is successful, the Town of Ansted will then grant the \$5,000.00 back to the Commission. Commissioner Wender seconded. Unanimous.

The Commissioners signed Motor Fuel Excise Tax Refund Application for Government Gasoline, amount \$17,262.89.

The Commissioners signed Motor Fuel Excise Tax Refund Application for Special Fuel, amount \$235.83.

The Commissioners signed a letter to the West Virginia Development Office requesting first and final drawdown for the

Southern Appalachian Labor School, amount \$5,000.00.

The Commissioners signed a Request for Reimbursement to the West Virginia Division of Criminal Justice Services for the Community Corrections Grant, Project #07-CC-75, amount \$6,206.16.

The Commissioners signed a letter to Mountaineer Gas Company regarding a request from the Melesky family of Scarbro, asking to have the abandoned gas meter pipes, and an exhaust pipe cut off to ground level and recapped.

The Commissioners signed a letter to the Town of Meadow Bridge informing that the Commission is not able to approve their request for financial assistance to complete their street addressing problem.

The Commissioners suggested to the Town of Meadow Bridge to make their request to the West Virginia Division of Highways to take the streets into the State highway system or recommend that they seek a state grant for their project.

The Commissioners signed a letter to Software Systems enclosing a check in the amount of \$2,960.10 in payment of invoice SI-4439 (amount of sales quote SQ-4485 plus 10%).

The Commissioners received and reviewed a drawdown request to the West Virginia Development Office for Kyle Construction Company, Inc. for the Elevator/SALS Project, Project #03SCBG0102, amount \$3,159.00.

Commissioner Lopez offered a motion to approve drawdown request to Kyle Construction Company, Inc. for the elevator project, amount \$3,159.00. Commissioner Wender seconded. Unanimous. Resolution signed.

The Commissioners signed form from the Fayette County Community

Corrections Program Request for Assignment Community Service Workers for inmates to help with the skeet/trap shoot at the Fayette County Park.

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 September 2006.

The Commissioners signed a letter to Senator Robert Byrd announcing their support for the Dunloup Creek Voluntary Buyout.

The Commissioners signed Fire levy Protection Agreements for the Danese Volunteer Fire Department and Loup Creek Volunteer Fire Department for the period of July 1, 2006 to June 30, 2007.

The Commissioners signed Fire Levy Pumper Replacement Agreements for Gauley River Volunteer Fire Department, Meadow Bridge Volunteer Fire Department, Nuttall Fire Department, and Oak Hill Fire Department for the period of July 1, 2006 to June 30, 2007.

The Commissioners received and reviewed a letter from the Fayette County Beautification Committee recommending that John Raney, Phil Perone, Tim Richardson, Joseph Carelli and Allen Ballard be reappointed to serve as members of the Fayette County Beautification Committee.

Commissioner Lopez offered a motion that John Raney, Phil Perone, Tim Richardson, Joseph Carelli and Allen Ballard be reappointed to serve as members of the Fayette County Beautification Committee. Commissioner Wender seconded. Unanimous. Order and an appointment letter to serve signed.

The Commissioners recessed the County Commission meeting for five

minutes.

The Commissioners reconvened the County Commission meeting at 10:35 a.m.

Eula Ewing appeared before the Commission to give a report of the Fayette County Health Department for water testing findings on Stringtown Road.

Ms. Ewing informed the Commissioners she forwarded the results to Angie Groves with Region 4 Planning and Development Council she will present them to Ed Shutt, Engineering Stafford Consultant.

Ms. Ewing told the Commissioners any assistance they can give would be appreciated.

Dan Snead appeared before the Commission to discuss Phase 3 Window Project, and to discuss project application for Round 4 Courthouse Improvement Grants.

Mr. Snead told the Commissioners that Phase 3 Window Project is ready to bid.

Mr. Snead told the Commissioners that Phase 3 is consistent with Phase 2, fifty-one (51) windows remaining, prepared the plan, pre-construction bids are due by September 14 to be opened September 15, 2006 at 9:45 a.m.

Mr. Snead presented the specs to the Commissioners, and the legal ad has been prepared and sent to the Fayette Tribune.

The Commissioners asked to reschedule Butch Evans for 1:00 p.m. on September 15, 2006.

Commissioner Wender suggested discussing priority for Courthouse Facilities next round funding.

The Commissioners requested to Dan Snead to prepare specs for entrance to the Circuit Clerk's counter for the front office.

Mr. Snead told the Commissioners he talked with Alice King, Region 4 Planning and Development Council and the counter for the Circuit Clerk's Office would fall within the scope of the Small Cities Block Grant for the elevator.

Commissioner Eskew arrived at 10:55 a.m.

Cal Hite with the National Park Services appeared before the Commission to give them an overview of the General Plan for the New River Gorge.

Gloria King, Susan Gee, Felicia McKinney and Stephanie Bowers with the New River Humane Society appeared before the Commission.

Ms. King told the Commissioners they are here today to request use of the County van to be driven by a shelter employee.

Commissioner Wender asked Ms. Holly to check with Jim Lively Insurance regarding insurance coverage on persons that are not County employees and send a copy of the letter to the New River Humane Society.

The Commissioners asked Ms. King to check with Earl Pauley, Park Superintendent to see if the van would make the trip.

Commissioner Eskew offered a motion to allow the New River Humane Society to utilize the County van to transport animals to Lexington, Virginia. Ms. Holly to confirm with Jim Lively Insurance regarding the insurance coverage. Commissioner Wender seconded. Unanimous.

Ms. Holly asked Ms. King to provide her with a list of all drivers and copies of their drivers license.



NEW RIVER HUMANE SOCIETY, INC.

P.O. Box 955
Fayetteville, WV 25840

Phone: (304) 574-2105

The Honorable Matthew Wender
The Honorable Kenneth Eskew
The Honorable John Lopez
Fayette County Commission
100 Court Street
Fayetteville, WV 25840

Dear Commissioners:

I have prepared the information you requested.

1) The cost per person for CAET training is:	\$200.00 Training Program
	\$50.00 Application and Exam
	\$30.00 State Police Background Check
	\$25.00 Practice Act
	\$305.00 Total per person

2) Dr. Swank cost \$10.00 - over 30# / \$5.00 - under 30 #

3) Cost of euthanasia med. 9-28-06 10 bottles @ 42.90 per \$429.00
3-21-06 10 bottled @ 45.95 per \$459.50

As of 7-21-06 there was 1 and 3/4 bottles left which has been destroyed.
Between 9-28-05 and 3-21-06 10 bottles were used, which would
be \$71.50 per month.

4) When Patti Payne was euthanizing for Raleigh County, I believe
she was receiving \$6.00 per animal. A Tech may vary on price
depending on how far they have to travel. Raleigh Co. also provided
Phenobarbital.

5) The total number of animals euthanized from June 2005 to
June 2006 was 2,821. (Dogs-794, Pups-617, Cats-596, Kittens-814)

If you have any questions please feel free to call the Fayette County
Animal Control Center. I can be reached Tue-Fri 2:30 to 5:30.

Sincerely,

Carrie Carr

Carrie Carr
Secretary - FCACC

*copy B:11 Lined
Carrie Carr*

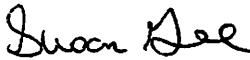
PO Box 955
Fayetteville, WV 25840
August 24, 2006

The Honorable Matthew Wender
The Honorable Kenneth Eskew
The Honorable John Lopez
Fayette County Commission
100 Court Street
Fayetteville, WV 25840

Dear Commissioners:

I was asked to prepare for you an approximate number of animals that will be sent to the Oak Hill Animal Hospital to be euthanized per week, at this time I can only give you an estimation of the amount of animals per week that will be sent. I would like to send approximately 20-25 animals per week to the Oak Hill Animal Hospital; again this is an estimation. There are times that we may not send this amount of animals and there are also times that more may be sent, depending on the availability of space at the shelter, and the temperament of the animals. If you have any questions or concerns feel free to contact me at the Fayette County Animal Control Center at your convenience.

Sincerely,



Susan Gee
Director
Fayette County Animal Control Center

COMMISSION MEETING- AUGUST 25, 2006

--Letter was faxed by Carrie Carr from the animal shelter providing all requested costs, as, Euth meds and training class costs.

~~County van for transports / Review for use~~

--Kanawha Co. response was that it was not a viable option for them to help.

--Nicholas Co. response was more positive- I spoke to Pat Bostic(?)—they have 3 Techs employed, 2 are on vacation until September- said he would get back to me. Did sound as if they would try to help and would be willing to travel here, therefore gas mileage would be necessary. We need to find out about meds if they travel here- can they be transported? Or do we need to purchase our own?

--Called the Director of the WV Board of Vet. Med.- she said there was no way to set up a special class, here or there, because each class requires 4 instructors, 2 licensed vets, 1 stress counselor, and herself. Part of the class is lab and part is classroom, and animals have to be provided. She said it is very complicated .

Sept. 5th —
Euthanasia Drug Purchase —
update

Commissioner Wender asked Felicia McKinney to continue working with Nicholas County Tech regarding the medicine and give an update on September 5, 2006.

The Commissioners informed they would discuss the Spay and Neuter Program funding in March.

Tom Steele, Assistant prosecuting Attorney appeared before the Commission to inform them of the West Virginia Code Chapter 49, Article 5, Section 13C(d)- Teen Court Program.

Mr. Steele told the Commissioners he's not asking them to do anything this only to let them know this may be in the future.

Kathryn South and Skip Jennings with the Family Resource Network appeared before the Commission to ask the Commission if they would be the fiscal agent for the Family Resource Network and to pay any expenses for the functioning of the organization.

Commissioner Wender asked Mr. Jennings to give a five (5) minute overview of the Family Resource Network.

Mr. Jennings told the Commissioners that the money funded through the Department of Health and Human Resources they gather all interested community partners, look at needs in the community and look at ways to meet the needs of the community.

Sheriff William Laird told the Commissioners that Fayette County is the only one of three counties in the State that does not have the Family Resource Network.

Commissioner Wender offered a motion that Fayette County Commission becomes the fiscal agent for the Family Resource Network based on approval of the year to year funding of the grant, when grant

are curtailed the employees would be terminated. Commissioner Lopez seconded.

Commissioner Lopez asked Ms. Hickman to call Bill Preast of Kanawha Falls Public Service District and schedule him for the September 5, 2006 County Commission at 10:30 a.m. to discuss boundary adjustments.

Ms. Holly informed the Commissioners that per Tom Woodrum, Chief Tax Deputy and Lavada Williamson, State Auditor the Community Corrections Fees should be administered out of the General County Fund fines.

Commissioner Lopez offered a motion that the County will administer the Community Corrections Fees out of the General County Fund fines. Commissioner Wender seconded. Unanimous.

The Commissioners received and reviewed an e-mail from Allen Ballard, Building Inspector regarding the water pumping facility at Open Fork Mining.

Ms. Holly informed the Commissioners that she had sent James Perdue, Maintenance Supervisor letter regarding Tammy Conley, Janitor over to Carl Harris, Prosecuting Attorney to review. Mr. Harris informed he sees no problem in sending the letter to Ms. Conley.

The Commissioners approved for Mr. Perdue to have Tammy Conley, sign the letter.

Commissioner Lopez offered a motion to approve James Perdue, Maintenance Supervisor overtime. Commissioner Wender seconded. Unanimous.

The Commissioners received and reviewed a request from the

Fayette County Local Emergency Planning Committee requesting funding in the amount of \$1,000.00 for travel expenses and training.

Commissioner Wender asked Ms. Holly to ask Steve Cruikshank, OES Director if they have State Funds for travel and training expenses.

The Commissioners received and reviewed a letter from the Secretary of State inviting the Commission to a training scheduled for September 21, 2006 at 10:00 a.m. at the Courthouse. This training is to refresh the memory of the County Clerk staff on the Unity Software, M650 and iVotronic procedures beginning with the preparation phase and continue through the canvass phase.

The Commissioners received and reviewed a letter from Leslie Redman, Jr. regarding the work of art created by Betty Lou Redman entitled the Bank of Glen Jean.

Mr. Redman informed the Commissioners that Betty Lou Redman is deceased and her wish is that the painting be given to Heather Russell Gifford, granddaughter at the release date of June 1, 2020. A copy of the letter was sent to Carl Harris, Prosecuting Attorney and Daniel Wright, Chairman of the Fayette County Historic Landmark Commission.

The Commissioners received and reviewed a Notice from Kelvin Holliday, County Clerk informing he will be drawing for the ballot position for candidates on the November 7, 2006-General Election ballot on Tuesday, August 29, 2006 beginning at 9:00 a.m.

The Commissioners received and reviewed an invoice from Leon Spencer, Fayette County Surveyor for Precinct maps, cost \$292.50.

Commissioner Lopez offered a motion to approve Petitions to Combine or Divide and Segregate Land for Randy Allen Baker, Richard D.

Persinger, Bryan Walter Fox, William and JoAnn Woolwine, Bernard J. Burton, Lillie M. Cox, Lucille C. Bragg, Rennie J. Tipton, Arnold Leffel Hudnall, Chestnut Landing, LLC, Charles and Kathleen Hypes, and Nellie S. Luburger. Commissioner Wender seconded. Unanimous.

Commissioner Lopez offered a motion to approve invoice from Dravenstott's Roofing/Building, amount \$10,360.00. Commissioner Wender seconded. Unanimous.

The Commissioners received and reviewed Application for Employment from Bradford Wesley Fugate.

The Commissioners signed a letter to the West Virginia Development Office requesting first and final drawdown for the Southern Appalachian Labor School, amount \$2,500.00.

Ms. Holly told the Commissioners on July 14, they approved for Okey Skidmore to have pine trees in front of the Memorial Building removed, one tree was dead the other one wasn't.

The day the pine trees were to be removed Mr. Skidmore received a complaint. After a brief discussion, it was decided that only the dead pine tree is removed.

The Commissioners received and reviewed a letter from the Fayetteville Midget Football League Cheerleading Coordinator requesting approval to use the Memorial Building for cheerleading practice from September 5, 2006 to November 11, 2006.

Commissioner Lopez suggested sending a letter informing the Commission did receive and reviewed their request but they are not able to approve the request as a result of a recent loss of revenue from the Memorial Building compounded by increased costs of utilities

and other building expenses.

Commissioner Wender asked Ms. Holly to send him an e-mail to remind him to bring a check with him on September 5, 2006 for the American Diabetes Association for Harry White Memorial Horseshoe Tournament.

Commissioner Wender asked Kelvin Holliday, County Clerk go give an update on the election.

The Commissioners received and reviewed a letter from Dave Pollard, County Resource Coordinator on behalf of the New Haven Public Service District requesting using the \$4,000.000 available use fee from the West Virginia American Water that's not being and use for the New Haven Public Service District pre-engineering work for the water extension.

Commissioner Eskew offered a motion to approve Dave Pollard's recommendation to use the \$4,000.000 for the New Haven Public Service District pre-engineering work for the water extension. Commissioner Lopez seconded. Unanimous. The Commissioners asked Mr. Pollard to write the letter.

Ms. Holly informed the Commissioners that there are several seminars coming up that she would like to attend. The Commissioners approved.

Ms. Holly told the Commissioners she will be taking Monday off.

Commissioner Wender asked Ms. Holly to ask Allen Ballard, Building Inspector, to give an update on the HAVA grant, and asked David Neal, E911 Coordinator about the cell tower damage panel, and status of the mapping/addressing project, and ask Steve Cruikshank,

OES Director to give status on the Bridge Day overtime reimbursement, and ask Earl Pauley, Park Superintendent to give status on the Equitable Gas.

The Commissioners signed a letter to the Tony Hawk Foundation indicating their support for the proposed Fayetteville Skatepark.

The Commissioners received and reviewed a letter from Thrasher Engineering informing that Fayette County Urban Renewal Authority and the Fayette County Commission will be holding a Pre-Construction Conference on Friday, August 25, 2006 at 12:00 p.m. at the Fayette County Courthouse regarding Fayette County Commission-Courthouse 504/SALS Project.

The Commissioners received and reviewed a letter from Region 4 Planning and Development Council asking for the information regarding the Circuit Clerk 03SCBG0102 counter (estimate, prevailing wage acknowledgment, time frame for delivery, installation, et.).

The Commissioners received and reviewed a letter from Carl Harris, Prosecuting Attorney requesting to increase Brain D. Parsons salary to \$46,800.00 for Fiscal year 2006-2007.

The Commissioners received and reviewed a letter from the Office of Economic Opportunity expressing their appreciation for the time the board members of the 16 Community Action Partnership agencies took on August 10, 2006 to listen to Bob Carlton from MICA discuss his findings from a cursory review of Multi-Cap's financial health.

The Commissioners received and reviewed copies of Statutes and Session Law-Chapter 32-SB114 West Virginia Acts 2006 Regular Session.

The Commissioners received and reviewed a letter from Kelvin

Holliday, County Clerk, to the Secretary of State submitting a summary of all the costs directly linked to the late delivery of iVotronic and materials for the 2006 Primary Election, amount \$2,061.17.

The Commissioners received and reviewed from the Circuit Court Civil Action #06-C-102 Nuttall, LLC v. The Fayette County Commission and Eddie Young, Assessor.

The Commissioners received and reviewed a letter from Kelvin Holliday, County Clerk to Carl Harris, Prosecuting Attorney regarding his response to the Freedom of Information request from the Records Management and Preservation Board.

The Commissioners received and reviewed a letter from the Fayette County Urban Renewal Authority informing that as a condition to the closing on the final piece of financing for the Wolf Creek Park project, the Commission's \$140,000 commitment must be in the Urban Renewal Authority construction account in time for closing at 9:00 a.m. on Friday, August 25, 2006.

Commissioner Wender approved issuing the check for \$140,000 to the Fayette County Urban Renewal Authority.

The Commissioners received and reviewed a letter from the Page-Kincaid Public Service District informing that West Virginia Public Land Corporation has granted Deepwater Resources a permit to draw a maximum of 350 gallons/minute out of Loop Creek for the Open Fork surface operation and coal cleaning plant.

Page-Kincaid Public Service District wants to know if a zoning variance is required for a commercial operation.

The Commissioners received and reviewed a letter from Tim

Richardson, Zoning Officer informing that the Water Pumping Facility, Open Fork would not require a variance application. The property in question is private property and could not be defined as a "commercial, retail operation."

The Commissioners received and reviewed a letter from the Division of Highways informing that the West Virginia Department of Transportation's Division of Highways, in cooperation with the Federal Highway Administration announces the availability of Safe Routes to School Program Grants.

The Commissioners received and reviewed a letter from the State Tax Department informing they have reviewed the natural resources' account(s) of Rena G. Holcomb for possible appraisal error(s) for Tax Year 2005 and Tax Year 2006. Their review indicates that 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 have reviewed the natural resources' account(s) of W. K. and Jean A. Hunt for possible appraisal error(s) for Tax Year 2006. Their review indicates that a clerical error was made and they have provided the recommended mineral appraisal changes.

The Commissioners received and reviewed a remittance from the Assessor's Office to the State Treasurer's Office for Courthouse Facilities Improvement Fund, amount \$92.00 for the month of July 2006.

The Commissioners received and reviewed from the Bank of New York Cash Statement and Asset List for August 22, 2006.

The Commissioners received and reviewed a letter from the Fayette

County Health Department informing that on May 31, 2006, and July 25, 2006 a total of 21 water samples was taken from the homes of various residents on Stringtown Road, Hico, West Virginia. Out of the twenty-one (21) samples, fourteen (14) came back positive for coliform or ecoli bacteria.

The Commissioners received and reviewed a letter from Senator Robert Byrd thanking the Commission for their letter regarding the grant application that iTown Communications has submitted to the U. S. Department of Agriculture-Rural Utilities Service (RUS), to provide a broadband infrastructure to portions of Fayette and Raleigh Counties.

The Commissioners received and reviewed a letter from Thomas Michael, attorney regarding the Appeal of Administrative Determination by the Zoning Enforcement Office Approval of Phase 1 of the Roaring River Subdivision Plat.

The Commissioners received and reviewed a letter from Terry Eagle Coal Company, LLC informing of the pending Phase II and Phase III release for permit U-6016-88 which is located in Nicholas County near Dixie, West Virginia.

The Commissioners reviewed a letter sent to the West Virginia Department of Health and Human Resources asking that the invoice for the water bacteriological testing for the individuals on Stringtown Road be sent to the Fayette County Commission.

The Commissioners received and reviewed an Official Oath of Office from Phil Tissue member of the Fayette County Public Library Board of Directors.

The Commissioners received and reviewed a letter from the

Economic Development Administration informing they have reviewed the proposed contract award material for the Economic Development Administration Grant, #01-79-08060 Infrastructure (Wolf Creek Park) and they concur in the award of the contract(s) to the lowest responsible bidder(s) Mountaineer Grading, amount \$3,974,675.

The Commissioners received and reviewed a letter from the West Virginia Infrastructure and Job Development Council regarding the revised Loan Commitment Letter, Project 204E-089.

The Commissioners received and reviewed a letter from Congressman Nick Rahall thanking Commissioner Wender for contacting him regarding his efforts to assist Mr. George Lutz in securing suitable employment.

Ms. Holly presented to the Commissioners to review an invoice from Hertz Furniture Systems for folding chairs for the Memorial Building, amount \$6,628.79.

Ms. Holly informed the Commissioners she did receive a check from Tom Louisos for the Recount of the 2006 Primary Election for the 29th Delegate District of the House of Delegates, amount \$2,549.49.

The Commissioners received and reviewed a copy of a memo to Debbie Aliff, Payroll Clerk from Sheriff William Laird informing of the two (2) Deputy Sheriffs (William Keith McGraw and William Kevin Willis) for the Fayette County Sheriff's Department effective September 1, 2006, a probationary rate of pay these positions will be \$2,103.42 per month or an annual salary of \$25,241.04.

The Commissioners received and reviewed a copy of a memo to Debbie Aliff, Payroll Clerk from Sheriff William Laird informing that Patricia Walker has been hired to work in the Tax Department effective

August 10, 2006 at a salary of \$18,000.00 per year.

The Commissioners received and reviewed a copy of a letter to Tom Woodrum, Chief Tax Deputy from Angela Lee informing that as of Monday, July 10, 2006 she resigns her position as Tax Deputy from the Tax Department due to health reason.

The Commissioners received and reviewed a thank-you note from Bob and Donna Dorado for their support of the Mount Hope Clock Project.

The Commissioners received and reviewed a statement from St. Paul Travelers for Insurance Premium, amount \$75,136.00.

The Commissioners received and reviewed from the 911 Center a Status Report of 911 calls for January through July 2006.

The Commissioners received and reviewed a letter from Stafford Consultants, Inc. regarding New Haven Public Service District-Phase IIIA-Stringtown Road Revised Application.

The Commissioners received and reviewed a letter from the Division of Criminal Justice Services enclosing the Justice Assistance Grant (JAG) annual Progress Report.

The Commissioners received and reviewed a letter from the Division of Criminal Justice Services describing how all Drug and Violent Crime Control Task Forces throughout the state are required to distribute monies received through asset forfeitures.

The Commissioners received and reviewed from the Department of Military Affairs and Public Safety-Homeland Security State Administration Agency, Sub-Grant Deobligation and Closing for Project Citizens Corps.

The Commissioners received and reviewed a thank-you letter from

Bill and Nancy Giacoma thanking the Commissioners for issuing a proclamation designating August 4, 2006 as William G. Giacoma Day in Fayette County.

The Commissioners received and reviewed a note from Steve Cruikshank, OES Director requesting that Lynn Holstine's paycheck for August 30, 2006 be made available on the 25th as she will be on vacation.

The Commissioners received and reviewed a thank-you letter from the Fayette-Nicholas Chapter American Red Cross thanking the Commissioners for their financial contribution of \$5,000.00.

The Commissioners received and reviewed Certificate of Insurance from Cequel Communications Holdings, LLC.

The Commissioners received and reviewed a letter from Steptoe and Johnson regarding Charles Canterbury lawsuit.

The Commissioners received and reviewed a thank-you letter from Southern Appalachian Labor School thanking the Commissioners for their support of their Youthbuild program.

The Commissioners received and reviewed a letter from the Kanawha County Commission expressing their appreciation to the Commissioners for taking the time to attend their Commission meeting on August 15, 2006.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of August 11 to August 17, 2006, amount \$80.00.

The Commissioners received and reviewed several correspondences from the Unemployment Compensation Division and BrickStreet Insurance

(Worker's Compensation).

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

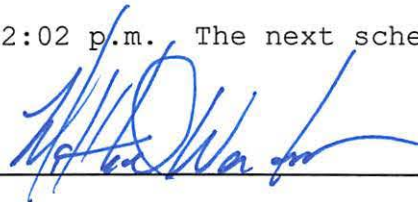
The Commissioners received and reviewed several checks for 911 Fees from Granite Telecommunication, LLC, amount \$164.00, AT&T Communications of WV, amount \$1,022.00, IDT Corporation, amount \$62.00, Cleartel Telecom, Inc., amount \$14.00, Citizens Communications Co., amount \$54.22 and Verizon, amount \$32,092.36; US Treasury Refund, amount \$14.18; Stephens Auto Center-Refund, amount \$1,000.00; Soldiers and Sailors, amount \$50.00, Supreme Court-Rent, amount \$4,050.00.

The Commissioners received and reviewed an e-mail from Commissioner Wender to Calvin Hite asking that he be put on the agenda on August 25, 2006 to give a brief overview of the various proposals under consideration.

The Commissioners received and reviewed an e-mail from Commissioner Wender to Tim Richardson, Zoning Officer, Carl Thompson WV State and Dave Pollard, County Resource Coordinator regarding the Public Service Commission Grants to build cell towers.

The Commissioners received and reviewed an e-mail from Rex Thaxton, Mountain CAD Corp. regarding an update of the study of Fayette County once the information is received he will be prepared to finish a proposal for a county-wide GIS implementation.

The meeting was adjourned at 2:02 p.m. The next scheduled meeting is September 5, 2006.



FAYETTE COUNTY COMMISSION
REGULAR SESSION
DECEMBER 18, 2006
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 18th day of December 2006.

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

Eddie Young, Assessor presented exonerations for real property tax tickets to be approved and signed.

Commissioner Eskew offered a motion to approve and sign real property tax tickets for Lanora R. Harless, Vickie L. Treadway, Bonnie Sue Tichenor, Christopher Investments and Jerry W. and Brenda McCracken. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve payrolls for the second half of December and vouchers, payrolls to be released today. Commissioner Eskew seconded. Unanimous.

Commissioner Eskew offered a motion to authorize Charlotte Holly and Debbie Berry at Ms. Holly's discretion to pay additional payrolls for part-time, overtime and any vendor checks before the end of the month. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to approve minutes as presented for September 5, September 15, September 29, October 11, October 31, and November 30, 2006. All minutes except for November 17 and today was approved. Commissioner Eskew seconded. Unanimous.

Commissioner Eskew offered a motion to approve James Perdue, Maintenance Supervisor overtime (30 hrs.). Commissioner Lopez

seconded. Unanimous.

Discussion was held regarding revising the contract of Aletha Stolar from part-time to a full-time employee.

Ron George with Family Resource Network (FRN) informed the Commissioners they would recommend making Aletha Stolar a full-time and change the FRN budget to cover salary and benefits.

Commissioner Eskew offered a motion to reclassify Aletha Stolar as a full-time employee with the understanding that the Commission will be responsible for up to \$1,000 or less expenses for benefits. Commissioner Lopez seconded. Unanimous.

Ms. Holly told the Commissioners she received a check made to the Fayette County Family Resource Network. Ms. Holly asked the Commissioners if it would be okay for Aletha Stolar or Matt Wender to endorse. The Commissioners approved. Ms. Holly told the Commissioners she would deposit in the Fayette County General Fund.

Earl Pauley, Park Superintendent, Peggy Bennett, Jodie Ward, Bobby Meadows appeared before the Commission to discuss the shooting range at the Fayette County Park.

Mr. Pauley gave a brief summary of the work that has been done or that will be done at the Park.

Bobby Meadows member of the Sportsman Association appeared before the Commission with their recommendation of the Skeet Trap bids for the shooting range.

Mr. Meadows told the Commissioners that Rhodeside, Inc.-LaPorte Mini Traps total is \$11,894.00 and C. A. C. Associates, Inc.-Pat Traps total is \$15,425.00.

Mr. Meadows told the Commissioners that the Gun Club recommends going with the Pat Traps. Both vendors gave quotes for the Pat Traps.

Mr. Meadows told the Commissioners that C. A. C. Associates is located in Ebensburg, Pennsylvania it is closer and they do handle birds. Mr. Meadows told the Commissioners they are not ordering birds at this time.

Carl Harris, Prosecuting Attorney told the Commissioners that since both vendors bid Pat Traps it's okay to compare bids and they do not have to choose the lower bid.

Commissioner Eskew offered a motion to accept recommendation to approve Pat Traps from C. A. C. Associates, Inc. approximately \$15,425.00. Commissioner Lopez seconded. Unanimous. The Commissioners approved to issue purchase order today. Mr. Pauley informed the Park has a place to store equipment.

Earl Pauley, Randy Redden, Dan Pauley, Sheriff William Laird, and Steve Kessler appeared before the Commissioners to discuss the maintenance of the County vehicles.

Mr. Pauley told the Commissioners that the projected vehicle maintenance budget will be depleted by the end of February.

Commissioner Wender asked Mr. Pauley what is the cause of these expenses.

Mr. Pauley informed the biggest part is the gasoline, tires, miles put on usage, front end alignments etc.

Commissioner Wender asked if there are individuals on the force that's driving vehicles abusively?

Sheriff Laird told the Commissioners he needs proof, needs to be

documented.

Sheriff Laird told the Commissioners they did get a letter from Jim Lively Insurance informing of the reduction in claims being turned in. Sheriff Laird informed they have effectively attacked the problems.

Commissioner Wender suggested a budget revision sometime in the calendar year.

Commissioner Wender asked Earl Pauley and Steve Kessler to get together and discuss further deputies who may be abusing the vehicles.

Ann Cavalier with the Upper Kanawha Valley Economic Development Corporation appeared before the Commission to give an update and inform them that they need help to create a build out publishers Innovation Center Program in the Upper Kanawha Valley Technology Building funded through with federal and state grants and the County Commission.

Ms. Cavalier told the Commissioners that the build out goal over the next 6 to 8 months is almost \$850,000 drawdown grant, the problem is they don't have the money to spend.

The U. S. Department of Agriculture is contributing \$100,000, Kanawha County Commission is contributing \$40,000 need \$10,000 additional for flow through cash.

Ms. Cavalier told the Commissioners she is seeking \$3,000 from the Fayette County Commission for flow through cash to drawdown.

Commissioner Wender asked Ms. Cavalier where the other \$7,000 is coming from.

Ms. Cavalier told the Commissioners they have two tenants now,

and three additional tenants are expected to move in, they have hired a director and if the Fayette County Commission approves can request the \$7,000 from 4-C Economic Development Authority.

Ms. Cavalier told the Commissioners she is asking for a \$3,000 grant from the Commission.

Commissioner Eskew offered a motion to approve contribution of \$3,000 to the Upper Kanawha Valley Technology Building. Commissioner Lopez seconded. Unanimous.

Ms. Holly told Commissioner Wender that she did ask Debbie Berry to check on his bond.

Scott Thompson, Director, SPF SIG Prevention Planning Grant appeared before the Commission to discuss the ins and outs of the Commission serving as fiscal agent for the Partnership for the implementation grant if it's funded. Also, present were John David and Lynn Wallace.

Mr. Thompson told the Commissioners that Phase I Planning Implementation ends the end of January or February. Mr. Thompson told the Commissioners that they are applying for Phase II Planning Implementation for \$100,000 per year for four years.

Mr. Thompson told the Commissioners they are applying for a \$200,000 grant expecting to received \$107,000.

Mr. Thompson told the Commissioners he has the necessary documents from the Division of Criminal Justice Services for the Commissioners to sign off on. This is a monthly reimbursement grant.

Mr. Thompson told the Commissioners he is hoping that the Project Director for Phase II is a full-time employee plus benefits.

Commissioner Wender questioned about the Commission taking a fee for Administration of the grant and the Director to have accounting skills.

Mr. Thompson said the Director's salary would be \$27,500 plus benefits.

Commissioner Wender asked Mr. Thompson to include Administration Fee in their budget.

Mr. Thompson told the Commissioners he would make all partners aware of this.

Commissioner Wender asked Mr. Thompson to put in \$2,500 for Administration Fee.

Commissioner Wender asked to clarify Fayette County Commission role as fiscal agent: Expect Project Director to prepare monthly reports to reimburse, include drawdown, progress reports, reimbursements grant from Criminal Justice Services, expect Fayette County Commission to pay invoices, payroll, up-front and Fayette County Commission is reimbursed, Project Director's full-time employee of the Commission, employee grant dependent not beyond grant funding, \$27,000 salary.

Commissioner Wender asked to put in the \$2,500 for Administration Fee with the understanding will not request first year but with the understanding that they may request in the future years.

Commissioner Eskew offered a motion to adopt the update and that the Fayette County Commission advance funding, reimbursements grant on monthly basis, the Fayette County Commission is the fiscal agent for a full-time and benefits for a director in years 2, 3 and 4 the

Commission may charge a \$2,500 yearly administration fee if necessary to cover overtime. Commissioner Lopez seconded. Unanimous.

Commissioner Wender asked Jackie Hickman to send Scott Thompson an excerpt of the minutes.

Commissioner Wender asked Mr. Thompson to write information down before he leaves today. Mr. Thompson agreed. (See attached)

Attorney Fred Jesser appeared before the Commission to present a motion by Eliza Johnson to withdraw her appointment as Administratrix of the Estate of Gary W. Johnson.

Attorney Jesser told the Commissioners that Ms. Johnson was unsuccessful in getting a corporate bond, family is suing cannot get a corporate bond.

Also, present was Attorney Larry Losch.

Attorney Losch told the Commissioners he has no objection to Ms. Eliza Johnson withdrawing, but would like for Attorney Jesser to submit an accounting of the Estate.

Carl Harris, Prosecuting Attorney informed the Commissioners that Sheriff Laird did not want to be appointed.

Discussion was held, and Commissioner Wender asked Attorney Jesser and Attorney Losch to take 20 minutes to discuss.

Attorney Jesser returned from discussion with Attorney Losch informing the Commission that it was decided that they would appoint an Attorney. The Attorney will file an order and will file an accounting of the Estate.

Dave Pollard, County Resource Coordinator appeared before the Commission to inform them that the Dilapidated Building Rant has been

This is an excerpt of the County Commission meeting held on December 18, 2006 with Scott Thompson regarding the SPF S16 Drug, Alcohol, Tobacco Prevention Grant

- (1) Fayette County Commission will be the fiscal agent for Phase II of the SPF S16 Drug, Alcohol, Tobacco Prevention Grant (Implementation Phase).
- (2) As such, the Commission will front monies on a monthly basis and then obtain reimbursement from the Department of Criminal Justice Services on a monthly basis.
- (3) Each month the Project Director for Phase II will prepare a narrative (progress report), financial report, and request for reimbursement (the letter to be signed off by the Commission) and any other documentation required for reimbursement from the Department of Criminal Justice Services so that Ms. Holly is not overburdened.
- (4) In years 2, 3, and 4 of these implementation (Phase II) grant, the Commission may charge a \$2,500 yearly administrative fee if necessary to cover overtime attributable to processing and administering the grant as fiscal agent. This fee will be noted in the budget final draft of our plan submitted 12/20/06.
- (5) The Project Director for Phase II will be a full time employee of the Commission with health and retirement benefits (i.e. PEIA). The budget will allocate enough funds to cover benefits (44.2% of salary). The Commission will not be responsible for employing the Project Director beyond the grant funding.
- (6) The Commission will cut checks for the grant for implementation partners, the Project Director's salary, and so on.

The above summary describes the discussion before and decision by the Commission today (the motion passed).

12/18/06

① Fayette Co. Commission will be the fiscal agent for Phase II of the SPFSIB Drug Abuse & Tobacco Prevention Grant (Implementation phase)

② As such, the Commission will front monies on a monthly basis & then seek reimbursement from the Dept. of Criminal Justice Services on a monthly basis

③ Each month the Project Director for Phase II will prepare a narrative (progress report), financial report, & request for reimbursement (the latter to be signed off by the Commission) & any other documentation required for reimbursement from DCJS. So that Mrs. Holly is not over-burdened.

④ In years 2, 3, & 4 of the implementation (Phase II) grant, the Commission may charge a \$2,500 yearly administrative fee if necessary to cover overtime attributable to processing & administering the grant as fiscal agent. This fee will be noted in the budget* submitted 12/20/06

⑤ The Project Director for Phase II will be a full time employee of the Commission with health & retirement benefits (i.e., PEIA). The budget will allocate enough funds to cover benef. (44.2% of salary). The Commission will not be (COVER)

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beyond the grant funding

⑥ the Commission will cut checks for the
grant, ~~such as~~ for implementation
partners, the Project Director's salary, &
soon.

The ^{above} summary describes the
discussion before & decision by the
Commission today (the motion
passed) & etc

Scott Thompson, MA, SC, CC

approved. The proposals for 6-months, coordinator is due on the 27th to compile database rate according to matrix, compile property owners database from January 2 to June 30.

Commissioner Wender informed he was told that there was a discussion regarding using excess fees from the building permit fees for the program.

Mr. Pollard informed the grant only covered personnel.

Ms. Holly told the Commissioners the building fees collected are covering costs for the inspectors and other expenses.

Commissioner Wender asked Mr. Pollard to get with Ms. Holly to discuss, this would be something that would be considered for this budget.

John Raney, member of the Fayette County Beautification Committee appeared before the Commission to request that they approve funding of approximately \$1,200 for Allen Ballard, Building Inspector to attend the Asbestos Training Class.

Commissioner Eskew offered a motion to approve \$1,200 for travel and expenses for Allen Ballard to attend the Asbestos Training Class. Commissioner Lopez seconded. Unanimous.

Mr. Raney told the Commissioners that the Beautification Committee-Dilapidated Building Commission needs another non-county representative and he is requesting that the Commission come up with some names.

Captain Mark King of the Wood County Sheriff's Office and Sue Patalano representative of the Arch of the Mid Ohio Valley, Inc. appeared before the Commission to demonstrate the Project Lifesaver

Program.

Ms. Patalano told the Commissioners that this is a program that assists families and caregivers of individuals with Alzheimer's, Autism, Down Syndrome, Traumatic Brain Injuries (TBI) and other related disabilities.

Ms. Patalano told the Commissioners with the implementation of Project Lifesaver. Wood County is proactive rather than reactive.

Ms. Patalano told the Commissioners how Project Lifesaver works, told the Commissioners the cost of the receivers and transmitters.

Captain King gave a brief summary of the cost, client's eligibility, and caregivers responsibilities of the system. (See attachment)

Sheriff William Laird told the Commissioners that this is a project that he should get on the phone and talk with some of his colleagues.

Carl Harris, Prosecuting Attorney told the Commissioners he thinks the \$10,000 could be raised without going to the County Commission for assistance.

Commissioner Wender asked Aletha Stolar if the Family Resource Network (FRN) would be interested in taking on this project.

Commissioner Wender asked Ms. Stolar if she would get with Drema Perdue and be the person in charge of getting non-profit organizations to partner up with the project and to decide what direction to go.

Sheriff Laird suggested civic organizations.

Commissioner Wender asked Ms. Stolar to check into and give the Commission some guidance.



Project Lifesaver

"We Bring Loved Ones Home"



Project Lifesaver is a program that assists families and caregivers of individuals with Alzheimer's, Autism, Down syndrome, Traumatic Brain Injuries (TBI) and other related disabilities. Individuals with these disabilities tend to wander away and become confused or lost.

Before Project Lifesaver, the only option available to locate these individuals was to conduct an extensive, costly, and potential lengthy search that often involved hundreds of personnel from local law enforcement agencies, fire departments and rescue squads. These searches could take up to several days or even weeks.

With the implementation of Project Lifesaver, Wood County is proactive rather than reactive. Project Lifesaver International has approved The Arc of the Mid Ohio Valley, Inc. and the Wood County Sheriff's Office as State Coordinator for West Virginia. Project Lifesaver gives caregivers peace of mind and reassurance and saves time, manpower, money and most of all-saves lives.

How does Project Lifesaver work?

The Project Lifesaver program relies on proven tracking technology, combined with specially trained search and rescue teams, to return wandering adults and children to their loved ones. Each wristband emits a unique pulse-carrier wave radio frequency tracking signal. When a participant is reported missing, a specially trained search-and-rescue team from the Wood County Sheriff's Office responds to the wanderer's area with the mobile locator tracking system. In areas where this system has been used, search times have been reduced from hours and days to minutes, which can mean the difference between life and death.

For More Information Contact:

Sue Patalano, The Arc of the Mid Ohio Valley, Inc.
304-422-3151, ext. 107

Or

Captain Mark E. King, Wood County Sheriff's Office
304-424-1834

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ALZHEIMER

Project Lifesaver was established in April 1999 as an initiative of the 43rd Virginia Search and Rescue Company of the Chesapeake, Virginia Sheriff's Office and is built on the work of the Stokes County (NC) Mountain Rescue program which pioneered the use of special equipment and procedures to locate lost and wandering patients with mental disorders.

12/18/06

Altha Stolar + Drama Padua
to contact local organ. fee.
interview for demo not in to support



of the Mid Ohio Valley, Inc.
521 Market Street, #17
Parkersburg, WV 26101
304-422-3151 ext. 107
www.arcwd.org



Wood County Project Lifesaver Caregiver FAQ

Project Lifesaver is a Search and Rescue system using personalized radio transmitters and electronic tracking equipment. This transmitter bracelet is worn by individuals with cognitive disabilities, e.g. Alzheimer's, Autism, Down Syndrome, Traumatic Brain Injury, etc. who tend to wander and become confused. Only trained certified Deputies can use the equipment and the Wood County Sheriffs Office has 8 Deputies and 1 reserved Deputy certified at this time.

Cost of the Client:

- \$8.50 monthly maintenance fee for battery and wristband replacement (can be waived if client does not have the funds and if we have enough funds)

Client Eligibility:

- Transmitters will be placed with clients ONLY at the request of a legally responsible party
- Must have a cognitive disability, tendency to wander and a primary caregiver providing ongoing, daily hands on care
- Eligibility will be determined by the Project Lifesaver Eligibility Task Force

Caregiver Responsibilities:

- Caregiver must check the battery everyday and record on a log
- Notify the Sheriffs Office immediately if the battery dies or if there is a problem with client wearing the bracelet or with the battery tester
- Notify 911 immediately if the client is missing

Is the Band Waterproof:

- No, it is water resistant. It can be worn in bath, shower, pool, etc. Additional measures can be taken to increase water resistance.

How Easy is it to Remove the Band?

- The wristband is like the hospital ID band. It must be cut off. If client continually worries with it or removes it, there are alternatives such as ankle band, heavier nylon band, leather wrist or ankle bands or creativity.

How Does the Caregiver Replace the Battery?

- The caregiver does not replace the battery. The Sheriffs Office maintains a supply of batteries and they must replace batteries monthly.

Project Lifesaver.....*"We Bring Loved Ones Home"*

Who Installs the First Battery?

- The Sheriffs Office will fit the client with the battery at the time they assign a frequency number
- The Sheriffs Liaison Captain King, will determine if the client is to come to the Sheriffs Office each month or if a deputy will go to the client's home each month. This decision will be based on the client's ability to travel. The Caregiver will be provided with a monthly maintenance schedule and instruction sheet at this time.

Will the Client Own the Equipment?

- NO. The equipment is the property of the Wood County Sheriffs Office. The caregiver enters into a contract with the Sheriffs Office to utilize the equipment. Equipment must be returned to the Sheriffs Office when the client no longer needs it.

Will this work if the Client Leaves the Area?

- Yes, if your destination has Project Lifesaver. Check with The Arc, before leaving for your trip, to see if there is a project in that area. If visiting in surrounding counties will be based on individual cases.

This is a very worthwhile project that not only saves time and manpower but most importantly saves lives.

For more information contact:

Sue Patalano at (304) 422-3151, extension 107

or

Captain Mark King at (304) 424-1834

Project Lifesaver.....*"We Bring Loved Ones Home"*

Meredith Gregg, Executive Director Plateau Action Network (PAN) appeared before the Commission to request that the Commission match the cost of a tuition fee of \$680.00 for Doug Maddy, member of the Fayette County Planning Commission. Ms. Gregg is requesting that the Commission match contribution be \$340.00.

Commissioner Eskew offered a motion to contribute a matching fund of \$340.00 cost for sending Doug Maddy to the Balancing Nature and Commerce in Communities that Neighbor Public Lands. Commissioner Lopez seconded. Unanimous.

The Commissioners adjourned the County Commission meeting for lunch at 12:25 p.m.

The Commissioners reconvened the County Commission meeting at 1:40 p.m.

Beth Gardner appeared before the Commission to discuss the Oak Hill Rail Trail Grant.

Commissioner Wender informed they are here to discuss how Fayette County Commission intends to meet its match on the Grants.

Commissioner Wender informed the Commissioners that the City of Oak Hill and the Commission applications to participate in the Grant has been approved for paving of the Oak Hill Rail Trail.

Ms. Gardner told the Commissioners that the first grant is an acquisition Transportation Enhancement Property donation was a match.

Ms. Gardner told the Commissioners the Transportation Enhancement match is \$14,960.00 and that is 20% match of \$74,800.

Commissioner Wender offered a motion that Fayette County Commission withdraws the most recent application for paving White Oak

Trail Transportation Enhancement Grant for 2007 and the \$20,000 commitment, and commits to the \$14,960 only existing obligation from the Transportation Enhancement Grant from 2005. Commissioner Wender will draft a letter of explanation to the City of Oak Hill. Commissioner Eskew seconded. Unanimous.

The Commissioners asked Ms. Holly to call Rhonda at the Department of Transportation regarding Commissioners Wender's understanding of pay as you go or pay up-front.

Commissioner Eskew offered a motion to authorize Commissioner Wender to sign the Division of Highways Transportation Enhancement Grant agreement unless Ms. Holly does not find bases for in-kind and contacts the Division of Highways to pay as you go bases. Commissioner Lopez seconded. Unanimous.

The Commissioners signed Order, ordering the filing of the Affidavit and copies of Certificate of Sale in the Clerk's Office in satisfaction of the requirements of WV Code §11A-3-19.

Commissioner Eskew offered a motion to approve several Petitions to Combine or Divide and Segregate Land as submitted by the Assessor. Commissioner Lopez seconded. Unanimous.

The Commissioners signed Request for Reimbursement to the West Virginia Division of Criminal Justice Services for the Community Corrections Grant, amount \$12,575.39 for the month of November.

Ms. Holly told the Commissioners that at their last meeting they signed the wrong title for the vehicle that's being donated by the Assessor to the City of Smithers. Ms. Holly presented the correct title to be signed to the Commissioners. The Commissioner approved

and signed.

Ms. Holly informed the Commissioners she received approval of the Courthouse Facilities Improvement Authority Grant. A portion of the grant was for the Courthouse downspouts at the jail. The roof of the Memorial Building and they are questioning the WVU Extension Office. The amount of the grant is \$32,000 cost for the Fayette County Commission is \$8,000. The Commissioners signed the Agreement.

The Commissioners signed Request for Reimbursement to the West Virginia Division of Criminal Justice Services for the Court Security Grant in the amount of \$7,170.00 for July, August, September and October.

Commissioner Eskew offered a motion to sign Order, ordering the balance of the Fayette County General School Fund in the amount of \$107,686.19 for the calendar year 2006 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. Commissioner Lopez 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 January 2007.

Carl Harris, Prosecuting Attorney informed the Commissioners that the Upper Kanawha Valley Community Center, Inc. received reimbursement of the \$15,000 today from the Governor's Office of Economic Opportunity.

The Commissioners signed letters to Senators Shirley Love, Randy White and Delegates David Perry, John Pino, and Margaret Stagers

asking that they do their utmost to amend the Department of Environmental Protection Rule 60-CSR-5 that is before the joint Committee on Rule making Review and make sure that Loop Creek is added back to the Tier 2.5 listing of protected streams.

Commissioner Wender asked that a copy of the letter be sent to Susan Williams with the Charleston Gazette and Matt Hill with the Fayette Tribune.

The Commissioners received and reviewed a letter from the Fayetteville and Ansted Ministerial Association-Believe in West Virginia requesting the use of the Memorial Building for the purpose of having a Silver Ring Thing (SRT) event.

Commissioner Eskew offered a motion to approve the request of the Fayetteville and Ansted Ministerial Associations Believe in West Virginia the use of the Memorial Building for the purpose of having a Silver Ring Thing (SRT) event, rental fee and the custodial and trash fees waived and all other rules applicable, including the insurance requirement. Commissioner Lopez seconded. Unanimous.

Ms. Holly informed the Commissioners they have started Phase III of the window project.

Commissioner Eskew offered a motion to approve request of Valley High School to use the Memorial Building for the AAA Girls' and Boys' Regional tournament for two days at 10%, if beyond two days an additional cost would be a \$100 per hour, insurance is required, janitorial fees are waived. Commissioner Lopez seconded. Unanimous.

Ms. Holly informed the Commissioners she received an invoice from Travelers Insurance for legal fees to Pullen, Fowler and Flanagan

(Nina Logan lawsuit), amount \$5,315.00

The Commissioners received and reviewed a letter from Catherine Lawson Groom regarding a complaint of the County Clerk's Office.

The Commissioners asked that this be forwarded to Kelvin Holliday, County Clerk and asked that he respond to this complaint.

Ms. Holly informed the Commissioners she received a drawdown request for the Courthouse Facilities Improvement Authority, amount \$72,137.80.

Ms. Holly asked the Commissioners if it was okay to release the check to Talbott Glass, Inc., amount \$65,573.00. The Commissioners approved releasing the check to the contractor.

The Commissioners received and reviewed a letter from the State Tax Department regarding the Assessor's PVC Funds.

The Commissioners received and reviewed a letter from Bob Hartley, President of the Mountain Heart Foundation informing that Jonathan Adkins of Fayette County did attend the Camp Mountain Heart this year.

The Commissioners approved their commitment of \$400.00 to the Mountain Heart Foundation to be used to pay for Jonathan Adkins who attended Camp Mountain Heart.

The Commissioners received and reviewed a letter of resignation from Dean Kincaid as a member of the Fayette County Board of Zoning Appeals. The Commissioners asked that this be tabled until January 2007.

The Commissioners received and reviewed a letter of resignation from Thomas R. Bowen as a member of the Armstrong Public Service

District. The Commissioners asked that this be tabled until January 2007.

The Commissioners received and reviewed a fax from the West Virginia Association of Counties informing that for the budgeting purposes for FY 2008, the projected premium increase for the PEIA Local Fund is 0%.

Discussion was held regarding getting with Dan Snead to discuss the counter doorway in the Circuit Clerk's Office and the proposal of Tri-State Roofing.

The Commissioners received and reviewed notice from the Records Management and Preservation Grant Program inviting each county which submitted a qualifying grant application to fund county records management and preservation projects from County Records Management and Preservation Grant Program to attend its two-day meeting, Monday and Tuesday, January 8th and 9th, 2007 and make a presentation on its grant request.

The Commissioners received and reviewed a notice from Tom Woodrum, Chief Tax Deputy requesting permission to give Judy Treadway 100 hours of his accumulated sick leave.

The Commissioners received and reviewed a fax from the County Commissioners' Association informing that the CCAWV Legislative Association Meeting/County Commissioners' Continuing Education Training Program is scheduled for January 29-30, 2007 at the Marriott Hotel. Commissioner Wender and Commissioner Eskew will be attending.

The Commissioners received and reviewed a notice from Jim Lively Insurance regarding increasing coverage on the courthouse, the

courthouse annex and content's coverage.

The Commissioners received and reviewed an e-mail from David Neal, E911 Coordinator informing of the quotes he received for chairs and desk at the 911 Center. The Commissioners asked to table until January 2007.

Discussion was held regarding appointing Kenneth Eskew as President for the upcoming year, scheduling the Commission meetings on Friday and the last meeting in January 2007 schedule the first Board of Equalization and Review hearings. The Commissioners asked Ms. Holly to draft a schedule.

Ms. Holly informed the Commissioners that the Sheriff did receive a Homeland Security Grant to purchase mobile radios.

Ms. Holly told the Commissioners she has advertised for the radios, bids are due back January 5, 2007 at 10:00 a.m.

Ms. Holly told the Commissioners she received a lease from Steve Cruikshank, OES Director for the Gauley Mountain site for the Radio Club. Ms. Holly told the Commissioners she gave a copy of the lease to Carl Harris, Prosecuting Attorney to review.

Commissioner Wender asked Ms. Holly to ask Daniel Wright, Circuit Clerk to swear him in office on January 5, 2007.

Commissioner Wender asked Ms. Holly to have David Neal E911 Coordinator to come to the January 5, 2007 County Commission meeting to give an update on the reverse 911 and addressing project.

The Commissioners received and reviewed a copy of a letter to the Department of Military Affairs and Public Safety enclosing the Monthly Progress Reports for the Homeland Security Grant (E05-LE-09).

The Commissioners received and reviewed from the Fayette County Health Department a list of the locations where they will be giving flu shots (Ansted, Meadow Bridge, Smithers and Gauley Bridge).

The Commissioners received and reviewed a copy of a letter from the Shott Family to the New River Humane Society expressing their gratitude for assistance their organization provided in retrieving their Jack Russell Terrier that was stuck under their neighbor's deck.

The Commissioners received and reviewed the 50% allocation to the New River Convention and Visitors Bureau for Hotel Occupancy Tax for July, August and September, amount \$23,041.17.

The Commissioners received and reviewed a letter from Thrasher Engineering regarding Wolf Creek Park Amendment #2 to the Engineering Agreement Thrasher Engineering Project #30-942.

The Commissioners received and reviewed a thank-you card from the Reverend Cecil H. Perry Family.

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

The Commissioners received and reviewed several correspondences from the Unemployment Compensation Division, BrickStreet Insurance and the Workers' Compensation Office of Judges.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Activity Report, Monthly Revenue Report for the month of November and New River Humane Society allotment for the month of December, and Weekly Fees Collected for the week of November 24 to November 30, 2006, amount \$135.00, for the week of December 1 to

December 7, 2006, amount \$240.00, the week of December 8 to December 14, 2006, amount \$175.00.

The Commissioners received and reviewed from the Engineering Consulting Services, Inc., a complete copy of the Community Impact Statement for the Frasure Creek Mining, LLC Glenco Hollow Surface Mine SMA#S-3017-05.

The Commissioners received and reviewed Audit Report of Armstrong Creek Volunteer Fire Department for the years ended June 30, 2003, 2002 and 2001.

The Commissioners received and reviewed a letter from Branch Banking and Trust Company informing that as of November 30, 2006 the securities that were held as collateral to secure the deposits of Fayette County Commission.

The Commissioners received and reviewed from the Bank of New York Cash Statement and Asset List for November 30, 2006.

The Commissioners received and reviewed from SunTrust Bank a list of securities pledged as of November 30, 2006.

The Commissioners received and reviewed a remittance by the Assessor to the State Treasurer's Office for the Courthouse Facilities Improvement Fund, amount \$84.00 for the month of November.

The Commissioners received and reviewed work Related Injury Report of James A. Perdue, Maintenance Supervisor.

The Commissioners received and reviewed a copy of a Summons for Gand Jury Duty for James Perdue.

The Commissioners received and reviewed from Page-Kincaid Public Service District minutes of their November meeting.

The Commissioners received and reviewed a letter from the West Virginia Development Office congratulating the Commission on Governor Manchin's recent fiscal year 2006 Community Partnership Grant award, in the amount of \$1,000 to promote the Friends of Old Time Music and Dance (FOOTMAD) Festival.

The Commissioners received and reviewed Request for Leave from David Pollard, County Resource Coordinator from December 13, 2006 to January 4, 2007.

The Commissioners received and reviewed from the Federal Emergency Management Agency a Letter of Map Amendment Determination Document (Removal) regarding Adena Village.

The Commissioners received and reviewed a Request for Reimbursement to the West Virginia Division of Criminal Justice Services for TRIDENT #06-JAG-04 overtime, amount \$2,372.06.

The Commissioners received and reviewed a letter from the Fayette County Weatherization Program minutes of their September 26, 2006 meeting.

The Commissioners received and reviewed a letter from Martin & Seibert, L. C. regarding verification of employment of Tammy Conley.

The Commissioners received and reviewed an invitation from the Upper Kanawha Valley Economic Development Corporation inviting the Commission to their 2006 Annual Membership meeting being held Thursday, December 14, 2006 at 3:30 p.m. to 5:00 p.m.

The Commissioners received and reviewed a letter from the City of Beckley informing they have been awarded funding from the Federal Transit Administration (FTA) to plan, design and construct an

intermodal facility in Uptown Beckley, known locally as the BIG project (Beckley Intermodal Gateway).

The Commissioners received and reviewed a letter from the U. S. Department of Commerce Economic Development Administration informing the Engineering Agreement with Thrasher Engineering for the EDA Grant 01-79-08060 has been reviewed. The agreement as submitted approved.

The Commissioners received and reviewed Official Oath of Office from Rupert L. Chuyka member of the Board of Zoning Appeals.

The Commissioners received and reviewed a brochure from Thomas S. Acker, S. J. requesting financial support of the Public Higher Education Center.

The Commissioners received and reviewed a card from the Beaver Creek Engineering and Environmental Services, PLLC notifying the Commission of a property survey to be performed in the near the future and to inform them that they believe the property in question to be surveyed adjoins the land to be surveyed.

Ms. Holly told the Commissioners she forwarded this to Tim Richardson, Zoning Officer and he informed her that he had talked with Craig Dunlap in regard to the survey. Mr. Richardson informed the property in question is owned by Pocahontas Land Company and adjoins the County Park. A company by the name of Wayne Forest Management is negotiating contracting timbering on this property and apparently Beaver Creek has been retained to do the survey work. Mr. Richardson informed the Commissioner's they apparently want any information the County can offer in regard to boundary lines.

Ms. Holly told the Commissioners she forwarded this information

to Earl Pauley, Park Superintendent.

The Commissioners received and reviewed checks for Franchise Fees-from Bradley Communications, Inc., amount \$865.10; checks for 911 Fees-from Verizon, amount \$32,608.37, Nos. Communications, Inc., amount \$2.00, Citizens Communications, amount \$54.32, Trinsic Communications, Inc., amount \$22.00, and Mountain Communications, LLC, amount \$51.70; check from the Department of Transportation reimbursement, amount \$22.50; check from Travelers Insurance claim, amount \$2,447.64; WV Development Office HUD/SCBG-Page-Kicnaid PSD/Ingram Branch Wastewater Project, amount \$40,470.00; Criminal Justice Services-Community Corrections, amount \$6,437.37 and TRIDENT, amount \$2,738.12; Supreme Court, Family Law Master rents (Nov. & Dec.), amount \$4,050.00; Culture & History Division Jail Museum gutter project, amount \$12,500.00; City of Beckley reimbursements, amount \$372.68; United States Treasury refund, amount \$153.45; Governor's Office UKV Community Center, amount \$15,000.00; WV Development Office-Sportsman's Recreation Grant, amount \$3,836.28; Human Services-FRN, amount \$12,834.00; Homeland Security & Emergency Management reimbursement, amount \$2,157.32.

The Commissioners received and reviewed an e-mail from Ms. Holly to Beth Gardner confirming her appointment with the Commission at 10:30 a.m. on January 5, 2007.

The Commissioners received and reviewed an e-mail from Scott Thompson regarding a Coalition Building Training in Bridgeport on January 24th and 25th, 2007.

The Commissioners received and reviewed an e-mail from Matt

Wender to Ken Eskew regarding the National Parks Conservation Association release regarding the New Study Says Money Does Grow on Trees....Near the National Parks.

The Commissioners received and reviewed an e-mail originally from Diane Morris with the Fayette County Health Department to Matt Wender informing that Ann Spaner, Attorney, Director Public Health Regulations, with the State Bureau of Public Health will be presenting to their Board of Health December 28th, at 3:00 P.M. on Quarantine and Isolation Legal Issues.

The Commissioners received and reviewed an e-mail from Charlotte Holly to Tim Richardson, Zoning Officer informing him that the County Commission will be meeting on December 18, 2006 and have afternoon appointments scheduled.

The Commissioners received and reviewed an e-mail from Steve Cruikshank, OES Director to Charlotte Holly informing her that everything okay with the replacement checks for EMPG grant they are going to write it with this years.

The Commissioners received and reviewed an e-mail from Election Systems and Software regarding an update on the recount and challenge in Florida's 13th Congressional District (Sarasota County).

The meeting was adjourned at 4:10 p.m. The next scheduled meeting is January 5, 2007.



FAYETTE COUNTY COMMISSION
SPECIAL SESSION AND BOARD OF
EQUALIZATION AND REVIEW
FEBRUARY 3, 2006
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 3rd day of February 2006.

Commissioner Wender called the County Commission meeting to order at 9:00 a.m.

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

Commissioner Wender adjourned the County Commission meeting and called the Board of Equalization and Review hearing to order at 9:11 a.m.

Chuck Barlow, from the Department of Tax and Revenue appeared before the Commission. Mr. Barlow presented a letter from Wade Thompson, Director, Property Tax Division to the Commissioners concerning certain errors in the tax year 2006 appraisal of coal properties.

Mr. Barlow told the Commissioners that eighteen (18) parcels in Fayette County have permitted reserve coal values that are incorrect as the result of the calculated reserve rate exceeding the calculated active rate.

Commissioner Wender asked Mr. Barlow to read the letter.

Commissioner Wender asked to recess the Board of Equalization and Review hearings for a half hour (9:30 a.m.) to discuss the

increases and decreases in taxes with the Assessor and the Prosecuting Attorney.

Commissioner Wender reconvened the County Commission meeting at 9:30 a.m.

The Commissioners signed a Fire Levy Modification Agreement for the Ansted Certified Fire Department for the period July 1, 2005 to June 30, 2006.

Commissioner Wender asked Ms. Holly to call the Election Systems and Software to have someone here for election night.

Ms. Holly presented to the Commissioners a requisition from Kelvin Holliday, County Clerk for a Sharp ERA 410 Register for his office, amount \$699.00.

Commissioner Lopez offered a motion to approve purchase of the cash register for the County Clerk's Office, amount \$699.00.

Commissioner Eskew seconded. Unanimous.

Ms. Holly informed the Commissioners she received a fax from the Public Service Commission regarding wireless callers.

The Commissioners received/reviewed and signed a letter from the State Auditor's confirming the services they will provide for Fayette County for the fiscal year ended June 30, 2005 audit.

Commissioner Wender asked Ms. Holly to e-mail Earl Pauley, Park Superintendent and asks him to give an update on the gas line.

Commissioner Eskew asked Ms. Holly to e-mail David Neal, E911 Coordinator and asks for a status on changing the lease for the Gauley Mountain Tower site.

Commissioner Eskew asked Ms. Holly to give Joe Scarberry with the Division of Natural Resources name as the person he need to

contact.

Commissioner Wender asked to reconvene the Board of Equalization and Review hearing at 11:05 a.m.

Commissioner Wender informed that on the advice of the Prosecuting Attorney and the Assessor their recommendation was to postpone the hearings scheduled for today.

Commissioner Wender informed the Prosecuting Attorney is preparing a letter to Wade Thompson, Director Property Tax Division asking that this matter be corrected both timely and accurately.

The Commissioners asked that the Property Tax Office (a) correct the assessments as outlined in the February 2 letter, (b) review all assessments in Fayette County to assure accuracy and, c) notify by certified mail the affected taxpayers with their new values as soon as possible.

The Commissioners asked that Mr. Thompson personally meet with Eddie Young, Assessor at his earliest convenience to further discuss these matters.

Commissioner Wender informed the Commissioners will continue their mineral hearings on February 21, 2006 at 9:00 a.m. and request that a representation from the Tax Office attend.

Tom Steele, Assistant Prosecuting Attorney presented the letter to the Commissioners to sign. Commissioner Wender read the letter prepared by Tom Steele.

The Commissioners adjourned the Board of Equalization and Review hearings at 11:16 a.m.

Chuck Barlow informed the Commissioners that anyone who wishes to discuss their property with him today, he will be available to

discuss in the County Commission Office.

The Commissioners reconvened the County Commission meeting at 11:30 a.m.

Mark Ehrnschwender appeared before the Commission to give an update on the Comprehensive Wastewater Management Plan. (See attached).

The Commissioners received and reviewed proposals from Ricky Myles Construction and Dravenstott's Roofing/Building for the Prosecuting Attorney Office roof repairs.

Ms. Holly suggested to the Commissioners to have Dan Snead, review both proposals for the roof repairs to the Prosecuting Attorney's Office and make his recommendations to the Commission.

The Commissioners received and reviewed Investment and Transaction from Branch Banking and Trust Company for the period August 1, 2005 to January 1, 2006.

The Commissioners received and reviewed checks for 911 Fees from Nos Communications, Inc., amount \$2.00, Trinsic Communications, Inc., amount \$28.00; Franchise Fees from Charter Communications, amount \$11,868.904; and the Secretary of State reimbursement, amount \$45.28.

The Commissioners received and reviewed an Accident Report from the Sheriff Department (Deputy Dallas Duncan).

The Commissioners received and reviewed a letter from the Secretary of State asking to review the Emergency Absentee Voting Policies and if they would like to change the policy or create one it must be submitted 90 days prior to the primary election by February 8, 2006.

The Commissioners received and reviewed a letter from the

Courthouse Computer Systems inviting Ms. Holly to visit their booth at the West Virginia Association of Counties Annual meeting to register for each of their drawings.

The Commissioners received and reviewed a letter from the Division of Criminal Justice Services informing that the Community Correction grant #06-CC-50 will end on June 30, 2006.

The Commissioners received and reviewed from Kelvin Holliday, County Clerk, a list of the Poll Officials training staff and dates the training would be held.

The Commissioners received and reviewed from the Secretary of State informing that invoices for the voting equipment and other materials are due by July 1, 2006.

The Commissioners received and reviewed several correspondences from the County Commissioners' Association of Counties.

The Commissioners received and reviewed a letter from Charter Communications enclosing Charter Communication's annual rate justification filing for 2006.

The Commissioners received and reviewed a letter from Steptoe and Johnson regarding Charles Canterbury lawsuit.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Activity Report, Monthly Revenue Report for the month of January, and C-PAC allotment, amount \$9,475.39 for the month of February and Weekly Fees Collected for the week of January 27 to January 31, 2006, amount \$205.00.

The Commissioners received and reviewed a copy of the Regional Jail check for the month of December, amount \$60,431.00.

The Commissioners received and reviewed a letter from

Brickstreet Mutual Insurance Company regarding Mark Webb's workers' compensation claim.

The Commissioners received and reviewed Environmental Protection Agency deposit, amount \$1,926.68 for February 1, 2006.

The meeting was adjourned at 12:20 p.m. The next scheduled meeting is February 9, 2006.



FAYETTE COUNTY COMMISSION
SPECIAL SESSION AND BOARD OF
EQUALIZATION AND REVIEW
FEBRUARY 9, 2005
FAYETTEVILLE, WV 25840
MEMBERS Present: Matthew D. Wender, Kenneth L. Eskew

The Fayette County Commission met in a special session on this 9th day of February 2006.

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

Commissioner Wender called the Board of Equalization and Review hearing at 9:15 a.m.

Commissioner Wender informed there are no scheduled hearings today, and adjourned the Board of Equalization and Review at 9:20 a.m.

Commissioner Wender reconvened the County Commission meeting at 9:20 a.m.

Discussion was held regarding the roof repairs to the Prosecuting Attorney's Office. The Commissioners asked Ms. Holly to get specifications and advertise.

Ms. Holly informed the Commissioners that Debbie Aliff, Payroll Clerk has prepared the 15th payroll.

Commissioner Eskew offered a motion to approve the payrolls, payrolls to be released on February 15th. Commissioner Wender seconded. Unanimous.

Ms. Holly asked the Commissioner if they were going to approve any minutes today.

Commissioner Eskew offered a motion to approve minutes for August 20, August 30, November 8, and November 11, 2004.

Commissioner Wender seconded. Unanimous.

The Commissioners signed the drawdown request to the WV Division of Criminal Justice Service for the TRIDENT Grant, amount \$1,153.84.

The Commissioners signed letters to Senators Shirley Love, Randy White and Delegates John Pino, David Perry, and Tom Louisos asking for their support for the Governor's Community Partnership Grant proposal titled "Fayette Coalfield Housing" for \$40,000 to the West Virginia Development Office for Southern Appalachian Labor School.

The Commissioners received and reviewed Steve Cruikshank, OES Director reply regarding the Gauley Mountain Tower site. Mr. Cruikshank told the Commissioners that Joe Scarberry is sending a lease to the Commission and Arnold Whitlow is sending a letter to the Division of Natural Resources saying Plateau Amateur Radio is no longer interested. Mr. Scarberry would send the lease out in about a week.

Mr. Cruishank told the Commissioners he has scheduled February 23rd to discuss with the Commission.

The Commissioners received and reviewed a letter from the National Park Services informing that the United States Department of the Interior is proposing a Minor Boundary change to allow a 3.83 acres, more or less parcel of land to be included in the boundary of the New River Gorge National River.

The Commissioners asked Ms. Holly to send a copy to Carl Harris, Prosecuting Attorney and ask him about the Commission responsibility and or action required.

Ms. Holly presented the Polling Places for the upcoming Primary Election to the Commissioners.

Commissioner Eskew offered a motion to approve the Polling Places for the May 9, 2006 Primary Election. Commissioner Wender

seconded. Unanimous.

Ms. Holly asked the Commissioners if they had time to review the Fayette County Park rules and regulations. The Commissioners replied no.

The Commissioners signed Request for Reimbursement to the West Virginia Division of Criminal Justice Service for the Community Corrections Center, amount \$14,677.34.

The Commissioners received and reviewed a letter from the Raleigh County Commission asking that the Fayette County Commission extend their support of having Patti Payne, Director of the Fayette County Animal Control Center to assist in euthanizing the Raleigh County animals.

The Commissioners asked Ms. Holly to send a copy to Carl Harris, Prosecuting Attorney to review.

The Commissioners received/reviewed and discussed the Notice of Tax Levy against Charles D. Moses, amount \$53,099.00.

Commissioners Wender asked to recess the County Commission meeting and reconvene the Board of Equalization and Review hearing at 10:00 a.m.

The Commissioners signed a follow-up letter to Wade Thompson regarding certain errors in the tax year 2006 appraisal of coal properties. The Commission is asking that they clarify the error.

Commissioner Eskew offered a motion to adjourn the Board of Equalization and Review hearing. Commissioner Eskew informed the next Board of Equalization and Review hearing will be February 15, 2006. Commissioner Wender seconded. Unanimous.

Commissioner Wender reconvened the County Commission meeting at 10:05 a.m.

Ms. Holly informed the Commissioners she faxed Dan Snead and asked him to prepare the specifications for the installation of a membrane type roof for the prosecutor's building.

Sheriff William Laird presented to the Commissioners for their approval a copy of a proposal from Corporal J. W. Fitzwater outlining certain proposed improvements to the old kitchen area. This will include the installation of paneling to the wall and a drop ceiling in the old kitchen area. The total estimated cost for this project is \$1,200.00.

Sheriff Laird told the Commissioners this will be paid out of the Home Confinement Fund.

Commissioner Eskew offered a motion to approve the Sheriff Department to make improvements in the old kitchen area payable from the Home Confinement Fund. Commissioner Wender seconded. Unanimous.

The Commissioners received and reviewed a letter from the American Red Cross thanking the Commission for allowing the Fayette-Nicholas Chapter to have their 12th Annual fundraiser in Fayetteville and requesting the use of the Memorial Building for the first weekend in November on Saturday, the 4th 2006.

The Commissioners received and reviewed Pledge Statement from the SunTrust Bank as of January 31, 2006.

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

The Commissioners received and reviewed a letter from the Secretary of State regarding request for an extension on the voting equipment payment.

The Commissioner signed a letter to the Secretary of State requesting that they set aside up to \$20,000 to do work to bring the

polling places into ADA compliance.

The Commissioners received and reviewed the Map Conversion and Initial GIS Implementation Agreement from the Assessor's Office.

The Commissioners received and reviewed checks for 911 Fees from Mountain Communications, LLC, amount \$52.92; Jail Fees from the City of Mount Hope, amount \$97.00, and from the Town of Fayetteville, amount \$194.00; Reimbursement from the Board of Education, amount \$5,416.67; St. Paul Travelers, claim, amount \$631.61; Soldiers and Sailors Fund, amount \$100.00; WV Development Office, Multi-Cap, amount \$4,338.70; Criminal Justice Services-Community Correction Grant, amount \$6,017.65; St. Paul Travelers, amount \$1,924.32.

The Commissioners received and reviewed a letter from Stafford Consultants Incorporated enclosing a copy of the proposed H. B. 2796- Post Construction Run-off. Copies forward to Dave Pollard, County Resource Coordinator, Tim Richardson, Zoning Officer, and Allen Ballard, Building Officer Inspector.

The Commissioners received and reviewed a letter from the Gauley River Public Service enclosing a bill for water taken from the Bintree water tank, hydrant #2 in the Sangamore area on Friday, February 3, 2006 between the hours of 9:30 p.m. and 11:30 p.m.

The Commissioners received and reviewed a letter from the Economic Development Administration approving the change order for the successful completion of the EDA Grant 01-79-08070 Infrastructure.

The Commissioners received and reviewed from the Fayette County Animal Control Center the Weekly Fees Collected for the week of February 1 to February 2, 2006, amount \$40.00.

The Commissioners received and reviewed several correspondences

from the BrickStreet Administrative Services regarding workers' compensation claims.

The Commissioners received and reviewed a letter from Just for Kids, Inc. requesting funding for the Fiscal Year 2006-2007.

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 Number 03SCBG0065 Kilsyth Sewer Extension/Plant upgrade is Friday, February 24, 2006 at 11:00 a.m. at the Mount Hope Housing Authority Community Room.

The Commissioners received and reviewed an e-mail from Commissioner Wender regarding the New Have Water Project.

The Commissioners received and reviewed a letter from St. Paul Travelers giving a status on claim #GP09312807 09%012 recently filed.

The Commissioners received and reviewed an e-mail informing that Environmental Protection Agency has deposited \$6,997.31 as of February 7, 2006.

The Commissioners received and reviewed an e-mail from iTown Communications informing that Bluefield moves forward with iTown's West Virginia First Advanced Broadband Project.

The meeting was adjourned at 10:30 a.m. The next scheduled meeting is February 15, 2006.



FAYETTE COUNTY COMMISSION AND
BOARD OF EQUALIZATION AND REVIEW
REGULAR SESSION
FEBRUARY 15, 2006
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 15th day of February 2006.

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

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

Commissioner Lopez offered a motion to approve and sign exonerations for real and personal properties as presented by the Assessor. Commissioner Eskew seconded. Unanimous.

Commissioner Lopez offered a motion to approve refund for Ford Motor Company as presented by the Assessor. Commissioner Eskew seconded. Unanimous.

Commissioner Wender offered a motion to approve minutes for January 6 and January 30, 2006. Commissioner Eskew seconded. Unanimous.

Commissioner Eskew offered a motion to approve minutes for August 20 and August 30, 2004. Commissioner Lopez seconded. Unanimous.

Ms. Holly presented Petitions to Combine or Divide and Segregate Land submitted by the Assessor's Office.

Commissioner Lopez offered a motion to approve and sign Petitions to Combine or Divide and Segregate Land for Beldon L. and Melanie Lafferty, Jr., Durward P. Fox, Melissa M. Webb and Michael Miklas, Jr.

and Stephen A. Uleshi Foster/Laurie J. Foster as submitted by the Assessor's Office. Commissioner Eskew seconded. Unanimous.

Ms. Holly told the Commissioners that she advertised for bids for the prosecuting Attorney's Office roof. The bids should be in by March 3, 2006.

Ms. Holly informed the Commissioners that she received a request from Dave Pollard, County Resource Coordinator asking that the \$18,000.00 in the EPA Grant be released to pay in full the balance due for professional service to Lombardo Associates, Inc. (Pio Lombardo).

Commissioner Eskew offered a motion to release the \$18,000 to pay the balance due for professional services on the Lombardo Associates, Inc. contract and approved to pay the invoice as submitted. Commissioner Lopez seconded. Unanimous.

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

David Neal, E911 Coordinator appeared before the Commission requesting that the Commission do everything possible to stop SB 485 from passing.

Mr. Neal told the Commissioners this would be deviating to the 911 budgets.

Mr. Neal told the Commissioners the impact to Fayette County would be a reduction of operating expenses of approximately \$190,000.00 annually.

Mr. Neal told the Commissioners this Fiscal Year (2005-2006) they used the increased funds to move toward compliance with the FCC

mandate for narrow board width digital radio technology by purchasing and installing control station radios consoles (\$170,000) in the E911 Center and three remote tower site repeaters (\$17,000 each); and for the upcoming Fiscal Year 2006-2007 they had proposed furthering the build-out of repeaters (15 additional repeaters' @ \$17,000 each) and replacing the 911 Telephone system which is no longer supported by Motorola.

The Commission asked that a letter be sent to our Delegates.

Commissioner Wender asked Mr. Neal to send a letter to the newspaper regarding an update on the mapping/addressing project.

Commissioner Wender informed Mr. Neal they received a letter from the Division of Highways regarding their request to have maintenance repairs made to the Gauley Mountain Tower Road near the Town of Ansted.

Commissioner Wender told Mr. Neal the estimated cost to ditch, blade, install culverts and stone stabilize the road is \$47,000.

Ms. Holly informed the Commissioners she will include this in their budget digest request.

The Commissioners signed letters to Senators Shirley Love and Randy White and Delegates John Pino, David Perry, and Tom Louisos expressing their opposition to Senate Bill 485 as submitted.

The Commissioners signed a letter to Senator Shirley Love requesting his assistance to provide funding in the amount of \$47,000 to the West Virginia Division of Highways to ditch, blade, and stone stabilize the Gauley Mountain Tower Road.

The Commissioners signed a letter to Senator Shirley Love

expressing their support of the effort to get approval from the West Virginia Division of Highways for the installation of infrastructure on the Kanahwa Falls old Toll Bridge.

The Commissioners received and reviewed a letter from Carol Learmonth, Coach of the Fayetteville High School Girl's Softball requesting the use of the Fayette County Memorial Building for Fayetteville High School Girl's Softball practice.

Commissioner Eskew offered a motion to approve the request of the Fayetteville High School Softball Girl's Coach the use of the Fayette County Memorial Building for the Fayetteville high School Girl's Softball practice, same conditions as last year. Commissioner Wender seconded. Unanimous.

The Commissioners received and reviewed a letter from the American Red Cross, requesting the use of the Fayette County Memorial Building for their 12th Annual Christmas Festival and Craft Show for November 4, 2006.

Commissioner Eskew offered a motion to approve the request of the American Red Cross for the use of the Fayette County Memorial Building for their 12th Annual Christmas Festival and Craft Show for November 4, 2006. Commissioner Wender 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 March 2006.

The Commissioners signed a letter to Jennifer Webb, Secretary, County Commissioners Association of West Virginia informing they oppose the bill to amend 8A-11-1 Code of West Virginia 1931, Standards

for factory-built homes.

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

Commissioner Eskew offered a motion to reappoint Lawrence Boley, a member of the Danese Public Service District, term to expire March 30, 2012. Commissioner Wender seconded. Unanimous. The Order and the appointment letter to serve were signed.

Ms. Holly asked the Commissioners if they wanted to take any action on the shooting range.

Commissioner Wender suggested discussing once Ms. Holly has the paperwork for the grant.

Ms. Holly informed the Commissioners that Region 4 Planning and Development Council sent over a Memorandum of Understanding between Fayette County Commission and Southern Appalachian Labor School and a Resolution to be signed.

Ms. Holly informed the Commissioners she sent over the information to Carl Harris, Prosecuting Attorney to review.

Commissioner Eskew offered a motion to approve entering into the Memorandum of Understanding with the Southern Appalachian Labor School and authorize Commissioner Wender to sign Agreement. Commissioner Wender seconded. Unanimous. The Memorandum of understanding and the Resolution was signed.

The Commissioners reviewed request for the 2006 Budget Digest for the Gauley Mountain Tower site, amount \$47,000, Danese Public Service District (generator), amount \$9,000, County Clerk's Office (map

cabinet), amount \$7,204, Prosecuting Attorney's Office (roof), amount \$16,400, Parking Lot (around Sheriff's road office and old jail), amount \$16,352, Adena Village (storm drainage), amount \$106,450, Fayette County Jail, amount \$50,000, Fayette County Park, amount \$9,766, Fayette County Park, amount \$15,700, Fayette County Memorial Building (chairs), amount \$7,120, Fayette County Memorial Building (replacement bleacher and the floor), amount \$70,835, Fayette County Memorial building (replace of exterior doors), amount \$43,795, Fayette County Memorial Building (refinishing of wooden floor), amount \$19,500, Fayette County Courthouse (removal and replacement of windows), amount \$60,000, and Fayette County Jail (restoration of a slate roof), amount \$52,952.

The Commissioners received and reviewed a memorandum from Carl Harris, Prosecuting Attorney regarding Kelvin Holliday, County Clerk request to have two (2) locks on the votomatics door.

Mr. Harris told the Commissioner he sees no problem with having two locks one for the County Clerk and one for the Commissioners.

The Commissioners received and reviewed a letter from Sheriff William Laird requesting that an invoice for \$97.83 from the Fraternal Order of Police to the Day Report Center for phone charges needed to be paid.

Commissioner Eskew offered a motion to approve paying the invoice from the Day Report Center, amount \$97.83. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from Sheriff William Laird informing that he received a check from the Women's

Resource Center in the amount of \$3,000.

Sheriff Laird told the Commissioners this check was from a Fiscal Year 2003-2004 Stop Grant.

Sheriff Laird told the Commissioners it is his understanding that this money is to be expended for the benefit of a domestic violence program within the County.

Sheriff Laird told the Commissioners that should this prove not to be for purposes of reimbursement, it will be his intention to consider the purchase of a visual presenter for use by his office.

Commissioner Eskew offered a motion to approve Sheriff Laird's purchase of a visual presenter (\$3,000) for use in his office. Commissioner Lopez seconded. Unanimous.

Amanda Skaggs and Diane Morris from the Fayette County Health Department appeared before the Commission to present the Pandemic Influenza Plans and to present a Quarterly Report of the Threat Preparedness Planning.

Ms. Morris told the Commissioners they can visit the West Virginia Flue Website at www.wvflu.org.

Tammy Barr, Director, Retired and Senior Volunteer Program appeared before the Commission to ask for their support for fiscal year 2006-2007, amount \$1,000.00.

Commissioner Wender informed Ms. Barr that the Commission will work on Budget in the month of March.

Commissioner Wender informed Ms. Barr that the Commission would consider her request during their budget session.

The Commissioners received and reviewed a letter from Judge John

W. Hatcher, Jr. requesting the purchase of four (4) computer workstations from Staples for the Probation Office, cost \$149.99 each.

Commissioner Eskew offered a motion to approve request of Judge John W. Hatcher for four (4) computer workstations for the Probation Office, amount \$149.99 each from Staples. Commissioner Lopez seconded. Unanimous.

Ms. Holly presented the Financial Statement for the Fiscal Year ended June 30, 2005 to the Commissioners.

Ms. Holly informed the Commissioners that the Coal Severance balance last year was \$288,727.33 and that so far this year the balance is \$239,275.54.

The Commissioners received/reviewed and signed the fax they received from the West Virginia Association of Counties opposing Senate Bill 504.

The Commissioners received and reviewed a fax from the Cabell County Commission asking that the Fayette County Commission call their senators and delegates and tell them to support the jail bills.

The Commissioners requested that Ms. Holly ask Sheriff Bill Laird to prepare letters of support or opposition as he deem regarding appropriate to the legislators for the Commission to sign relative to the various regional jail legislature bills.

Amy Young, BrickStreet Safety and Loss Control Department appeared before the Commission to discuss the County's recent premium increase.

Commissioner Wender told Ms. Young he would like an explanation why the premiums increase double the previous premium for workers'

compensation coverage (from \$7,099 to \$98,576 for six (6) months).

Ms. Young told the Commissioners the increase is the result of the County's prior 3-year claim loss experience.

Ms. Young told the Commissioners that the County could earn a 5% premium discount by adopting a workers' compensation return-to-work policy. Ms. Young told the Commissioners that a copy of the policy is on their website.

Commissioner Wender asked Ms. Holly to get a copy of the Return-to-Work Policy off the website.

The Commissioners informed Ms. Young they will adopt a "Return-to-Work Policy" at the next Commission meeting.

Commissioner Wender asked that Ms. Young be scheduled to come back on February 23, 2006 at 9:30 a.m. to discuss the Commission's plans to adopt a Return-to-Work Policy.

Commissioner Wender informed that on February 23, 2006 at 9:30 a.m. the Commission will adopt a Return-to-Work Policy and adopt a modification to the Personnel Policy.

Commissioner Wender suggested inviting Debbie Aliff, Payroll Clerk and Sheriff William Laird to attend the meeting.

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

The Commissioners reconvened the County Commission meeting at 1:20 p.m.

The Commissioners signed a letter to Senators Shirley love and Randy White, Delegates David Perry, John Pino, and Tom Louisos opposing any change to the Homestead Exemption Code during this

session of the legislature.

The Commissioners received and reviewed a letter from the National Park Service proposing a Minor Boundary change.

Ms. Holly informed the Commissioners she forwarded a copy of the letter to Carl Harris, Prosecuting Attorney.

Mr. Harris informed the Commissioners that no action by the Commission is necessary. Mr. Harris told the Commissioners this is informational purpose only.

Ms. Holly informed the Commission she received the \$5,000 check for the Multi-Cap Handyman Program. The commissioners approved for Ms. Holly to forward the check to Multi-Cap, Inc.

Ms. Holly informed the Commissioners she has not received specifications back from Dan Snead for the Courthouse jail improvements.

The Commissioners approved entering into an Agreement with Raleigh County regarding the animal shelter pending approval by the Prosecuting Attorney's Office.

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

The Commissioners received and reviewed several correspondences from BrickStreet Insurance.

The Commissioners received and reviewed checks for 911 Fees from Citizens Communications Company, amount \$48.50; Franchise Fee check from Rapid Communications, amount \$1,244.44; reimbursement from Magistrate Court, amount \$40.00; Soldiers and Sailors Memorial Fund, amount \$125.00; and the Secretary of State-Voter's Registration,

amount \$73.50.

The Commissioners received and reviewed Weekly Fees Collected from the Fayette County Animal Control Center/NRHS for the week of February 3, to February 9, 2006, amount \$260.00.

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

The Commissioners received and reviewed a letter from Kelvin Holliday, County Clerk requesting that \$750.00 be transferred from his Fiscal Year 2005-2006 records book line to his travel line. The Commission approved.

The Commissioners signed invoices for the confinement of inmates at the Southern Regional Jail for the City of Mount Hope, amount \$194.00, the city of Oak Hill, amount \$970.00 and the Town of Fayetteville, amount \$97.00 for the month of January 2006.

The Commissioners signed an invoice to the Fayette County Board of Education for rental of the Fayette County Memorial Building, amount \$5,416.67.

The Commissioners received and reviewed a letter from the Danese Public Service District requesting that the Commission give them a grant of \$1,500 to assist in the purchase of two (2) small generators and asking the Commission to sponsor a request for \$7,5000 from the Governor's Partnership Program.

The Commissioners received and reviewed Monthly Progress Report from the West Virginia Community Corrections Grant.

The Commissioners received and reviewed a letter from Senator John D. Rockefeller, IV informing he will be co-hosting the West Virginia Summit on Homeland Security II on March 19-20, 2006.

The Commissioners received and reviewed from the Bank of New York Cash Statement and Asset List as of January 31, 2006.

The Commissioners received and reviewed Status Report from the 911 Center for the month of January 2006.

The Commissioners received and reviewed a letter from Branch Banking and Trust Company (BB&T) informing that as of January 31, 2006 the securities were held as collateral to secure the deposits of Fayette County Commission.

The Commissioners received and reviewed a remittance by the Assessor's Office to the State Treasurer's office, amount \$116.00 for the month of January.

The Commissioners received and reviewed a memorandum from Danny Wright, Circuit clerk regarding the toll free 411 information number.

The Commissioners received and reviewed a copy of a letter to Tom Blankenship, Nicholas County Commission from Sheriff William Laird informing he would be pleased to arrange a tour of their Day Report Center.

The Commissioners received and reviewed an e-mail from John David informing that the latest federal budget would significantly reduce the Block Grant program in West Virginia housing about 25%; Joe Hatfield is predicting a sharp decrease in home prices and Mike Miller of West Virginia American Water have settled the Hilltop matter for about \$5,500.00.

The Commissioners received and reviewed an e-mail from Commissioner Wender to Ms. Holly informing that Senator Shirley Love called to see if we have received the approval on the Legislature Grant for the \$25,000 for the Sportsman center and the \$15,000 for the Hank Williams Museum, both were approved and released this past Wednesday or Thursday. The other \$25,000 for the sportsman center should be signed by the Governor in two weeks.

Ms. Holly told the Commissioner Wender they have not received anything on these grants.

The Commissioners received and reviewed an e-mail from the Treasurers' office informing that the Environmental Protection Agency check was deposited on February 9, 2006, amount \$3,723.57.

The meeting was adjourned at 2:15 p.m. The next scheduled meeting is February 21, 2006.



FAYETTE COUNTY COMMISSION AND
BOARD OF EQUALIZATION AND REVIEW
SPECIAL SESSION FEBRUARY 21, 2006
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 21st day of February 2006.

Commissioner Wender called the Board of Equalization and Review hearings to order at 9:15 a.m.

Present for the hearings were Pat White, Christopher Farmer, State Tax Department and Jeff Kern, RTC Consultant for the State Tax Department, Carl Harris, Prosecuting Attorney, Eddie Young, Assessor and Scott Burgess, Consultant for the Assessor. Everyone was sworn in.

Mr. Young told the Commissioners they made adjustments to eighteen (18) properties, lowered to 75% active value, calculations on active revenues.

Mr. Young told the Commissioners the other corrections were made on mapping errors, wrong seams, and wrong map labels. They have all been corrected.

Dan Jackson representative for Joe Moreau appeared before the Commission to review application for review of property assessment for Mr. Moreau.

Commissioner Wender swore in everyone who would be speaking.

Jeff Kern with the State Tax Department told the Commissioners the procedure the State uses if information not filed by September 16th, the system will assume the property is mineable.

Chris Farmer with the State Tax Department told the Commissioners the State cannot accept returns now but recommended to the Commission that a \$5.00 value per acre be put on the 370 acres.

Commissioner Wender informed, the Commission will take this matter under advisement and a decision will be made by the end of the month.

Todd Dunn, representative for Pocahontas Land Company appeared before the Commission to review application for review of property assessment for Pocahontas Land Company.

Mr. Dunn was sworn in by Commissioner Wender.

Mr. Dunn told the Commissioners he is here to discuss two (2) tracts.

Chris Farmer read reviewed appraisal values to the Commissioners.

Jeff Kerns, Consultant for the Property Tax Division told the Commissioners they permitted reserves in producing not being mined at this time. Will put a 75% cap on reserved appraisal values.

Eddie Young, Assessor told the Commissioners of the e-mails he has received regarding this property.

Mr. Young presented to the Commissioners copies of the permits.

Mr. Young suggested to the Commissioners to set value at true and actual value.

Mr. Young asked Scott Burgess, Consultant for the Assessor's Office to give an update on the Pocahontas Land Company properties.

Mr. Burgess submitted an update to be marked "Exhibit I" for the Commissioners to review.

Mr. Burgess told the Commissioners that Pocahonatas Land Company

property has been undervalued for decades.

Mr. Kern told the Commissioners that the State Tax Department will not respond to the presentation given by Scott Burgess.

Mr. Young is asking the Commission to raise the T Factor on Pocahontas Land Company. Mr. Young supports Mr. Burgess values.

Mr. Dunn and the State Tax Department are okay with geology.

The Commissioners informed they will take this under advisement and will make their decision at the end of the month.

The Commissioners recessed the Board of Equalization and Review meeting at 10:30 a.m.

Commissioner Wender reconvened the Board of Equalization and Review meeting at 10:55 a.m.

Eric Cornett representative for Greenbrier Forest Products appeared before the Commission to review application for review of property assessment.

Mr. Cornett was sworn in by Commissioner Wender.

Mr. Cornett told the Commissioners that the Fire Creek seam is surrounded by the National Park Service it has been mined out.

Mr. Cornett told the Commissioners that last year the assessed value was \$305,000 this year the assessed value is \$982,000.

Pat White told the Commissioners that the State Tax Department agrees with Mr. Cornett. Ms. White told the Commissioners the property has been mined in the New River Gorge. Property is an unmineable seam.

The State recommended to the Commissioners to make all unmineable change \$1,335,879 to \$6,405 coal value, Map 32, Parcel 36, \$5.00 per

acre (T Factor 80), \$286 managed timber.

Chris Farmer told the Commissioners that no return was filed.

The Commissioners informed they will take this under advisement and will make their decision at the end of the month.

Pat White told the Commissioner the State has come up with a plan to code parcels that have not filed a return.

Commissioner Lopez suggested that the County charge a penalty for property owners who don't file returns on time.

Lou Henri Vieweg appeared before the Commission to review her application for review of property assessment.

Ms. Vieweg was sworn in by Commissioner Wender.

Ms. Vieweg told the Commissioners she is here to discuss her ½ interest mineral rights. Mr. Vieweg told the Commissioners she has never received a return to fill out.

Pat White gave Ms. Vieweg a copy of the annual return that has to be filed out.

Chris Farmer told the Commissioners the State believes the coal inaccessible will decrease value to \$925, T Factor 80, \$5,00 per acre-1/2 interest 370 acres mineral, 999-0803-9712.

The Commissioners informed they will take this under advisement and will make their decision at the end of the month.

Attorney James Blankenship, Bill Keeney, Tom Eiff, and Rick Persinger appeared before the Commission to review their applications for review of property Assessment for Nuttall, LLC.

Everyone was sworn in by Commissioner Wender.

Attorney Blankenship told the Commissioners no coal has been

mined on this property for more than 50 years, State T factor 40 and asked the Commission to consider T value at 80 years.

Chris Farmer asked if they filed a return. Bill Kenney replied yes. Mr. Farmer informed they could not find return.

Bill Keeney presented to the Commissioners the five (5) tracts they're protesting.

Jeff Kern told the Commissioners that the State is willing to make adjustments to change from T40 to T80 today, \$5.00 per acre.

The Commissioners informed they will take this under advisement and will make their decision at the end of the month.

The State presented the following recommendations to the Commissioners:

2108 acres Bracken Creek, District 1, Map 53, Parcel 42, State recommends be decreased appraisal value from \$146,986 to \$96,455.

H. W. Todd et al, 144 acres, District 1, 10-603-471, State recommends decreasing appraised value from \$20,721 to \$10,612.

H. W. Todd et al 38,627 Sewell Mtn., District 1, 10-0603-471, State recommends decreasing appraisal value from \$11,310 to \$4,681.

Nuttall LLC, 368 Bracken Creek, District 1, Map 64, Parcel 7 State recommends decreasing appraisal value from \$14,113 to \$10,909.

Fee 314 Sewell Mtn., District 1, Map 88, Parcel 3 State recommends decreasing appraisal value from \$31,926 to \$28,507.

The Commissioners informed they will take this under advisement and will make their decision at the end of the month

Bill Keeney told the Commissioners he has prepared a list of the properties to the State to be discussed for DLR Properties and Alabama

Properties.

Pat White read the following list to the Commissioners and gave the Commissioners their recommendations:

01-999-0600-0203 Min. 100 Dogwood Ridge unmineable appraised value decrease from \$22,291 to \$1,600.

Alabama Properties etal - 01-9999-0600-0267 coal 32.019 acres Dogwood Ridge unmineable appraised value decrease from \$2,323 to \$160.

01-9999-0600-310 mineral 24.125 acres Dogwood Ridge unmineable appraised value decrease from \$3,268 to \$289.

01-9999-0600-0276 Coal 58.70 acres Dogwood Ridge unmineable appraised value decrease from \$85,396 to \$293.

01-9999-0600-0445 Coal 87 Pine Springs unmineable appraised value decrease from \$105,102 to \$87.

01-9999-0600-0258 Coal 29.65 acres/T-Pike unmineable appraised value decrease from \$36,365 to \$148.

01-33-0088-0000 Fee Less Coal 65 Waters Mill Ck 3 request that this be stricken, do not own coal appraised value decrease from \$4,390 to \$1,032.

01-9999-0600-0409 Min 2687.51 acres Mill Ck Pine Springs & Dogwood R-7 appraised value decrease from \$173,796 to \$8,988.

01-33-036 Surf. 826.86 Fee less coal 1465.19 N Riv & Mill Ck unmineable no coal.

01-9999-0600-0392 Min 171.95 acres Dogwood R 6 unmineable appraised value decrease from \$275,201 to \$858.

01-9999-0700-6321 Min 9.64 acres Dogwood R9 Res of 30.94 mined out appraised value decrease from \$8,683 to \$10.

For DLR Properties Bill Kenney presented 01-42-0073 Fee 664.06 acres Dogwood R and Mill Ck 5.

Mr. Keeney told the Commissioners that this should be T40 not %20. State recommended no change.

The Commissioners informed they will take this under advisement and will make their decision at the end of the month.

Bill Keeney appeared before the Commission to review applications for review of property assessment for Imperial Colliery and Kanawha Gauley and Coke.

Mr. Keeney told the Commissioners Imperial Colliery, District 1, Map 25, Parcel 8 partially mined out, 18 acres left unmineable asking to change from \$35,471 to \$100.00.

The Commissioners informed they will take this under advisement and will make their decision at the end of the month.

The State informed the Commissioners they recommended no change for Kanawha Gauley and Coke.

The Commissioners informed they will take this under advisement and will make their decision at the end of the month.

Commissioner Wender informed no returns have been filed for Glade Creek Ltd.

The Commissioners recessed the Board of Equalization and Review meeting at 1:00 p.m.

Commissioner Wender reconvened the Board of Equalization and Review meeting at 2:00 p.m.

Kim Wickline and Frank Rhodes representatives with Appalachian Fuels, LLC appeared before the Commission to review their application

of property assessment.

Ms. Wickline and Mr. Rhodes were sworn in by Commissioner Wender.

Ms. Wickline told the Commissioners she submitted a wrong return, acreage was incorrect and the recovery was wrong.

Commissioner Wender asked Ms. Wickline if she just submitting to the State today their revised acreage and recovery form. Ms. Wickline replied yes.

Pat White told the Commissioners that the State would need time to recalculate and would get back with them tomorrow.

Ms. White told the Commissioners the deadline was September 1st.

Chris Farmer told the Commissioners he have another permit, did not give recovery rate-standard 50%. Mr. Farmer told the Commissioners the State will go with the 50% standard rate.

Mr. Farmer recommended to the Commissioners to change acreage will send value in the morning.

Pat White recommended to the Commissioners that no other change be made.

The Commissioners informed they will take this under advisement and will make their decision at the end of the month.

David Trent representative for Republic Energy appeared before the Commission to review their application of property assessment.

Mr. Trent was sworn in by Commissioner Wender.

Mr. Trent told the Commissioners that he had filed an amended return. Return has been turned into the State Tax Department.

Mr. Trent told the Commissioners he turned in an inactive permit in July but right now its active. Mr. Trent presented a list of

State
Appraised
value

acct	cbcd	pclid	resvac	actvrate	3/4 actvr	resvrate	coalpct	resvval	resvvalpct	thick	rec	mine life
10-03-00300101	uwn	10-03- 71-0001-0000-0000-000	101.94	3874.3	2905.7	2905.7	100	296207	\$296,207	2.41	61	3
10-03-10300101	lwl	10-03- 71-0001-0000-0000-000	265.28	6309.1	4731.8	4731.8	100	1255256	\$1,255,256	2.66	90	3
10-03-20300101	wil	10-03- 71-0001-0000-0000-000	229.83	4316.7	3237.6	3237.6	100	744088	\$744,088	1.82	90	3
10-03-30300101	fcl	10-03- 71-0001-0000-0000-000	207.32	917.37	688.03	688.03	100	142643	\$142,643	0.59	59	3
10-03-40300101	fcy	10-03- 71-0001-0000-0000-000	188.78	2671.7	2003.8	2003.8	100	378279	\$378,279	1.37	74	3
10-03-50300101	chl	10-03- 71-0001-0000-0000-000	160.56	801.51	601.13	601.13	100	96518	\$96,518	0.92	47	3
10-03-60300101	chlu1	10-03- 71-0001-0000-0000-000	160.56	4385.3	3288.9	3288.9	100	528074	\$528,074	2.08	80	3
10-03-70300101	chlu2	10-03- 71-0001-0000-0000-000	156.92	3605.2	2703.9	2703.9	100	424295	\$424,295	2.4	57	3
10-03-80300101	win	10-03- 71-0001-0000-0000-000	126.75	7359.8	5519.9	5519.9	100	699642	\$699,642	3.21	87	3
10-03-90300101	cbg	10-03- 71-0001-0000-0000-000	57.08	9511.1	7133.3	7133.3	100	407169	\$407,169	4.01	90	3
10-03-11300101	cbgu1	10-03- 71-0001-0000-0000-000	44.95	2727.4	2045.5	2045.5	100	91945.8	\$91,946	1.31	79	3
10-03-12300101	fcyu1	10-03- 71-0001-0000-0000-000	177.73	1139.5	854.65	854.65	100	151897	\$151,897	0.92	47	3

accounts in question to the Commissioners.

Pat White told the Commissioners that Mr. Trent voluntarily sent in the correct information.

The State recommended that the Appraised values be changed. (See attached).

The Commissioners informed they will take this under advisement and will make their decision at the end of the month.

Carolyn and John Blackwell appeared before the Commission to review their application of property assessment.

Mr. and Mrs. Blackwell were sworn in by Commissioner Wender.

Ms. Blackwell asked the Commissioners to change her T factor from 20 to T 40.

Pat White told the Commissioners they recommend that 01-9999-0600-5994 Min 4.25 acres Laurel Creek recommend that the coal be changed from a T20 to T40, revised assessed value would be \$630, 01-9999-0600-610 Min 69.86 acres Laurel Creek that no changes are made, and 01-9999-0600-0601 Min 12 Laurel Creek recommends that the coals be changed to T40, revised assessed value \$2,520.

The Commissioners informed they will take this under advisement and will make their decision at the end of the month.

Tim R. And Evelyn Auxier appeared before the Commission to request that their classification be changed from Class 3 to Class 2.

Mr. Young told the Commissioners he see no problem with changing their classification.

The Commissioners informed they will take this under advisement and will make their decision at the end of the month.

Michael Hoeft representative for H3LLC appeared before the Commission to review application for review of property assessment.

Pat White told the Commissioners that Mr. Hoeft has never filed a return. Ms. White told Mr. Hoeft he has to file one every year.

Mr. Hoeft was told by the State that without other information values will stand.

Mr. Hoeft asked the State how did the values go up.

Ms. White told Mr. Hoeft that in 2004 his property was classified as barren, in 2005 no value and in 2006 no forms were filed and the state did not have any new information in the computer.

Mr. Hoeft was satisfied with the explanation and withdrew his application.

Commissioner Wender asked the State if the Commission had to make a decision on the eighteen (18) individual parcels in Fayette County that has changed. Ms. White replied yes.

The Commissioners recessed the Board of Equalization and Review hearings at 3:00 P. M. until Thursday, February 23, 2006.

The Commissioners reconvened at 3:00 for the County Commission meeting.

Commissioner Lopez offered a motion to approve overtime for James Perdue, Maintenance (43.5 hrs.). Commissioner Eskew seconded. Unanimous.

The Commissioners and the Assessor discussed and reviewed the Board of Equalization and Review hearings that were discussed today.

Joe Moreau - The Commissioners decided to use same values as last year.

Pocahontas Land Company - Eddie Young, Assessor recommended to the Commissioners to go with Scott Burgess values.

Greenbrier Forest Products -The Commissioners decided to use same values as last year.

Lou Henri Vieweg - The Commissioners decided to use same values as last year.

Nuttall, LLC - The Commissioners decided to use same values as last year.

Alabama Properties - Eddie Young, Assessor recommended to the Commissioners to correct the two (2) clerical errors and the other property use same values as last year.

DLR Properties - The Commissioners decided to use same values as last year.

Imperial Colliery, LLC - The Commissioners decided to take the State's recommendation to change value to \$100.00.

Glade Creek Ltd - The Commissioners decided to use same values as last year.

Appalachian Fuels, LLC - The Commission decided to take the recommendation of the State to change the acreage the other property stays the same as last year.

Republic Energy - The Commission decided to take the recommendation of the State to change values.

Carolyn and John Blackwell - The Commission decided to take the recommendation of the State to change property from T20 to T40.

Tim and Evelyn Auxier - The Commission decided to take the recommendation of the Assessor to change classification from Class 3

to Class 2.

The Commission adjourned the Commission at 3:20 p.m. The next scheduled meeting is February 23, 2006.



FAYETTE COUNTY COMMISSION AND
BOARD OF EQUALIZATION AND REVIEW
REGULAR SESSION
FEBRUARY 23, 2006
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 23rd day of February 2006.

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

Eddie Young, Assessor had no exonerations.

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

Amy Young, BrickStreet Safety and Loss Control Department appeared before the Commission to discuss Return-to-Work Policy.

Ms. Young told the Commissioners that she was sorry to report but BrickStreet has eliminated the Return-to-Work discount policy as of last Friday.

Ms. Young discussed and alternate programs for employers such as, return to work, and safe driving policies.

Ms. Young told the Commissioners that Putnam County has had a Return-to-Work Policy since 1999.

Commissioner Wender asked Ms. Young if there is an appeal process for three (3) years the experience modification factor.

Ms. Young told the Commissioners she was not aware of an appeal process.

Carl Harris, Prosecuting Attorney told the Commissioners that

each elected official needs to be the liaison between the Fayette County Commission, the injured worker, the attending physician and BrickStreet Insurance.

Mr. Harris told the Commissioners all the burden should not be put on Debbie Aliff, Payroll Clerk.

Ms. Holly recommended to the Commissioners to put the Return-to-Work Policy on hold.

Ms. Young suggested to the Commissioners to check with other County Commissioners. Ms. Young suggested to the Commissioners to talk with Mr. Dalhart with Putnam County Commission.

Tim Richardson, Zoning Officer appeared before the Commission to present for disposition Case #Z-505-06-1: Request of Pervis C. Major, III, contract owner, for a change in land classification, from LC2 (Private Land Conservation District) to R-A (Agricultural District) on property legally described as, Surf. 86 3/8 Waters Gauley, Surf. 16½ Gauley Cliffs, 16.04 acre Surf. Reynolds Creek, Surf. 51.291 Gauley Cliffs, 24 acre Surf. Reynolds Creek, Residue 65.96 acre Surf. And Meadow River 586/699, 652, total 220.13 acres located on Paterson Ferry Road, New Haven District.

Mr. Richardson told the Commissioners the Planning Commission recommends that this property be reclassified as requested. Vote passed 6-2 abstentions. (Leon Cooper, Debbie Sizemore)

Commissioner Wender asked Mr. Richardson if conditions be imposed by the applicant on this property and if this go along with the zoning approval?

Carl Harris, Prosecuting Attorney told the Commissioners he is

not aware of this statement. Mr. Harris told the Commissioners that subdivision enforcement of deed restrictions can be done, and restrictions with title of land. Mr. Harris told the Commissioners that zoning can be changed with existing conditions.

Mr. Harris told the Commissioners that Mr. Major, landowner can make these stick.

Mr. Harris told the Commissioners that the unified development code provides for zoning changes only by the County.

Commissioner Wender questioned R-A Zone. These are 5 acres minimum, no cut zones, conditions enforced by the County.

Mr. Richardson told Commissioner Wender this is a density issue only.

Mr. Harris informed the County cannot enforce protective covenants or deed restrictions. An injunction would have to be sought by the owner. Restrictions can be put on record and amendments.

Commissioner Eskew asked if there could be homeowners association enforcement?

Mr. Harris replied yes.

Mr. Richardson informed restrictions would be according to the density in the zoning district.

Mr. Harris told the Commissioners there are only five counties in West Virginia that has zoning enforced.

Commissioner Eskew told Mr. Major the Commission would like to do a site visit, and take careful consideration of this application request before they make a decision.

Mr. Harris told the Commissioners they would have to continue

with the public hearing.

Commissioner Wender informed a hearing would be set for March 10 to make a decision.

Mr. Major presented mapping to the Commissioners to review. Mr. Major told the Commissioners the property is 305 acres. The part of the property that is being applied for is above the National Park Service property.

Eric Moerschel stated that he is a builder of timber frame homes and proposed these types of homes increase the value of this property. Mr. Moerschel stated he is a partner in this project.

Commissioner Eskew informed this would be quality construction.

Cal Hite, National Park Service informed the Commissioners he met with Mr. Major and has reviewed the project and will continue to work with him. Mr. Hite told the Commissioners he still have long term concerns and the effect of these projects.

Commissioner Eskew offered a motion to table this request until a site visit can be made. Commissioner Lopez seconded. Vote passed 3-0. Unanimous.

Commissioner Wender informed a decision will be made on this matter on March 10, 2006 at the County Commission meeting at 11:00 a.m.

Mike Hernandez appeared before the Commission to request a reimbursement for his building permit.

Mr. Hernandez told the Commissioners he had purchased the permit in April 2004, but was unable to build.

Mr. Hernandez told the Commissioners he had to purchase a second

permit. Mr. Hernandez told the Commissioners that no work was done on the property feels the first permit should still be valid.

Mr. Hernandez told the Commissioners he should have been formally advised that the first permit was not valid.

Mr. Hernandez told the Commissioners he should be reimbursed for the second permit he purchased, amount \$2,100.00.

Allen Ballard, Fayette County Building Inspector told the Commissioners that he had forward this request to the Prosecuting Attorney's Office for review, Carl Harris, Prosecuting Attorney informed him that the State Code overrides the Unified Development Code.

Commissioner Eskew offered a motion to deny Mr. Hernandez request for reimbursement for the building permit, amount \$2,100.00.

Commissioner Lopez seconded. Unanimous.

Carl Harris, Prosecuting Attorney informed the Commissioners that Fred Jesser has been appointed Fiduciary Commissioner in the Estate of Joseph L. Williams, Jr.

Mike Fox appeared before the Commission to discuss removing salvage vehicles for Fayette County. Also, present for this discussion were Bud Fox, Bill Evans and Ted Gray.

Mr. Fox suggested that the County purchase a towing apparatus to pick up abandoned vehicles and store.

Carl Harris told Mr. Fox that the County is not in the business of competing with towing companies.

Mr. Harris told the Commissioners before any decision is made he will research statue regarding the County selling vehicles.

Commissioner Wender suggested to Mike Fox to get with the Prosecuting Attorney to come up with a proposal that is legal.

The Commissioners recessed the County Commission meeting at 11:35 a.m.

The Commissioners reconvened the County Commission meeting at 11:50 a.m.

Carl Hite, National Park Service appeared before the Commission to discuss Phase I of the Roaring Rivers Project.

Also, present were Tom Michaels, Andy Steele, Erin Haddix and Randy Boyd.

Mr. Hite told the Commissioners this is an informational hearing only and that he has shared this information with the Fayette County Planning Commission and the LRC.

Mr. Hite presented a review of application of the viewshed concerns. Mr. Hite told the Commissioners he has a concern of the language in deeds in the future regarding protection of the viewshed.

Mr. Michaels is asking that some of the housing be removed.

Mr. Boyd asked the Commission to propose a Resolution. Mr. Boyd read the Resolution.

Commissioner Wender asked if the Commission could revise the Resolution and take out some of the wording.

Commissioner Eskew replied no that he wasn't going to sign a Resolution.

Commissioner Wender informed he appreciates everyone who took the time to come to the meeting and thanked everyone for coming.

The Commissioners recessed the County Commission meeting at 12:50

p.m.

The Commissioners reconvened at 1:00 p.m. for the Board of Equalization and Review hearings.

Ms. Holly told the Commissioners no new matters and no one in attendance. Also, present was Eddie Young, Assessor.

Commissioner Wender informed the Commission is here today to make the final decisions on all the Board of Equalization and Review hearings.

Commissioner Wender offered a motion to accept the recommendation of the Assessor to change the value of the following property for Joe Moreau-Map/Parcel 10-01-9999-0803-9721-0000, Revised Appraised Value to \$27,000. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to accept the recommendation of the Assessor to change the value of the following property for Lou Henri Vieweg-Map/Parcel 02-9999-0803-9712-0000, Revised Appraised Value to \$27,000. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to accept the recommendation of the State of West Virginia Department of Tax and Revenue to change the valuation for the following properties for Carolyn and John H. Blackwell-Map/Parcel 01-9999-0600-6001, Revised Appraised Value \$2,520, Map/Parcel 01-9999-0600-5994, Revised Appraised Value \$630, and Map/Parcel 01-9999-0600-6010, Revised Assessed Value no change. Commissioner Lopez seconded.

Commissioner Wender offered a motion to accept the recommendation of the State of West Virginia Department of Tax and Revenue to change the acreage of the following property for Appalachian Fuels, LLC-

Map/Parcel 21-0001.0000.0000 (1023.81 acres), Revised Appraised Value \$11,538,568. Commissioner Eskew seconded. Unanimous.

Commissioner Wender offered a motion that the valuation of the property for Nuttall LLC will not be changed. Commissioner Eskew seconded. Unanimous.

Commissioner Wender offered a motion that the valuation of the property for DLR Properties LLC will not be changed. Commissioner Eskew seconded. Unanimous.

Commissioner Wender offered a motion to accept the recommendation of the State of West Virginia Department of Tax and Revenue to change the valuation for the following properties for Imperial Colliery Company-Map/Parcel 01-25-008, Revised Appraised Value \$8,956. Commissioner Eskew seconded. Unanimous.

Commissioner Wender offered a motion that the valuation of the property for Glade Creek will not be changed. Commissioner Eskew seconded. Unanimous.

Commissioner Wender offered a motion to accept recommendation of the Assessor to change the classification of the following property for Timothy R. and Evelyn Auxier, Map/Parcel 03-20026-00000000, Revised Assessed Value, Class 2. Commissioner Eskew seconded. Unanimous

Commissioner Wender offered a motion to accept the recommendation of the Assessor that the valuation errors of the following properties will be changed for Alabama Properties, Inc. Commissioner Eskew seconded. Unanimous. See the attached letter.

Commissioner Wender offered a motion to accept the recommendation

1/27/06

2006 Tax Assessment

Alabama Properties

Parcel ID: 01-330036	06 assess-\$105,820	confirm assessment
Legal desc: Surf 826.86 Fee less Coal 1465.19 N Riv & Mill Ck		
Parcel ID: 019999070063210000	06 assess-\$5270	mined out
Legal desc: Min 9.64/Dogwood R 9 Res of 30.94		
Parcel ID: 019999060004090000	06 assess-\$122,020	1112.33 ac reserve
Legal desc: Min 2687.51/Mill Ck Pine Spgs & Dogwood R 7		
Parcel ID: 01999906000392000	06 assess-\$166,250	163.49 a Sew
Legal desc: Min 171.95/Dogwood R 6 unmineable 05		
Parcel ID: 01-33008800000000	06 assess-\$11,390	1.56 ac coal
Legal desc: Fee less coal 65 Waters Mill Ck 3 (Less Coal) '05-.82 a reserve		
Parcel ID: 01999906002580000	06 assess-\$21,820	Not mineable
Legal desc: Coal 29.60/Tpike mined out		
Parcel ID: 019999060004450000	06 assess-\$63,060	unmineable in 05
Legal desc: Coal 87 Pine Springs		
Parcel ID: 019999060002760000	06 assess-\$51,240	unmineable in 05
Legal desc: Coal 58.7/ Dogwood Ridge		
Parcel ID: 019999060003100000	06 assess-\$1920	unmineable in 05
Legal desc: Min 24.125/Dogwood		
Parcel ID: 019999060002670000	06 assess-\$1390	unmineable in 05
Legal desc: Coal 32.019/ Dogwood Ridge		
Parcel ID: 019999060002030000	06 assess-\$13,370	unmineable in 05
Legal desc: Min 100 Dogwood Ridge		

of the State of West Virginia Department of Tax and Revenue to change the valuations of the following properties for Elk Run Coal Company, Inc. dba Republic Energy. Commissioner Lopez seconded. Unanimous. See attached letter.

Commissioner Wender offered a motion to accept the recommendation of the State of West Virginia Department of Tax and Revenue to change the valuation for the following properties for Greenbrier Forest Products, Inc.-Map/Parcel 10-02-32-0036.0000.0000, Revised Appraised Value \$509,970. Commissioner Lopez seconded. Unanimous.

Eddie Young, Assessor presented the recommendations made by the State Tax Department on the 18 properties that are in need of value corrections in relation to the current appraisal for coal.

Mr. Young told the Commissioners he accept the recommendations by the State Tax Department on Attachments 2 through 6 all approved and on Attachment 1 all approved except 10-03-49-001.0000 and 10-03-65-0002.0000. (See attachment)

Commissioner Wender offered a motion that the Commission approves recommendation of the Assessor that we accept the recommendation from the State Tax Department on the attached parcels received. Commissioner Eskew seconded. Unanimous.

Ms. Holly presented an Order certifying that the Commission has examined each and every item and valuations fixed by the Assessor and have made such corrections and fixed such valuations, and that record shows the complete valuations and assessments of the land of Fayette County for the year 2006, fixed by us as required by law. Order signed.



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 23, 2006

**Elk Run Coal Company, Inc. dba
Republic Energy
Attn: Michael Proctor, Agent
315 70th Street
Charleston, West Virginia 25304**

Dear Mr. Proctor:

The Fayette County Commission convening as the Board of Equalization and Review for 2006 has considered your application for review of property assessment, copies of which are attached hereto, and has found that the valuations of the following properties in question will be changed in accordance with the recommendation of the State of West Virginia Department of Tax and Revenue, Property Tax Division, as attached hereto:

<u>ACCOUNT</u>	<u>REVISED APPRAISED VALUE</u>
10-03-00300101	\$296,207
10-03-10300101	\$1,255,256
10-03-20300101	\$744,088
10-03-30300101	\$142,643
10-03-40300101	\$378,279
10-03-50300101	\$96,518
10-03-60300101	\$528,074
10-03-70300101	\$424,295
10-03-80300101	\$699,642
10-03-90300101	\$407,169
10-03-11300101	\$91,946
10-03-12300101	\$151,897

Elk Run coal Company, Inc. dba/
Republic Energy
February 23, 2006
Page 2

If you have any questions, please contact this office.

Sincerely yours,
Fayette County Commission as
Board of Equalization and Review



Matthew D. Wender, President



John H. Lopez, Commissioner



Kenneth L. Eskew, Commissioner

FCC:jch

cc: Wade Thompson, WV State Tax Department
Eddie Young, Assessor
Enclosure

"EXHIBIT A"
TO
APPLICATION FOR REVIEW
IDENTIFICATION OF PROPERTY

Identify mineral properties by mineral account number or otherwise.

COUNTY	DIST.	ACC. #	OPERATOR NAME	PERMIT	SEAM	COMPANY
FAYETTE	3	20302299	SKITTER CR. # 2	S-3022-99	UCB	REP. ENERGY
FAYETTE	3	20302299	SKITTER CR. # 2	S-3022-99	UCB	REP. ENERGY
FAYETTE	3	30302299	SKITTER CR. # 2	S-3022-99	WIN	REP. ENERGY
FAYETTE	3	30302299	SKITTER CR. # 2	S-3022-99	WIN	REP. ENERGY
FAYETTE	3	60302299	SKITTER CR. # 2	S-3022-99	CH	REP. ENERGY
FAYETTE	3	60302299	SKITTER CR. # 2	S-3022-99	CH	REP. ENERGY
FAYETTE	3	80302299	SKITTER CR. # 2	S-3022-99	LCB	REP. ENERGY
FAYETTE	3	80302299	SKITTER CR. # 2	S-3022-99	LCB	REP. ENERGY
FAYETTE	3	90302299	SKITTER CR. # 2	S-3022-99	BC	REP. ENERGY
FAYETTE	3	90302299	SKITTER CR. # 2	S-3022-99	BC	REP. ENERGY

State
Appraised
Value

acct	cbcd	pclid	resvac	actvrate	3/4 actvr	resvrate	coalpct	resvval	resvvalpct	thick	rec	mine life
10-03-00300101	uwn	10-03- 71-0001-0000-0000-000	101.94	3874.3	2905.7	2905.7	100	296207	\$296,207	2.41	61	3
10-03-10300101	lwl	10-03- 71-0001-0000-0000-000	265.28	6309.1	4731.8	4731.8	100	1255256	\$1,255,256	2.66	90	3
10-03-20300101	wil	10-03- 71-0001-0000-0000-000	229.83	4316.7	3237.6	3237.6	100	744088	\$744,088	1.82	90	3
10-03-30300101	fcl	10-03- 71-0001-0000-0000-000	207.32	917.37	688.03	688.03	100	142643	\$142,643	0.59	59	3
10-03-40300101	fcy	10-03- 71-0001-0000-0000-000	188.78	2671.7	2003.8	2003.8	100	378279	\$378,279	1.37	74	3
10-03-50300101	chl	10-03- 71-0001-0000-0000-000	160.56	801.51	601.13	601.13	100	96518	\$96,518	0.92	47	3
10-03-60300101	chlu1	10-03- 71-0001-0000-0000-000	160.56	4385.3	3288.9	3288.9	100	528074	\$528,074	2.08	80	3
10-03-70300101	chlu2	10-03- 71-0001-0000-0000-000	156.92	3605.2	2703.9	2703.9	100	424295	\$424,295	2.4	57	3
10-03-80300101	win	10-03- 71-0001-0000-0000-000	126.75	7359.8	5519.9	5519.9	100	699642	\$699,642	3.21	87	3
10-03-90300101	cbg	10-03- 71-0001-0000-0000-000	57.08	9511.1	7133.3	7133.3	100	407169	\$407,169	4.01	90	3
10-03-11300101	cbgu1	10-03- 71-0001-0000-0000-000	44.95	2727.4	2045.5	2045.5	100	91945.8	\$91,946	1.31	79	3
10-03-12300101	fcyu1	10-03- 71-0001-0000-0000-000	177.73	1139.5	854.65	854.65	100	151897	\$151,897	0.92	47	3

Republic Energy
ff

FCC
Approve
State Tax Dept's
values

county	district	acct	otype	parid	lline	reserveacres	active records	active records	active recor	active records
10	02	00301003	S	02 50000600000000	1	3.44	6791	3083	23369	10606
10	02	10301003	S	02 50000600000000	1	6.38	6791	3083	43338	19670
10	02	20301003	S	02 50000600000000	1	25.92	6700	3042	173701	78849
10	02	30301003	S	02 50000600000000	1	26.8	8874	4029	237839	107977
10	02	40301003	S	02 50000600000000	1	30	4074	1850	122252	55500
10	02	50301003	S	02 50000600000000	1	38.89	8015	3638	311667	141482
10	02	60301003	S	02 50000600000000	1	21.79	5659	2570	123323	56000
10	03	00301601	S	03 49000100000000	1	251	6074	2757	1524365	692007
10	03	00301601	S	03 65000200000000	2	21.8	6074	2757	132397	60103
10	03	00302299	S	03 71000100000000	1	42.99	8622	3914	370678	168263
10	03	10301601	S	03 49000100000000	1	98.7	9918	4502	978847	356,255,444,347
10	03	10302299	S	03 71000100000000	1	55.44	7402	3360	410322	186278
10	03	20301601	S	03 49000100000000	1	190	8290	3764	1574931	622,441,715,160
10	03	20301601	S	03 65000200000000	2	16.32	8290	3764	135289	61428
10	03	30301601	S	03 49000100000000	1	104.74	8290	3764	868213	347,514,394,241
10	03	30301601	S	03 65000200000000	2	10.45	8290	3764	86623	39334
10	03	40301601	S	03 49000100000000	1	73.67	8290	3764	610659	239,479,277,294
10	03	40301601	S	03 65000200000000	2	5.71	8290	3764	47340	21492

* accept as presented
 Rejected - New value
 Rejected - leave as it is
 accept
 see above
 accept
 see above
 see above
 see above
 see above
 see above
 see above

10-03-49-1 → Value per Co. Commission (Total Coal) 7,116,904*
 10-03-65-2 → USE original Value. No changes accepted.

Approved AS
 for *


Attachment 1

*

county	unique	smvalpct	scSmvalpct	valdiff	owner	
10	10-03-9999-0900-3208-0000-00	2150	2067	-83	PARDEE RESOURCES GROUP INC	accept
10	10-03-9999-0900-3546-0000-00	106151	106051	-100	PARDEE MINERALS LLC	accept
	10-01-9999-0814-0530-0000-00	11	10	-1	MIDDLEBURG PROPERTY LLC	accept
10	10-01-9999-0814-0530-0000-00	11	10	-1	MIDDLEBURG PROPERTY LLC	accept
10	10-01-9999-0814-0530-0000-00	11	10	-1	MIDDLEBURG PROPERTY LLC	accept
10	10-03- 67-0001-0000-0000-000	4009	1819	-2190	CHRISTIAN COLLIERY CO	accept
10	10-03- 2-0004-0000-0000-000	2336	186	-2150	CRAZE THELMA & GRAY PATRICIA	accept
10	10-03- 2-0026-0000-0000-000	20987	1660	-19327	AUXIER TIMOTHY R	accept
10	10-03- 4-0063-0000-0000-000	48	39	-9	JOHNSON LANDS LLC	accept
10	10-03- 15-0001-0000-0000-000	2722	218	-2504	MULLINS COAL CO	accept
10	10-03- 16-0001-0000-0000-000	58379	4688	-53691	BIG CREEK LAND COMPANY	accept
10	10-03- 21-0001-0000-0000-000	85518	6870	-78648	KANAWHA GAULEY C & C CO	accept
10	10-03- 28-0008-0000-0000-000	47749	3837	-43912	DALPORTO DEV CO	accept
10	10-03- 72-0005-0000-0000-000	1125	1082	-43	PARDEE & CURTIN REALTY LLC	accept
10	10-03-9999-0627-9519-0000-00	2880	229	-2651	PARDEE MINERALS LLC	accept
10	10-03-9999-0900-0667-0000-00	850	51	-799	CLONCH RODNEY DALE	accept

county	Unique	Seam	smvalpct	nScsmvalp	val.diff	owner
10	10-03- 28-0008-0000-0000-000	POW	21856	18455	-3400	DALPORTO DEV CO

accept

county	Unique	Seam	smvalpct	nScsmvalpct	val/dm	owner
10	10-03- 2-0026-0000-0000-000	CBG	4105	50771	46666	AUXIER TIMOTHY R
10	10-03- 4-0063-0000-0000-000	POW	68498	635681	567184	JOHNSON LANDS LLC
10	10-03- 15-0001-0000-0000-00	POW	7301	61896	54595	MULLINS COAL CO
J	10-03- 21-0001-0000-0000-00	PRL	37458	463240	425782	KANAWHA GAULEY C & C CO

Page 1
accept
accept
accept

unique	Smcode	Mineac	nMineac	Thick	nThick	acreval	nacreval	smvalpct	nsmvalpct	val.diffr	owner
10-03- 2-0004-0000-0000-000	POW	39.720001221	0	2.75	1.25	122.07922652	0	4849	0	-4849	CRAZE THELMA & GRAY PATRICIA & accep
10-03- 2-0022-0000-0000-000	POW	7.6599998474	0	2.75	1.25	87.331373967	0	669	0	-669	LOPETRONE DOMENICO & DEBRA K accep
10-03- 2-0025-0000-0000-000	POW	16.870000839	0	2.86	1.25	88.244383786	0	1489	0	-1489	HICKS CECIL JENNINGS accep
10-03- 2-0026-0000-0000-000	POW	52.5	0	2.75	1.25	120.20468945	0	6311	0	-6311	AUXIER TIMOTHY R accep
10-03- 4-0060-0000-0000-000	POW	8 2.9029749333	0	2.75	2.75	118.84610846	118.84610846	951	345	-606	CRAIG APRIL LYNN & accep
10-03- 4-0061-0000-0000-000	POW	12.220000267	0	2.75	1.25	5	0	61	0	-61	CLONCH INDUSTRIES INC accep
10-03- 4-0062-0000-0000-000	POW	14.350000381	13.063941963	2.75	2.75	111.23172158	111.23172158	1596	1453	-143	HILL GEORGE accep
10-03- 6-0002-0000-0000-001	POW	37.900001526	37.127006121	3.75	3.732982	160.98338887	160.25280618	6101	5950	-151	accep
10-03- 6-0002-0000-0000-002	POW	37.900001526	37.127006121	3.75	3.732982	160.98338887	160.25280618	6101	5950	-151	accep
10-03- 6-0003-0000-0000-000	POW	0.720000286	0.619010244	3.75	3.75	1570.3788237	1570.3788237	1131	972	-159	RHODES PATRICIA A ETAL accep
10-03- 6-0006-0000-0000-000	POW	1.509999905	1.3565742539	3.75	3.75	1973.4334241	1973.4334241	2980	2677	-303	BROWN PEGGY SUZETTE accep
10-03- 11-0001-0000-0000-00	POW	3.8499999046	3.2588887456	3.25	3.25	114.9381926	114.9381926	443	375	-68	COLEMAN CHARLES E accep
10-03- 18-0003-0000-0000-00	POW	286.73999023	263.83656209	3.67	3.505433	164.44702213	157.07303771	47154	41442	-5712	MATHEWS PROPERTIES SUGAR CREEK accep
10-03- 18-0005-0000-0000-00	POW	9.0900001526	8.6992385751	3.94	3.887793	181.58099262	179.17495816	413	390	-23	accep
10-03- 18-0005-0000-0000-00	POW	9.0900001526	8.6992385751	3.94	3.887793	181.58099262	179.17495816	1238	1169	-69	accep
10-03- 20-0001-0000-0000-00	POW	126.05999756	0	2.75	1.25	64.784844773	0	2722	0	-2722	accep
10-03- 20-0001-0000-0000-00	POW	126.05999756	0	2.75	1.25	64.784844773	0	2722	0	-2722	accep
10-03- 20-0001-0000-0000-00	POW	126.05999756	0	2.75	1.25	64.784844773	0	2722	0	-2722	accep
10-03- 21-0001-0000-0000-00	POW	4257.6499023	2292.2717718	3.29	3.280308	110.10285342	109.77850760	468779	251642	-217137	KANAWHA GAULEY C & C CO accep
10-03- 22-0010-0000-0000-00	POW	1.2999999523	1.0805659183	4.26	4.25	1932.8769266	1928.3396568	2513	2084	-429	ABBOT PROPERTIES LLC accep
10-03- 25-0033-0000-0000-00	POW	161.71000671	131.2377749	4.28	2.977822	153.68156578	106.92439357	24852	14033	-10819	K L C CORPORATION accep
10-03- 25-0038-0000-0000-00	POW	60.919998169	61.032894587	4.2	3.420529	153.84035009	125.28936814	9372	7647	-1725	KLC CORP accep
10-03- 26-0001-0000-0000-00	POW	6.1399998665	2.1248984249	4.26	2.75	213.43138225	137.77847446	1310	293	-1017	HISER BOYD A accep
10-03- 28-0012-0000-0000-00	POW	11.159999847	11.484307146	4.25	3.790710	110.46561732	98.527802032	1233	1132	-101	O DELL RALPH accep
10-03- 28-0015-0000-0000-00	POW	8.1700000763	8.3515078663	4.14	3.894958	110.10068405	103.58393674	900	865	-35	W VA LAND AGENCY accep
10-03- 2K-0004-0000-0000-00	POW	2.2100000381	0	2.75	1.25	88.985377262	0	197	0	-197	WAUGH RICKY WAYNE accep
10-03- 2P-0017-0000-0000-00	POW	9.0699996948	0	2.75	1.25	5	0	45	0	-45	HICKS CECIL JENNINGS accep
10-03- 31-0038-0000-0000-00	POW	13.75	12.930577626	4.25	4.25	135.73352493	135.73352493	1866	1755	-111	BOLEY WARREN accep
10-03- 32-0001-0000-0000-00	POW	1.6399999857	1.2417381693	4.25	4.25	137.77847446	137.77847446	226	171	-55	WAUGH LARRY K & TRUDY L accep
10-03- 37-0027-0000-0000-00	POW	114.12000275	107.49159939	4.07	4.050942	110.94403527	110.42454552	12661	11870	-791	ELKEM METALS CO ALLOY L P accep
10-03- 38-0003-0000-0000-00	POW	207.47000122	205.36348378	3.48	3.369944	100.46716741	97.289869874	20844	19980	-864	THREE RIVERS COMPANIES LLC accep
10-03- 39-0014-0000-0000-00	POW	0.8100000024	0.6353028527	3.6	3.624317	5	5.033773682	4	3	-1	NICASTRO BERNICE SETTLORS accep
10-03- 39-0017-0000-0000-00	POW	2.8299999237	2.8219601911	3.75	3.639735	116.43807286	113.01432910	330	319	-11	HUDDLESTON MAE & FRED accep
10-03- 39-0022-0000-0000-00	POW	0.6899999976	0.5663947637	3.52	3.227653	107.44405403	98.520497413	74	56	-18	ABBOTT CHAS A accep
10-03- 42-0001-0000-0000-00	POW	3.1600000858	0	3.8	1.25	82.787998800	0	262	0	-262	SMITH JULIAN K & JAQUELINE E accep
10-03- 42-0009-0000-0000-00	POW	24.819999695	0	4.25	1.25	94.663625297	0	2350	0	-2350	SMITH JULIAN K & JAQUELINE E accep
10-03- 46-0004-0000-0000-00	POW	7.1599998474	6.5140000165	5.25	3.25	125.96502156	77.978346681	902	508	-394	DORSEY WILLIAM M accep
10-03- 4C-0009-0000-0000-00	POW	0.5899999738	0	2.75	1.25	110.04738755	0	649	0	-649	ELSWICK PAUL T & PATRICIA A accep
10-03- 72-0001-0000-0000-00	POW	73.629997253	70.963151101	7.29	6.772748	277.57213515	257 87739969	20438	18300	-2138	EAGLE LAND CO accep
10-03- 72-0005-0000-0000-00	POW	144.27999878	144.05082752	3.32	2.758012	93.737596499	3304299	13524	11217	-2307	PARDEE & CURTIN REALTY LLC accep
10-03-9999-0629-18-0000-0	POW	0.1700000018	0.1392645674	6.65	6.25	2647.506677	2400.2581550	450	347	-103	LIGHTNING INC accep

Attachment 7

unique	Smcode	Mineac	nMineac	thick	nthick	acval	nacval	smvalpct	nsmvalpct	val/diff	owner
10-03- 6-0007-0000-0000-000	POW	1.8300000429	2.1516333245	3.75	3.595915	1987.3799500	1905.7196459	3637	4100	463	GAULEY RIVER CORP <i>accept</i>
10-03- 14-0002-0000-0000-00	POW	6.8299999237	9.3056402204	3.69	3.597683	128.44613678	125.23266497	877	1165	288	KANAWHA GAULEY COAL & COKE CO <i>accept</i>
10-03- 22-0001-0000-0000-00	POW	1.6900000572	1.8714635741	4.39	4.25	161.06383357	155.92740152	272	292	20	CONSOLIDATED GAS TRANSMISSION <i>accept</i>
10-03- 22-0002-0000-0000-00	POW	1.5099999905	1.5852679274	4.25	4.25	155.92740152	155.92740152	235	247	12	HUGHES JOHN WAYNE & CAROLYN S <i>accept</i>
10-03- 22-0003-0000-0000-00	POW	1.5599999428	1.6744386119	4.25	4.25	155.92740152	155.92740152	243	261	18	LOPEZ JOHN JOHNNY & <i>accept</i>
10-03- 31-0048-0000-0000-00	POW	82.430000305	83.613528016	3.64	3.610388	121.50608932	120.517613	10016	10077	61	CENTRE EQUITIES INC <i>accept</i>
10-03- 39-0005-0000-0000-00	POW	0.9700000286	1.4772377345	4.25	4.25	122.64198209	122.64198209	119	181	62	ELKEM METALS CO ALLOY L P <i>accept</i>
10-03- 39-0013-0000-0000-00	POW	7.3800001144	7.9584883488	3.42	3.396808	5	4.9660930400	37	40	3	CRUM JEAN H ETAL <i>accept</i>
10-03- 39-0015-0000-0000-00	POW	5.3000001907	5.6399293806	3.75	3.75	116.43807286	116.43807286	617	657	40	CENTRE EQUITIES INC <i>accept</i>

Attachment 10

unique	Smcode	Mineac	nMineac	thick	nthick	acreval	nacreval	smvalpct	nsmvalpct	valdiff	owner
10-03-9999-0629-1620-0000-0	POW	0.1700000018	0.1392645674	6.65	6.25	2647.506677	2488.2581550	450	347	-103	LIGHTNING INC <i>accept</i>
10-03-9999-0629-1648-0000-0	POW	0.1700000018	0.1392645674	6.65	6.25	2647.506677	2488.2581550	450	347	-103	LIGHTNING INC <i>accept</i>
10-03-9999-0631-5374-0000-0	POW	4.9000000954	0	2.75	1.25	5	0	25	0	-25	DRAKE BETTY M <i>accept</i>
10-03-9999-0631-5383-0000-0	POW	0.5	0	2.75	1.25	5	0	2	0	-2	DRAKE BETTIE M <i>accept</i>
10-03-9999-0632-0377-0000-0	POW	213.69999695	178.49780593	3.75	3.233165	132.80142818	114.49836615	28380	20438	-7942	JOHNSON LANDS LLC <i>accept</i>
10-03-9999-0632-8280-0000-0	POW	4.3099999428	4.2519353861	3.75	3.75	1997.8398445	1997.8398445	8611	8495	-116	NICHOLS DANIEL & PEGGY <i>accept</i>
10-03-9999-0804-0103-0000-0	POW	4014.6799316	1199.2945128	3.13	2.965577	112.82759506	106.90062636	452967	128205	-324762	CANNELTON INDUSTRIES <i>accept</i>
10-03-9999-0900-0667-0000-0	POW	31	0	2.75	1.25	86.669772649	0	2687	0	-2687	CLONCH RODNEY DALE <i>accept</i>
10-03-9999-0900-1156-0000-0	POW	6.1599998474	6.0454586667	3.75	3.75	2015.273002	2015.273002	12414	12183	-231	HOLSTEIN LARRY & LULA CHRISTIN <i>accept</i>

Commissioner Lopez offered a motion to adjourn the Board of Equalization and Review at 2:25 p.m., February 23, 2006 sinedie. Commissioner Eskew seconded. Unanimous.

The Commission reconvened the County Commission meeting at 2:25 p.m.

The Commissioners approved to transcribe Pocahontas Land Company Board of Equalization and Review tapes.

The Commissioners received and reviewed a letter from the White Oak Public Service District recommending that Eddie Chornobay be reappointed as a member of their Board.

Commissioner Lopez offered a motion to reappoint Eddie Chornobay a member of the White Oak Public Service District Board term to expire January 1, 2012. The Commissioners signed Order and an appointment to serve letter.

The Commissioners received and reviewed a letter from the New River Alliance of Climbers requesting permission to use the Courthouse lawn on Saturday, May 20, 2006 from 7:00 a.m. to Noon for their 4th Annual New River Rendezvous on May 19-21, 2006.

Commissioner Eskew offered a motion to approve the New River Alliance of Climbers use of the Courthouse lawn for their 4th Annual New River Rendezvous being held May 19-21, 2006. Commissioner Lopez seconded. Unanimous.

The Commissioners signed PEIA Open Enrollment Benefit Coordinator Designation Form to participate in their online enrollment process.

The Commissioners received and reviewed a letter from the Fayette County National Bank informing \$300M FHLB cusip3133MEU66 security

which they have pledged will not be available for pledge as of February 17, 2006 they will substitute this security with \$300 FNMA cusp3136F2NKO.

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

The Commissioners received and reviewed a copy of a letter from the Governor approving \$40,000 Fiscal Year 2006 Local Economic Development Assistance Program to assist in the development of tourism and recreation projects. A portion of the grant fund will be used to begin site development for the Fayette County Sportsman's Recreation Center (\$25,000) on property adjacent to the Fayette County Park. A portion of the grant fund will be used to begin development of the Hank Williams Museum in Oak Hill (\$15,000).

Commissioner Eskew offered a motion to approve and authorize Commissioner Wender to execute agreement and adopt Resolution. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from the Hank Williams Museum requesting \$7,000 to start renovation of the old Pure Oil Service Station. The Commissioners asked to hold for budget.

The Commissioners signed the Fayette County Fire Levy Protection Agreement for the Pax Volunteer Fire Department for the period July 1, 2005 to June 30, 2006 and the Modification Agreement for Pax Volunteer Fire Department for the period July 1, 2005 to June 30, 2006.

Commissioner Lopez offered a motion to approve four (4) vehicles

for Fiscal Year 2007 for Law Enforcement and approved to issue purchase order for vehicles. Commissioner Eskew seconded. Unanimous.

The Commissioners received and reviewed a letter from Tim Richardson, Zoning Officer informing that in a recent appeal of a decision of the Board of Zoning Appeals (Writ of Certiorari) the Circuit Court awarded the petitioner William R. Neal attorney fees associated with this action be paid, amount \$1,559.08.

Commissioner Lopez offered a motion to pay attorney fees to William R. Neal, amount \$1,559.08. Commissioner Eskew seconded. Unanimous.

The Commissioners received and reviewed a letter from Dave Pollard, County Resource Coordinator and Mark Ehrnschwnder, Project Coordinator asking the Commission to consider adoption of the Comprehensive Wastewater Plan.

The Commissioners asked Ms. Holly to contact Mr. Pollard and ask him to schedule an appointment on the agenda when he is ready.

The Commissioners received and reviewed a letter from the Fayetteville Little League requesting permission to use the Soldiers and Sailors Memorial Building for the 2006 baseball season.

Commissioner Eskew offered a motion to approve the use of the Memorial Building for Fayetteville Little League baseball season, rental fees waived, all other rules are applicable including the insurance requirements and custodial and trash fees. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to approve February 3, and February 9, 2006 County Commission minutes. Commissioner Eskew

seconded. Unanimous.

Ms. Holly presented an e-mail from David Neal, E911 Coordinator regarding replacement of their current recorder system to the Commissioners. Mr. Neal told Ms. Holly the estimated cost would be about \$20,000.00.

Ms. Holly told the Commissioners that they would have to advertise.

Commissioner Wender suggested asking David Neal to come over to discuss this matter.

The Commissioners received and reviewed a fax from the Office of the State Treasurer that funds due for the January Limited Video Lottery will be directly deposited on February 27, 2006, amount \$5,595.41.

The Commissioners received from Kelvin Holiday, County Clerk, an invoice from Complete System Support, Inc. (CSSI) for \$213.94. The Commissioners approved to pay.

The Commissioners received and reviewed a copy of a letter from Sheriff William Laird to Judge Darrell McGraw requesting the possible awarding of funding support by his office for the benefit of the newly established Fayette County Community Corrections Program.

The Commissioners received and reviewed a letter from the West Virginia Department of Environmental Protection acknowledging that Underground Injection Control Program (UIC) has received an application from the Fayette County Park. Ms. Holly forwarded a copy of the letter to Earl Pauley, Park Superintendent.

The Commissioners signed the Fayette County Planning Commission

minutes of February 21, 2006.

The Commissioners received minutes from the Fayette County Planning Commission for February 23, 2006. Commissioner Wender suggested holding off signing until he review.

The Commissioners received and reviewed a letter from the New River Engineering, Inc. enclosing a copy of the Appalachian Fuels, LLC, Community Impact Statement application. Original forwarded to Tim Richardson, Zoning Officer and a copy forwarded to Eddie Young, Assessor.

The Commissioners received and reviewed a letter from Delegate David G. Perry informing the Commissioners that he has received their 2005-2006 Budget Digest Request for the 2007 fiscal year.

The Commissioners received and reviewed a letter from PenTree, Incorporated informing they have enclosed a half size set of drawings for their review of the Southern Appalachian Labor School/Fayette County Proposed Dormitory Building.

The Commissioners received and reviewed a letter from P & A Engineers and Consultants enclosing a 1"=2000' topographic map which indicates the area for the proposed operation regarding Eagle No. 1 Surface Mine. Original forwarded to Tim Richardson, Zoning Officer.

The Commissioners received and reviewed a claim for Mark Webb from BrickStreet Insurance.

The Commissioners received and reviewed a letter from Sheriff William Laird informing that Angela Lee has missed five (5) days of work. Ms. Lee has no sick or vacation leave. Sheriff Laird is requesting that five (5) days be deducted from her payroll for the

period February 16, 2006 through February 28, 2006.

The Commissioners received and reviewed a thank-you letter from Mountain Transit Authority thanking the Commission for meeting with them on January 6, 2006 to request support and a donation of \$2,750 to help keep the public transportation in Fayette County.

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

The Commissioners received and reviewed checks for 911 Fees from Verizon, amount \$32,727.87, IDT Corporation, amount \$60.00, Access Point, Inc., amount \$308.00, Cleartel Telecommunications, Inc., amount \$16.00, and Granite Telecommunications, LLC, amount \$126.00; Franchise Fees checks from Charter Communications, amount \$1,746.17, and Bradley Communications, amount \$524.33; A refund check from BrickStreet Insurance, amount \$1,217.69; Homeland Security check amount \$5,619.99; Supreme Court-Family Law Master rent, amount \$2,025.00; Jail Fee check from the City of Oak Hill, amount \$970.00; and Criminal Justice Service-Community Corrections Grant, amount \$5,848.25.

The Commissioners received and reviewed Weekly Fees Collected for the Fayette County Animal Control Center/NRHS for the week of February 10, 2006 to February 16, 2006, amount \$105.00.

The meeting was adjourned at 3:06 p.m. The next scheduled meeting is March 10, 2006.



FAYETTE COUNTY COMMISSION

REGULAR SESSION

JANUARY 6, 2006

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 6th day of January 2006.

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

Commissioner John Lopez made a motion to name Commissioner Wender as President for the year 2006. Commissioner Eskew seconded. Unanimous.

Commissioner Eskew offered a motion to elect Commissioner John Lopez as Purchasing Agent, Debbie Berry designated as Assistant Purchasing Agent and Charlotte Holly, County Administrator, Earl Pauley, Park Superintendent, Steve Cruikshank, OES Director and David Neal, Director E911 were authorized to make purchases up to \$600.00 without prior County Commission approval for the year 2006. Commissioner Wender seconded. Vote passed 3-0. Reorganization Order signed.

The Commissioners signed the legal for the Review and Equalization of Assessments.

Commissioner Lopez offered a motion to approve exonerations for real property tax as submitted by the Assessor. Commissioner Eskew seconded. Unanimous.

Commissioner Lopez offered a motion to approve refunds for TransMaster and Hardy Resources. Commissioner Eskew seconded. Unanimous.

Mr. Young told the Commissioners that Robert Dickinson owner of

Midland Trail Car Auto wash is due a tax credit of \$487.98 due to a clerical error.

Mr. Young asked that this be in a form of a credit against property taxes owing for the following year or years until the debt represented by the clerical error is paid.

Commissioner Eskew offered a motion to approve tax credit of \$487.98 to Robert Dickinson due to a clerical error. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve vouchers, invoices and payrolls, payrolls for 1st half of January to be released on January 13, 2006. Commissioner Eskew seconded. Unanimous.

Delegate John Pino appeared before the Commission to present a Certificate for the construction of a horseshoe pit for the Fayette County Park, amount \$5,000.00. The Commissioners signed Agreement for the 2005 Local Economic Development Assistance for the Horseshoe Pit for the Fayette County Park.

Commissioner Wender offered a motion to approve minutes of November 14 and November 28, 2005. Commissioner Lopez seconded. Unanimous.

Mike Fox with Bud Fox Body Shop appeared before the Commission to discuss the accumulations of vehicles he has picked up.

Mr. Fox told the Commissioners he has accumulated 22 vehicles over a two-month period.

Mr. Fox asked the Commission if they would set up a flat fee to charge for storing the unwanted vehicles.

Ms. Holly told the Commissioners and Mr. Fox that the Commission or the Fayette County Solid Waste Authority do not have the authority to do this.

Commissioner Wender asked that this discussion be tabled and set an this item on the agenda and ask Joseph Carelli, Litter Control Officer for the Fayette County Solid Waste Authority to attend. Commissioner Wender asked Mike Fox to have a written proposal to present.

Chris dyer, Housing Consultant for the Fayette County Housing and Economic Opportunity Council appeared before the Commission to discuss Multi-Cap, Inc.

Commissioner Lopez told the Commissioners that Damon Bradshaw has not gotten back with him.

Commissioner Wender informed the Commissioners that Multii-Cap stopped funding the Fayette County Housing and Economic Opportunity Council the end of September.

Mr. Dyer told the Commissioners that Multi-Cap said definitely they would not fund the FCH-EOC in the winter months.

Commissioner Wender asked that the head of the Fayette County Operations in Oak Hill be put on the agenda. Commissioner Wender asked that they present a presentation of the services provided to Fayette County and provide a copy of their budget and revenues.

Carl Harris, Prosecuting Attorney suggested to the Commission to file a Freedom of Information Act.

Commissioner Lopez informed he would talk with Loyd Casto and Damon Bradshaw regarding this matter.

Commissioner Wender asked to call and ask the head of the Fayette County Operations to come and the Commission would make a decision on January 30, 2006.

The Commissioner received a written findings of facts from Attorney Katie L. Hoffman and Joe White regarding a petition to

remove the Executor in the Estate of Lloyd A. Sanford.

Attorney Phil Tissue presented his findings of facts to the Commissioners this morning.

Commissioner Wender told Attorney Tissue that he did not make copies of the findings of facts for Commissioner Lopez and Commissioner Eskew. Commissioner Wender asked that they bear with them while they read through the presenting of facts presented by Attorney Phil Tissue.

The Commissioners asked to recess the County Commission meeting for fifteen minutes (10:30) to review Attorney Tissue's findings of facts.

The Commissioner reconvened the County Commission meeting at 10:45 a.m.

Commissioner Wender asked Commissioner Eskew and Commissioner Lopez to make comments on this case on what they have heard and what they have read and then he would ask if there is a motion on the floor to go one way or the other.

Commissioner Eskew informed he has reviewed the findings of facts as presented by both of the parties involved in this case of the Estate of Lloyd A. Sanford and also heard the oral testimony and reviewed the facts and discussion and in his opinion the request should be denied.

Commissioner Lopez informed after his review of the facts and findings and also in review of the appraisal admitted for probate he see no reason why William Sanford should be removed as Executor of the Estate of Lloyd A. Sanford.

Commissioner Wender informed he too is in favor of William Sanford remaining Executor of this Estate because of the assurance

that nothing is going to happen with any distribution of any assess from this and we will take this on his word and that word being passed on by his Counsel.

Commissioner Wender asked if there were any more comments.

Commissioner Wender request that the floor entertain a motion on these two matters.

Commissioner Eskew offered a motion that William E. Sanford remain Executor of the Lloyd A. Sanford Estate and that the request to change be denied. Commissioner Lopez seconded. Unanimous.

Attorney Katie Huffman asked that her objection be noted and asked that in light of the Commission position that according to West Virginia Section 4455 that Mr. Sanford be committed to post a Fiduciary Bond.

Commissioner Eskew offered an amendment to his original motion to clarify the issue that the items that were mentioned in Mr. Tissue petition as far as finding of facts are concern poses the ones that were being adopted going forward in this motion. Commissioner Lopez seconded. Unanimous.

Commissioner Wender informed rather than reinstate the original motion he suggested to add to the motion that the original motion was to include those conclusions of law that he think Robert Rules of Order would say they would have to vote the amendment, so Commissioner Wender asked the Commission if they would vote whether they would accept that amendment to the original motion. The Commissioners voted unanimously to vote this amendment to the original motion.

Commissioner Wender asked for a vote on the original motion

made. Vote was unanimously.

Commissioner Wender asked to discuss the matter of the bond.

Attorney Phil Tissue asked the Commission if he could speak regarding the bond.

Attorney Tissue told the Commissioners they had indicated throughout this whole proceeding that they would freeze the assets.

Attorney Tissue told the Commissioners they have already adopted their finds of fact when there's no justification for adding a bond because the last will and testimony continues to be intact and the testator said that no bond would be required. Mr. Tissue told the Commissioners he see no reason at this point for any consistency inquiring to a bond when the will doesn't require one.

Commissioner Wender asked for Carl Harris, Prosecuting Attorney or Brain Parsons, Assistant Prosecuting Attorney guidance in this matter.

Commissioner Eskew offered a motion that there would be no bond requirement on the finding and the Executor will remain to serve without bond. Commissioner Lopez seconded.

Attorney Huffman asked to note there objection.

Commissioner Wender informed that anyone who wants a copy of the tape is welcome.

The hearing was adjourned.

Attorney Michael Anderson appeared before the Commission with a Petition to remove Administrator in the Estate of Daniel W. Packard.

Attorney Anderson informed the Commissioners he filed the petition primarily for one reason that is to require the Executrix provide documentation to his client the widow and one of the

beneficiaries of the Estate of Daniel W. Packard.

Attorney Anderson told the Commissioners that prior to Mr. Packard's death there were certain bank accounts at Capital State Bank as well as an automobile during the time of Mr. Packard's death. Those assets have been previously transferred into a survivorship account at the bank and possibly the title to the vehicle had been transferred from Mr. Packard to Ms. Henson.

Attorney Anderson told the Commissioners he thought Ms. Henson had a Power of Attorney.

Attorney Anderson is asking that Ms. Henson provide documentation.

Commissioner suggested that Angela Henson be sworn in.

Ms. Henson told the Commissioners that she has the documents that Mr. Anderson was requesting.

Ms. Henson told the Commissioners that she has no document saying that she has Power of Attorney over the Estate.

Mr. Anderson told the Commissioners that if Ms. Henson has the documents this would solve the problem.

Commissioner Eskew asked Mr. Anderson if he was satisfied.

Mr. Anderson told the Commissioner he will withdraw the Petition to remove Administrator in the Estate of Daniel W. Packard since he has received a copy of the executed signature agreement with Capital State Bank as well as the Documentation to request from the Department of Motor Vehicle the copy of the title transferring from Mr. Packard to his daughter he would now withdraw Ms. Packard's Petition to remove Ms. Henson as executrix.

Commissioner Wender on behalf of the Commissioner informed the

Commission acknowledge Mr. Anderson's request to dismiss this Petition. The matter is closed.

Carl Thompson, WVU Extension Agent and David Johnson Director of Mountain Transit Authority appeared before the Commission to request funding.

Mr. Johnson gave a complete summary of the areas that are served in Fayette County.

Mr. Johnson informed the Commissioners that they have worked out a formula for each municipality and County and they are asing that Fayette County contribution be \$2,750.00.

Commissioner Wender told Mr. Johnson they would consider there request during the budget session in March.

The Commissioner recessed the County Commission meeting at 11:50 a.m

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

Attorney Larry Losch appeared before the Commission with a Petition to remove Eliza Catherine Johnson as Administratrix of the Gary W. Johnson Estate.

Present were Attorney Fred Jesser representative for Eliza Catherine Johnson and Michael T. Johnson, son, Sara Probst, daughter and Phillip Mitch Cole, friend who prepared the appraisal.

Commissioner Wender swore in everyone who wished to speak on behalf of the Estate, Eliza Johnson, Sara Probst, Michael Johnson, and Mitch Cole.

Both Attorney's Fred Jesser and Larry Losch questioned and presented their evidence in the proceedings. (A taped copy of the

hearing is in the County Commission Office).

After the evidence was presented from both sides the Commissioners decision was that both Attorney's present to the Commission a Findings of Fact and submit to the Commission by January 20th and a decision would be made on January 30, 2006.

Ms. Holly informed the Commissioner that the Board of Equalization and Review mineral hearings will be held on February 3, 2006 at 9:00 a.m. and the industrial hearings will be held February 15, 2006 at 1:00 p.m.

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

January 30, 2006	Monday	1:00 p.m.
February 3, 2006	Friday	9:00 a.m.
February 9, 2006	Thursday	9:00 a.m.
February 15, 2006	Wednesday	1:00 p.m.
February 21, 2006	Tuesday	9:00 a.m.
February 23, 2006	Thursday	1:00 p.m.

The Commissioners signed letters to Carl Harris, Prosecuting Attorney and Eddie Young, Assessor informing them of the dates and times of the Board of Equalization and Review hearings.

The Commissioners signed Request for Reimbursement for final drawdown for the courthouse windows, amount \$28,700.00 to the West Virginia Courthouse Facilities Improvement Authority.

Ms. Holly informed the Commissioners she received a Newsletter informing that the mileage rate had decreased.

Ms. Holly told the Commissioners that the State rate is 40.5¢ per mile but the Internal Revenue Service rate is 44.5¢ per mile.

Commissioner Eskew offered a motion to decrease the County's mileage rate to 44.5¢ based on the Internal Revenue Service rates. Commissioner Lopez seconded. Unanimous. Order signed.

The Commissioner signed Otis Elevator Company Contract for the period January 1, 2006 to December 31, 2006.

The Commissioner received and reviewed a letter from the Gauley River Public Service District asking that Russell Deering be reappointed as a member on the Gauley Public Service District.

Commissioner Eskew offered a motion that Russell Deering be reappointed as a member on the Gauley River Public Service District. Commissioner Lopez seconded. Unanimous. Order and appointment to serve letter signed.

Commissioner Eskew offered a motion to approve Debbie Aliff, Payroll clerk 31 hours overtime. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve Resolution in support of a container law for the State of West Virginia. Commissioner Eskew seconded. Unanimous. Resolution signed.

The Commissioners signed Request for Reimbursement for a first and final drawdown for the Fayette County Sheriff's Department for the purchase of Firearms and cost of the specialized firearms to the West Virginia Development Office is \$5,000.00.

The Commissioners signed invoice to the Fayette County Board of Education for rental of the Fayette County Soldiers and Sailors Memorial Building for the month of February, amount \$5,416.67.

Commissioner Lopez offered a motion that President Matthew Wender be authorize to execute agreement for the Fiscal Year 2006 Local Economic Development Assistance Program Grant for the North Sand Branch Baptist Church and approve and authorize the adoption of the Resolution. Commissioner Eskew seconded. Unanimous. Resolution and application signed.

The Commissioner received and reviewed Monthly Progress Report from TRIDENT for the month of December.

The Commissioners approved for Ms. Holly to attend the Employment Law From A to Z seminar being held January 18, 2006.

The Commissioners approved invoice from Patrick B. Ford for \$1,000 for Professional Serive for the Roaring River Plat Review.

The Commissioner received and reviewed a letter from Region 4 Planning and Development Council enclosing a Memorandum of Understanding for the Fayette County Commission-Project #03SCBG0102 Elevator/SALS project dormitory project.

Commissioner Wender asked that W. D. Smith, Executive Director Region 4 Planning and Development Council and John David, Director Southern Appalachian Labor School be scheduled on the January 30, 2006 County Commission agenda to discuss.

Ms. Holly informed the Commissioners she received only one bid for the GIS software and for the conversion of CAD files to a seamless ESRI geodatabase or personal database compatible with the States's.

Ms. Holly told the Commissioners the bid came from Mountain CAD.

Ms. Holly told the Commissioners she forwarded a copy to Eddie young, Assessor and to Carl Harris, Prosecuting Attorney to review on

behalf of Eddie young and the Commission.

Ms. Holly told the Commissioners that she did tell Mr. Young that the contract for the GIS conversion should address payment installments and acceptance testing.

The Commissioner received and reviewed affidavit of Lost Certificate of Sale from Carol Perry.

Commissioner Lopez offered a motion to approve Affidavit of Lost Certificate of Sale and Orders filing in the Clerk's office in satisfaction of the requirements of West Virginia Code 11A-13-19. Commissioner Eskew seconded. Unanimous.

Ms. Holly informed the Commissioners of the increased in the Counties Workers Compensation Commission premium.

Commissioner Lopez told the Commissioner she received a copy of a fax from the West Virginia Association of Counties informing that the base rates have not increased and remain at \$2.77 per 100.

The Commission approved to pay half of the Workers' Compensation premium (BrickStreet) for the period of July 1, 2006 to July 1, 2006, amount \$49,293.00.

The Commissioners asked Ms. Holly to check into the cost for the County.

The Commissioner received and reviewed the Assessor's PVC Budget for Fiscal year 2006-2007.

The Commissioner received and reviewed a note from Gary Reynolds asking that Earl Pauley, Park Superintendent make a copy of the note taken at their last meeting and send to him regarding the Rental Agreement and regulations at the Fayette County Park.

The Commissioner received and reviewed a letter from Geneva Neal

regarding the Wall of Honor plaques.

Ms. Holly told the Commissioners she forwarded the letter to Allen Ballard and asked that he correct mistake.

Ms. Holly presented to the Commissioners an invoice from Software Systems, Inc. for IBM 36 Month Software maintenance Agreement for computer systems at the Courthouse.

Commissioner Eskew offered a motion to enter a service contract agreement with Software Systems for the operations of the computer systems at the Courthouse, amount \$12,723.90. Commissioner Wender seconded. Unanimous.

The Commissioners approved to write check to the Homeland Security and Emergency Management Fund for the Adjustment of expenditures of \$5,552.00 Of the remaining \$12,659.38 balance in funds remaining.

The Commissioners received checks for 911 Fees for Operating Account, amount \$1,764.18, Verizon, amount \$33,375.23, VarTec, amount \$3.88, Trinsic Communications, Inc., amount \$28.00, Nos Communication Inc., \$2,00, CityNet Holdings, LLC, amount \$5.82, Mountain Communications, amount \$52.92, IDT Corporation, amount \$64.00, Granite Telecommunications, LLC, amount \$122.00, Cleartil Telecommunications, Inc., amount \$58.00, AT&T Communications of WV, amount \$1,134.00; Franchise Fees-Bradley Communications, amount \$533.18; Soldiers and Sailors Fund, amount \$950.00; Reimbursement \$12,858.34; WV Development Office-Courthouse Jury Room chairs, amount \$5,999.25; Criminal Justice Community Corrections, amount \$3,403.05; Courthouse Facilities Improvement, amount 416,896.00; Supreme Court FLM rent, amount \$2,025.00.

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

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

The Commissioner received and reviewed from the Fayette County Animal Control Center/NRHS the Monthly Revenue Report, Activity Report for the month of December and C-PAC allotment, amount \$10,732.96 for the month of January.

The Commissioner received and reviewed from the Fayette County animal Control Center/NRHS Weekly Fees Collected for the week of December 9 to December 15, 2005, amount \$75.00, the week of December 16 to December 22, 2005, amount \$165.00, the week of December 23, to December 29, 2005, amount \$95.00 and the week of December 30 to December 31, 2005, amount \$105.00 and the week of January 1 to January 5, 2006, amount \$65.00.

The Commissioner received and reviewed a copy of a letter from Region 4 Planning and Development Council to the West Virginia Development Office concerning questions regarding Southern Appalachian Labor School budding procedures.

The Commissioner received and reviewed a letter from the West Virginia Development Office regarding the Fayette County Commission-Project #03SCBG0102 Courthouse Elevator/SALS Dormitory acceptable bidding procedures.

The Commissioners signed Request for Reimbursement from the West Virginia Division of Criminal Justice Services for the Community Corrections Grant, amount \$6,017.65.

The Commissioners signed the 4th Quarter State Tax Report for the

Fayette County Park, amount 4103.67.

The Commissioner received and reviewed a letter from the Governor's Office informing the Fiscal Year 2005 application to the Local Economic Development Assistance program has been approved to construct a horseshoe pit at the Fayette County Park, amount \$5,000.00.

The Commissioner received and reviewed Audit Report of the Fayette County Magistrate Court for the period ended December 31, 2004.

The Commissioner received and reviewed a letter from Judge John Hatcher, Jr. requesting that the flags at the Courthouse and the Courthouse Annex be replaced.

The Commissioner signed Maintenance Agreement with the Lanier Corporate Worldwide for copier in the Sheriff Road Office.

The Commissioner received and reviewed Cash Statement and Asset List from the Bank of New York for the month of December.

The Commissioner received and reviewed a letter from Steptoe and Johnson regarding Charles E. Canterbury lawsuit Civil Action #04-C-293-H.

The Commissioner received and reviewed a letter from the Division of Highways informing the Governor forwarded their letter regarding improvements to the underpass on CR 17, Minden Road for them to investigate and reply.

The Division of Highways informed that funding has been allocated for a project to improve the underpass.

The Commissioner received and reviewed a Certificate of Liability Insurance from Rapid Communications, LLC.

The Commissioner received and reviewed a letter from the West Virginia Development Office informing the West Virginia Economic Development Authority (WVEDA) is responsible for the administration of the grants awarded by the West Virginia Economic Development Grant Committee. The West Virginia Development Office is requesting a status of project #57-Wolf Creek Park.

The Commissioner received and reviewed Certificate to return to work from James Perdue, Maintenance Supervisor.

The Commissioner received and reviewed a letter from the Fayette County Weatherization Program the Weatherization Policy Advisory Council will meet on Monday, January 23, 2006.

The Commissioner received and reviewed minutes from page-Kincaid Public Service District for the months of September, October and November.

The Commissioner received and reviewed a letter from David Neal, E911 Coordinator informing that effective December 23, 2005 Christina Mullins is employed as a Part Time Communications Specialist, hourly rate is \$7.00, Jewell Crites is returning as a Full Time Communications Specialist and Becky Hutchens is moving to a Full time. Both full time positions will be at an hourly rate of \$8.50 effective January 1, 2006.

The Commissioner received and reviewed a letter from David Neal, E911 Coordinator informing that William Dempsey has resigned as a Full Time Communication Specialist effective November 7, 2005.

The Commissioner received and reviewed a letter from St. Paul Travelers regarding claim nos. GP0931280709T016 (Kathleen Shumaker and GP)931280709T014 (Owen Plantz).

The Commissioner received and reviewed a letter from Carl Harris, Prosecuting Attorney informing of the adjustments of salaries for his new assistant and employees in his office.

The Commissioner received and reviewed a letter from Charter Communications informing that Jack Ozminkowski will be assuming the duties of the Operations Manager for the Beckley and Logan West Virginia areas and the Virginia area.

The Commissioner received and reviewed a letter from Rapid Cable informing of the rate change for Fayette County effective January 21, 2006.

The Commissioner received and reviewed a thank you letter from Maura Kistler thanking the Commission for taking the time to listen to her update on the proposed Skate Park to be built in Fayetteville Town Park.

The Commissioner received and reviewed a letter from Judge John Hatcher, Jr. regarding the back door and not locking and the alarm system on the door facing Wiseman Avenue.

Ms. Holly told the Commissioner she forwarded a copy of the letter to James Perdue, Maintenance Supervisor and asked him to give her a status of the replacement of the back door and the door at Wiseman Avenue.

The Commissioner received and reviewed a copy of a letter from the Public Service Commission to Olivia Honaker and Dorothy Baber regarding their request for new water service on Beech Bottom road near Oak Hill.

The Commissioner received and reviewed Operating Expense Report from the Boomer Volunteer Fire Department for the period of October 1

2005 to December 31, 2005.

The Commissioner received and reviewed a letter from Region 4 Planning and Development Council regarding the Fayette Hills unity Apartments.

The Commissioner received and reviewed a letter from AARP informing that Celia Ann Berry is the new AARP WV representative.

The Commissioner received and reviewed from Appalachian Fuels, LLC regarding Blasting Notice permit #S-3045-8-9. Original forwarded to Tim Richardson, Zoning Officer.

The Commissioner received and reviewed a letter from Charter Communications enclosing their annual rate justification filing for 2006.

The Commissioner received and reviewed a Lease Agreement from the Fraternal Order of Police.

The Commissioner received and reviewed a letter from Rapid Cable informing they have been informed by Fox Sports that they must begin reporting all commercial, hospitality and bulk subscribers in their systems starting in 2006.

The Commissioner received and reviewed a letter from the Courthouse Facilities Improvement Authority informing that all applications must be postmarked no later than January 3, 2006.

The Commissioner received and reviewed a copy of a letter from Region 1 Workforce Investment Board informing of a Memorandum of Understanding between the Region 1 Fayette County Community Corrections Day Report Center.

The Commissioner received and reviewed a Certificate of Liability Insurance from Black Diamond Girl.

The Commissioner received and reviewed an e-mail from the Office of the State Treasurer informing the Limited Videos Lottery proceeds will be deposited December 27, 2005, amount \$5,496.89 and the Wine, Liquor and Private Club Taxes will be deposited December 30, 2005, amount \$852.48.

The Commissioner received and reviewed a copy of the Monthly Progress Report from the Fayette County Community Corrections to the West Virginia Division of Criminal Justice Services.

The Commissioner received and reviewed a copy of a check to the Regional Jail for the month of November, amount \$59,073.00.

The Commissioner received and reviewed the West Virginia Court Security Fund Grant Application. The original forwarded to Sheriff William Laird.

The Commissioner received and reviewed a letter from the West Virginia Parkways Economic Development and Tourism Authority informing the Authority plans for critical highway maintenance projects including an eight-mile Beckley widening upgrade and the planned issuance of \$100 million in bonds.

The Commissioners signed a letter from to the West Virginia Partnership to Promote Community Well Being informing the Community support the Fayette County Prevention Partnership Prevention Planning Grant Application.

The Commissioner received and reviewed a letter from Frank Jezioro, Director of Natural Resources informing that he is please that the Commission is planing to build a shooting range facilities in Fayette County.

The Commissioner received and reviewed an Official Oath of

Office from Earl Woodson a member of the Arbuckle Public Service District and from Clifford "Duke" Ramsey a member of the Fayette County Board of Zoning Appeals.

The Commissioner received and reviewed a letter from the Department of Environmental Protection Underground Injection Control Permit Renewal Application. Application forwarded to Earl Park, Park Superintendent.

The Commissioner received and reviewed a letter from the Raleigh County Solid Waste Authority informing that through a grant they are offering to pay transportation cost for one bus each for two elementary schools to tour their Landfill and Recycling Center.

The Commissioner received and reviewed a letter from the West Virginia Development Office approving the change of Scope for the Fiscal Year 2004 governor's Community Partnership Grant Program Fayette County New Haven Public Service District, Project #03LEDA0054 (\$13,250).

The Commissioner received and reviewed a letter from the West Virginia Development Office thanking the Commission for submitting their application to the Governor's Community Partnership Grant Program grant would be used in cooperation with the Southern Appalachian Labor to acquire a storage facility for the Southern Appalachian Community Center in Beards Fork.

The Commissioner received and reviewed a State of Expenditures as of November 2005 for the Fayette County Park and the Central Garage.

The Commissioner received and reviewed a letter from Sheriff William Laird enclosing a copy of an invoice from Lanier Worldwide,

Inc. for the purchase of a copier for the Road Office, amount \$3,637.00.

The Commissioner received and reviewed a letter from Sheriff William Laird requesting a Lease Payment for the Fayette County Community Corrections program, amount \$8,900.00.

The Commissioner received and reviewed a letter from Sheriff William Laird requesting purchase orders for expenditures of the remaining balance of Law Enforcement Homeland Security Funds.

The Commissioner received and reviewed a letter from the Department of Military Affairs and Public Safety thanking the Commission for expressing their interest in the West Virginia Regional Response Program.

The Commissioner received and reviewed a copy of a letter to the West Virginia Housing Development Fund requesting a drawdown of funds for the 4th quarter 2005, amount \$26,561.03.

The Commissioner received and reviewed a message from Carol Gilliam regarding the timber that was stolen from her property. Ms. Holly told the Commissioners she sent a copy of the message to Carl Harris, Prosecuting Attorney for him to review.

The Commissioner received and reviewed a copy of a letter sent to the Division of Homeland Security and Emergency Management regarding a request for a Grant Adjustment for Sub-Grant #04-LETPP-10.

The Commissioner received and reviewed an invoice from Leon Spencer for precincts boundary information, amount \$382.50.

The Commissioner received and reviewed an e-mail from Charlotte Holly to Steve Cruishank asking for a breakdown of the departments

and allocations for pumper replacement allocations for Fiscal Year 2006.

The Commissioner received and reviewed an e-mail from Patti Payne informing that the Animal Shelter was struck by lightning.

The Commissioner received and reviewed an e-mail from Commissioner Wender to Tim Richardson, Zoning Office regarding the Synder Radio Tower.

The Commissioner received and reviewed an e-mail from John David Regarding Southern Appalachian Labor School Small City Block Grant project.

The Commissioner received and reviewed an e-mail from Commissioner Wender to Sheriff William Laird regarding a phone listing for the animal shelter an dog warden.

The meeting was adjourned at 4:30 p.m. The next schedule meeting is January 30, 2006.



FAYETTE COUNTY COMMISSION
BOARD OF EQUALIZATION AND REVIEW
REGULAR SESSION
JANUARY 30, 2006
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 30th day of January 2006.

Commissioner Wender called the meeting to order at 9:16 a.m.

Eddie Young, Assessor appeared before the Commission to submit exonerations to be approved and signed.

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

Mr. Young told the Commissioners that Judy Smith did not get a real estate tax ticket and presented an application to the Commissioners to establish a new ticket.

Commissioner Eskew offered a motion to approve application to establish a new tax ticket for Judy Ann Smith. Commissioner Lopez seconded. Unanimous.

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

Commissioner Wender offered a motion to approve December 9, 2005 and December 17, 2004 County Commission minutes. Commissioner Eskew seconded. Unanimous.

Commissioner Eskew offered a motion to approve August 20, August 30, September 13, October 6, October 12, November 8, and November 12, 2004 County Commission minutes. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve October 14, and October 28, 2005 County Commission minutes. Commissioner Eskew seconded. Unanimous.

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

Commissioner Lopez offered a motion to approve Petitions' to Combine or Divide and Segregate Land for Catherine Coleman, Melinda and John Smailes and Carl and Violet Chittum, Sr. Commissioner Eskew seconded. Unanimous.

Commissioner Eskew offered a motion that Commissioner Wender be authorized to execute agreement and approve to adopt Resolutions for the FOOTMAD Grant. Commissioner Lopez seconded. Unanimous. Resolution signed.

Ms. Holly presented the 4-C Certified Development Community Resolution to the Commissioners.

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

Ms. Holly presented to the Commissioners an Order designating the number and type of election boards for the various precincts for the Primary Election being held May 9, 2006.

Commissioner Eskew offered a motion to approve the Order designating the number and type of election boards for the executive committees of the democrat and republican parties. Commissioner Lopez seconded. Unanimous. Order signed.

John David, Kathryn South, Vicki Smith and Jackie Asbury with Southern Appalachian Labor School appeared before the Commission to

discuss renewing and continuing support of the Group Work Camps, Energy Express, and the Community Center.

Mr. David told the Commissioners he is requesting that the Commission write a letter to the Legislatures asking that they support the project to acquire a storage building for their housing project.

Commissioner Eskew offered a motion to send a letter to sponsor the Governor's Community Partnership grant for Southern Appalachian Labor School Proposal for a storage building for their housing project. Commissioner Lopez seconded. Unanimous.

Mr. David is requesting that the Commission support their Energy Express and Summer Food Expansion (\$3,000), the Community Center (\$5,000), and the Group Work Camp/Christian Endeavor (\$20,000) for the upcoming Fiscal Year Budget.

Mr. David told the Commissioners that the Benedum Foundation has already provided \$20,000 for the Group Work Camps. Mr. David is requesting a match of \$20,000 from the Commission.

Mr. David presented a report of the workcamps and their Newsletter to the Commissioners.

Commissioner Wender suggested to Mr. David to work with Multi-Cap on some of these projects.

Commissioner Wender told Mr. David the Commission will discuss his request in their March Budget Session.

The Commissioner told Mr. David of the short fall they received from Coal Severance Tax.

Commissioner Wender informed the Commissioners that they received a request from Attorney Larry Losch requesting that another hearing be set due to the fact that there is additional evidence in the Petition

to remove Eliza Catherine Johnson as Administratrix of the Estate of Gary W. Johnson.

Commissioner Eskew offered a motion to deny request dated January 18, 2006 to hear additional evidence in the Gary W. Johnson Estate. Commissioner Lopez seconded. Unanimous.

The Commissioners asked that Mr. Losch be notified of their decision.

The Commissioners informed that at the last Commission meeting the Commission made a request that Attorney Larry Losch and Attorney Fred Jesser presents Findings of Fact and Conclusions of Law in the hearing of the Gary W. Johnson Estate.

The Commission informed they received and reviewed Finding of Fact and Conclusions of Law from Attorney Fred Jesser, did not receive anything from Larry Losch.

Commissioner Eskew offered a motion that after reviewing the Findings of Fact and Conclusions of Law as submitted by Attorney Fred Jesser that the Petitioner's request to remove Eliza Catherine Johnson as Administratrix be denied and that Ms. Johnson remains Administratrix of the Gary W. Johnson Estate. Commissioner Lopez seconded. Unanimous.

Commissioner Eskew further offered a motion that the Commission includes in the motion the adoption of the Findings of Fact and Conclusions of Laws as submitted by Fred Jesser. Commissioner Lopez seconded. Unanimous.

The Commissioners asked Fred Jesser to prepare an order denying Mr. Losch request.

Attorney Phil Tissue appeared before the Commission with an Order

requesting that Carol Gilliam, Committee on behalf of Donald W. Mullins be discharged from further duties and responsibilities. Mr. Tissue told the Commissioners that Ms. Gilliam doesn't administer any funds. Mr. Tissue asks the Commission to sign an order discharging Ms. Gilliam of her duties and responsibilities and sign final settlement in the Estate of Donald Mullins.

Commissioner Eskew offered a motion to sign order discharging Ms. Gilliam as conservator on behalf of Donald W. Mullins and sign final settlement as submitted by Attorney Tissue. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve James Perdue (9.0 hrs.) and Jackie Hickman (46½ hrs.) overtime. Commissioner Eskew seconded. Unanimous.

The Commissioners received and reviewed a letter from the Fayette County National Bank informing that the security pledged (\$400 FHLB cusip3133MGVA1) will not be available for pledge as of January 13, 2006. The Fayette County National Bank will substitute this security.

Commissioner Lopez offered a motion to 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 Eskew seconded. Unanimous.

The Commissioners signed a letter to the Elected Officials and Department Heads asking that they submit their Budget request for Fiscal Year 2006-2007 prior to March 2, 2006.

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 February 2006.

The Commissioners received and reviewed a letter from the Fayetteville Fairs and Festival Committee requesting they be allowed access to the Courthouse lawn on Friday, June 30, 2006 through Tuesday, July 4, 2006.

Commissioner Lopez offered a motion to approve Fayetteville Fairs and Festival Committee request to use the Courthouse lawn on June 30 through July 4, 2006. Commissioner Eskew seconded. Unanimous.

The Commissioners received and reviewed a letter from the Fayetteville High School Basketball Boosters requesting permission to use the Fayette County Memorial Building to hold an indoor yardsale/flea market on April 1, 2006.

Commissioner Eskew offered a motion to approve the request for the Fayetteville High School Basketball Boosters to use the Fayette County Memorial Building to hold an indoor yardsale/flea market on April 1, 2006. Commissioner Lopez seconded.

Ms. Holly informed the Commissioners she received another letter from Georgia-Pacific, asking the Commission to waive any potential conflict of interest that may arise from them being represented by Greenberg Traurig, LLC in connection with the audit of the Bonds. The Commissioners signed the letter.

The Commissioners received and reviewed a letter from Sheriff Laird informing that effective February 1, 2006, Deputy Pete Lopez will retire from the Fayette County Sheriff Department.

The Commissioners signed a letter to Pete Lopez offering their sincere appreciation to him for his 4 years 4 months of service to Fayette County and our citizens.

The Commissioners signed the Maintenance Agreement with IBM on

the Computer System at the Courthouse.

The Commissioners received and reviewed a letter from Senator Randy White enclosing a Digest Request Form to be filled out and returned to his office no later than the beginning of the last week of session (March 5, 2006). The Commissioners asked Ms. Holly to use the regular list they submit.

The Commissioners received and reviewed a letter from Lita A. Eskew, Spokeperson requesting the use of the Courthouse lawn for a non-denominational community service on Thursday, May 4, 2006 from 12 noon to 1:00 p.m. for the purpose of acknowledging National Day of Prayer.

Commissioner Lopez offered a motion to approve request for the use of the Courthouse lawn for a non-denominational community service for the purpose of acknowledging National Day of Prayer. Commissioner Eskew seconded. Unanimous.

Ms. Holly informed the Commissioners that the Prosecuting Attorney Office roof is leaking and needs to be replaced. The roof is a shingle roof.

Ms. Holly told the Commissioners she has an estimate from Rick Myles (\$8,300 labor and materials included). Carl Harris, Prosecuting Attorney suggested going with a metal roof. Commissioner Lopez asked how much of the footage. Commissioner Lopez told the Commission he would contact Gary Dravenscott and asks him for an estimate on a shingle roof and metal roof.

The Commissioners asked Ms Holly to ask Earl Pauley, Park Superintendent to give an update on Equitable Gas.

Jodie Ward, Bob Meadows appeared before the Commission to discuss

the shooting range at the Fayette County Park.

Mr. Meadows presented a copy of their Chapter and a copy of the tax number filed for a business license to the Commissioners. Mr. Meadows presented the Lease Agreement to the Commissioners. The Commissioners approved the lease Agreement.

Mr. Meadows told the Commissioners he needs to know the acreage to include in the Lease for insurance purposes.

Commissioner Wender asked to hold off on signing the lease until the grants are approved. Commissioner Wender asked Mr. Meadows the hours of operation.

Kelvin Holliday, County Clerk appeared before the Commission to discuss election items.

Mr. Holliday asked the Commission if they would approve for him to attend the Election Conference in Chicago the first week in August. The Commissioners told Mr. Holliday they would approve if it's in his budget.

Mr. Holliday request a new cash register for his office, cost \$699.00 to use for the multi-million dollar transactions. Mr. Holliday told the Commissioners he would get quote to them today.

Mr. Holliday told the Commissioners the election equipment had to be charged every three months.

Mr. Holliday asked the Commissioners about keeping only one County Commissioners Votomatic room lock in place in addition to his own.

Mr. Holliday informed the Commissioners he would like to request that all existing Votomatics be stored in the jail. Mr. Holliday told the Commissioners these will be used only as a stand for optical

ballot voting.

Commissioner Wender asked Mr. Holliday to get these items discussed in writing and copy to the Prosecuting Attorney and the Secretary of State.

Mr. Holliday told the Commissioners for his part-time workers for the election, he plans to pay \$7.00 per hour for 2 months, one part-time will work 60 days in the voter's registration and the front office, two part-time will work 40 days for absentee and early voting, one each party, two part-time will work 20 days, for early voting only, one each party.

Mr. Holliday informed the Commissioners that Larry Dotson (democrat) and Richard Meadows (republican) has been nominated for a two-year term to serve as ballot commissioners.

The Commissioners received and reviewed a letter from Kelvin Holliday designating one (1) set of Emergency Absentee Ballot Commissioners (David Bennett, republican and William McGraw, democrat) to perform the duties and functions in accordance with Chapter 3, Article 3, Section 5c of the West Virginia Code.

Mr. Holliday told the Commissioners he will be using the courtroom for election activities, the training class will be two to three times more since they will have smaller classes covering more details with the new system.

Mr. Holliday told the Commissioners he will stagger his staff so overtime stays the same as the past. Mr. Holliday told the Commissioners the classes will probably be two hours.

The Commissioners recessed the Commission meeting at 11:55 p.m.

Commissioner Wender called the Board of Equalization and Review

meeting to order at 1:00 p.m.

No hearings were scheduled.

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

Ms. Holly told the Commissioners she received a letter from Eddie Young, Assessor, asking the Commission to give him permission to make corrections to the initial assessment roll and that any errors created by the West Virginia Department of Tax and Revenue or by the Assessor of Fayette County be corrected before the 26th day of February 2006.

Commissioner Lopez made a motion to approve Mr. Young's request to make corrections to the initial assessment roll and that any errors created by the West Virginia Department of Tax and Revenue or by the Assessor of Fayette County be corrected before February 26, 2006.

Commission Eskew seconded. Unanimous.

Commissioner Wender informed that since there were no hearings scheduled, Commissioner Wender asked that the Board of Equalization and review be adjourned.

The Board of Equalization and Review was adjourned at 2:00 p.m. The next scheduled Board of Equalization and Review will be February 3, 2006 at 9:00 a.m.

The Commission reconvened the County Commission meeting at 2:00 p.m.

The Commissioners signed the letter to Lita Eskew requesting permission to use the Courthouse lawn for a non-denominational community service for the purpose of acknowledging National Day of Prayer.

Commissioner Lopez offered a motion to authorize President Wender

to execute the Legislative Digest Grant contract and authorize the adoption of the Resolution on behalf of Southern Appalachian Labor School. Commissioner Eskew seconded. Unanimous.

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

The Commissioners signed Modification Agreements for the Fayette County Fire Levy for Smithers Volunteer Fire Department, Gauley Bridge Volunteer Fire Department, Loup Creek Volunteer Fire Department, Montgomery Volunteer Fire Department, Nuttall Volunteer Fire Department, Oak Hill Volunteer Fire Department, Armstrong Volunteer Fire Department, Danese Volunteer Fire Department, Fayetteville Volunteer Fire Department, Gauley River Volunteer Fire Department and Mount Hope Volunteer Fire Department for the period July 1, 2005 to June 30, 2006.

Ms. Holly told the Commissioners as a follow-up on the Workers' Compensation premium she talked with Lisa Smith of Brickstreet Administrative Services and she was told the reason the high premium they received a lot of claims during the last quarter.

Ms. Holly asked the Commission if they wanted Brickstreet to come in and discuss this matter. The Commissioners replied yes.

Ms. Holly informed the Commissioners she received notice from the West Virginia Division of Culture and History that they approved grant application for the Circuit Clerk's Office (\$10,000) and the Prosecuting Attorney's Office (\$8,000). A copy of the letter forwarded to Danny Wright, Circuit Clerk and Carl Harris, Prosecuting Attorney.

The Commissioners received and reviewed an invoice from Restlawn Memory Gardens, Inc. for a plaque for Abraham Vandall, amount \$539.39.

Commissioner Eskew offered a motion to approve the invoice from Restlawn Memory Gardens, Inc. for \$539.39. Commissioner Lopez seconded. Unanimous.

Ms. Holly told the Commissioners she received the Legislative Digest Grant for the Fayette County Park pool, amount \$5,000.00.

Ms. Holly presented a quote from W. M. Smith and Associates, Inc. in the amount of \$8,825.00 for the Access Ramp for the Fayette County Park pool to the Commissioners. The Commissioners approved the bid.

Commissioner Eskew offered a motion to place order for the handicapped equipment for the Fayette County Park pool. Commissioner Lopez seconded. Unanimous.

Ms. Holly presented a requisition for five (5) desk chairs for the Circuit Clerk's Office, amount \$119.00 each to the Commissioners.

The Commissioners asked Ms. Holly to hold until March Budget Session.

Ms. Holly asked the Commission if they wanted to review the Fayette County Park Regulations Earl Pauley, Park Superintendent sent up. The Commissioners asked to hold until the next County Commission meeting.

The Commissioners received and reviewed a letter from Earl Pauley, Park Superintendent regarding the Fayette County Park in relation to the Fayette County Animal Control Center (FCACC).

The Commissioners received and reviewed a letter from Ruby Winebrenner, member Gauley Bridge Town Council regarding repairs to Taylor Hill Road. Commissioner Wender told the Commissioners he would

respond.

The Commissioners received and reviewed a Public Notice from Tim Richardson, Zoning Officer informing that a hearing has been scheduled for February 23, 2006 for a zoning hearing request of Pervis C. Major, III.

Commissioner Wender asked Ms. Hickman to call Mr. Richardson to reschedule the hearing for March 24, 2006.

The Commissioners received and reviewed Weekly Fees Collected from the Fayette County Animal Control Center/NRHS for the week of January 6 to January 12, 2006, amount \$245.00, the week of January 13 to January 19, 2006, amount \$240.00, and the week of January 20 to January 26, 2006, amount \$140.00.

The Commissioners received and reviewed several correspondences from the Worker's Compensation Commission and Brickstreet 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 checks for 911 Fees from Operating Account, amount \$1,788.18, Verizon, amount \$33,947.77, Citizens Communications Company, amount \$50.44, VarTec, amount \$3.88, Public Service Commission, amount \$109,466.70, IDT Corporation, amount \$64.00, Granite Telecommunications, LLC, amount \$126.00, Cleartel Telecommunications, Inc., amount \$12.00, AT&T Communications of WV, amount \$1,222.00, and Spectrotel, Inc., amount \$112.00; Franchise Fees from Charter Communications, amount \$11,419.10, Bradley Communications, Inc., amount \$539.63; Jail fees from the Town of Fayetteville, amount \$145.50; Soldier and Sailors

Memorial Fund, amount \$851.00; St. Paul Travelers, amount \$3,771.35; WV Development Office for Sheriff's Department Grant, amount \$5,000.00 and Accessibility Improvement Grant, amount \$10,770.83; Supreme Court Family Law Master rent, amount \$2,025.00; WV Housing Development Fund for Building Inspector Grant, amount \$24,742.46; Criminal Justice Service for TRIDENT grant, amount \$2,027.12; WV Courthouse Facilities Improvement Grant for Window project, amount \$19,584.00.

The Commissioners signed from the West Virginia Department of Environmental Protection an Underground Injection Control Permit Renewal application No: 0134-95-019 for the Fayette County Park.

The Commissioners received and reviewed a copy of a letter to Debbie Aliff, Payroll Clerk from Chief Deputy Steve Kessler informing of Chris Back Comp-time (7.5 hrs.).

The Commissioners received and reviewed a copy of a letter to the Division of Homeland Security and Emergency Management from Sheriff William Laird regarding Request for Reimbursement Sub-Grant #04-LETTPP-10, amount \$5,619.99.

The Commissioners received and reviewed a letter from J. Dan Snead and Associates, Inc. confirming that a pre-construction meeting was held at the Fayette County Courthouse on January 25, 2006 for the purpose of discussing the Elevator Project.

The Commissioners received and reviewed a copy of the Sub-Grant Adjustment Notice to the Homeland Security State Administrative Agency.

The Commissioners received and reviewed Certificate of Liability Insurance from Rapid Communications, LLC.

The Commissioners received and reviewed a letter from Senator

John D. Rockefeller, IV informing that he will be co-hosting the West Virginia Summit on Homeland Security II on March 19-20, 2006.

The Commissioners received and reviewed a letter from the United States Environmental Protection Agency informing that effective February 13, 2006, the grant payment function for all EPA Region III assistance recipients will be transferred from the EPA Region III Office of the Comptroller to the EPA's Las Vegas Finance Center (LVFC).

The Commissioners received and reviewed a letter from the State Auditor's Office informing of the in-service training seminars for the year 2006 schedule for circuit clerks, county clerks, county commissioners, sheriffs and their employees.

The Commissioners received and reviewed a letter from the Internal Revenue Service informing of an overpayment of federal tax for Calendar Year 2005, amount \$70.69.

The Commissioners received and reviewed a copy of a letter to Debbie Aliff, Payroll Clerk from Eddie Young, Assessor informing that Nancy Carr position has been upgraded from a Computer Clerk to Administrative Assistant, salary increase of \$100.00 a month and John Bone position has been upgraded from a Data Collector to Appraiser, salary increase of \$100.00 a month effective February 1, 2006.

The Commissioners received and reviewed from Multi-Cap, Inc. a copy of their 2004, 2005 and 2006 CSBG Funding.

The Commissioners received and reviewed a letter from the Division of Highways asking to make available to anyone who wishes to review a copy of their proposed project listings.

The Commissioners received and reviewed a letter from the West

Virginia Pharmaceutical Cost Management Council informing that the National Association of Counties has offered a drug discount card to its members via a pharmacy benefit manager, Advance PCS.

The Commissioners received and reviewed an invoice from 4-C Economic Development Authority for their quarterly contribution, amount \$12,489.50.

The Commissioners received and reviewed a copy of a Request for Reimbursement to the West Virginia Division of Criminal Justice Services for the Fayette County Community Corrections Program Grant, amount \$5,848.25.

The Commissioners received and reviewed Monthly Progress Report from the Fayette County Community Corrections Program.

The Commissioners received and reviewed Audit Report from the Gauley River Public Service District for the Fiscal Years Ended June 30, 2005 and 2004.

The Commissioners received and reviewed a letter from Richard Day, Coordinator for Meadow Bridge High School requesting a donation to help purchase backstops, dugouts (girls' softball), fields sand, fencing, lights, scoreboard.

The Commissioners received and reviewed a copy of a letter to Debbie Aliff, Payroll Clerk from Sheriff William Laird advising of his decision to increase the salary level currently paid to Chief Deputy Steve Kessler from the current annual salary level of \$32,800.08 to \$35,800.08 per year.

The Commissioners received and reviewed a letter from the West Virginia Development Office enclosing a copy of the Fayette County Commission-Horse Club Local Economic Development Assistance Grant,

Project Number 05LEDA0124.

The Commissioners received and reviewed a letter from the West Virginia Public Employees Retirement System enclosing the 2005 Supplement of the West Virginia Consolidation Public Retirement Board (CPRB) Laws and Rules.

The Commissioners received and reviewed from Stephen L. Davis regarding the removal of the bridge one mile south of Pax near the Fayette-Raleigh County line.

The Commissioners received and reviewed a Remittance by the Assessor's Office to the State Treasurer's Office amount \$337.00 for the month of December 2005.

The Commissioners received and reviewed letters from St. Paul Fire and Marine Insurance Company acknowledging receipt of new claims and who will be assigned to handle.

The Commissioners received and reviewed an Official Oath of Office from Russell G. Deering, a member of the Gauley River Public Service District.

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

The Commissioners received and reviewed from the 911 Center a Status Report for the period January to December 2005.

The Commissioners received and reviewed a thank-you note from the Fayette Toy Fund, Inc.

The Commissioners received and reviewed a letter from St. Paul

Travelers informing that Claim #GP09312807 09T013 (Lara M. Ranson) received on September 27, 2005 was concluded.

The Commissioners received and reviewed a letter from Hospice of Southern West Virginia, Inc. requesting funding for this Fiscal Year Budget 2006-2007.

The Commissioners received and reviewed a letter from the Division of Criminal Justice Services informing of the decrease in the Fiscal Year 2006 West Virginia Justice Assistance Grant (JAG) Funds.

The Commissioners received and reviewed a letter from the Affiliated Construction Trades Foundation requesting a copy of the contract between the Urban Renewal Authority and the General Contractor and copies of all certified payrolls available to date.

The Commissioners received and reviewed minutes for the month of December 2005 and January 2006 for the Page-Kincaid Public Service District.

The Commissioners received and reviewed a copy of a letter to the Division of Homeland Security and Emergency Management requesting reimbursement in the amount of \$5,602.00 for Sub-Grant #04-LETPP-10.

The Commissioners received/reviewed and signed Order Agreement from Lanier Worldwide, Inc. for a copier for the Sheriff Office.

The Commissioners received and reviewed a letter from the West Virginia Children's Trust Fund enclosing information about their efforts to help children in West Virginia grow up free from abuse and neglect.

The Commissioners received and reviewed a copy of an Administrative Subpoena from the Department of Health and Human Resources regarding Robert Stone, Fayette County Code Enforcement

Officer.

The Commissioners received and reviewed new pledged security Notification from SunTrust Bank.

The Commissioners received and reviewed a Pledge Statement from SunTrust Bank listing securities pledged as of December 30, 2005.

The Commissioners received and reviewed a letter from Branch Banking and Trust Company (BB&T) listing as of December 31, 2005 the securities that were held as collateral to secure the deposits of Fayette County Commission.

The Commissioners received and reviewed from J P Morgan Worldwide Securities Services account statement for the period January 1, 2005 to December 31, 2005.

The Commissioners received and reviewed an e-mail from the Office of the Treasurer informing payment for the Environmental Protection Agency was deposited on January 11, 2006, amount \$14,452.09.

The Commissioners received and reviewed an e-mail from the Office of the Treasurer informing the January Limited Video Lottery proceeds will be directly deposited on January 26, 2006, amount \$5,197.93.

The Commissioners received and reviewed an e-mail from the Office of the Treasurer informing that the 25% of the coal severance tax will be directly deposited on January 27, 2006, amount \$25,112.81.

The Commissioners received and reviewed an e-mail from the Office of the Treasurer informing that the 75% of the coal severance tax will be directly deposited on January 24, 2006, amount \$99,470.38.

The Commissioners received and reviewed an e-mail from Commissioner Wender regarding Multi-Cap, Inc.

The Commissioners received and reviewed an e-mail from

Commissioner Wender regarding the Vandall plaque.

The Commissioners received and reviewed an e-mail from Commissioner Wender regarding the Norfolk Southern Corporation deeding of land on the abandoned rail corridor that is to be the White Oak Rail Trail in Fayette County.

The meeting was adjourned at 3:20 p.m. The next scheduled meeting is February 3, 2006.



FAYETTE COUNTY COMMISSION
REGULAR SESSION
JULY 14, 2006
COURTHOUSE

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

The Fayette County Commission met in a regular session on this 14th day of July 2006.

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

Robin Brown, Deputy Clerk from the Assessor's Office presented exonerations to be approved and signed.

Commissioner Lopez offered a motion to approve exonerations for personal property tax for Sharon Sue Moles, Aaron and Sharon Rinehart, Ina V. Parrish, Joseph L. or Cynthia J. Dixon, Thomas W. and Jean M. Shepherd and Lona L. Stuart. Commissioner Eskew seconded. Unanimous.

Commissioner Eskew offered a motion to approve exonerations of real property tax (See attached list). Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve refunds for Sarah and Barney Stinnett (\$258.80) and Harold and Thelma Chapman (\$335.52). Commissioner Eskew seconded. Unanimous.

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

Ms. Holly read the letter from the Fayette County Board of Education and the letter from Okey Skidmore, Manager Fayette County Memorial Building regarding the lease.

Commissioner Wender suggested sending a copy of Okey Skidmore

REAL PROPERTY TAX TICKETS CANCELLED OR EXONERATED
 MONTH OF July 14, 2006

COUNTY NUMBER	TICKET NUMBER	NAME OF TAXPAYER	DATE CANCELED	REASON FOR CANCELLATION	STRAIGHT CANCEL	CORRECTED TICKET CREATED	RE-ISSUED SUPPLEMENTAL	CANCELED LEVY	TAX DISTRICT
6248072	*19936	STINNETT, BARNEY & SARAH NELL	7/7/2006	S/B HOMESTEAD		X		\$260.52	2
6248072	19942	STINNETT, BARNEY & SARAH NELL	7/11/2006	S/B HOMESTEAD		X		\$258.80	2
6160959	36404	MCGHEE, EDITH	7/11/2006	S/B HOMESTEAD		X		\$233.40	9
8159182	5755	KING, ARTHUR	7/11/2006	S TO S 2003	X			\$14.92	1
8159182	5756	KING, ARTHUR	7/11/2006	S TO S 2003	X			\$13.98	1
8101564	33485	MOORE, LANNY J	7/11/2006	S/B CLASS 2		X		\$244.04	8
8059043	6236	LOUGH, BERNARD E & KATHY A	7/11/2006	S/B CLASS 2		X		\$158.38	1
8086745	6700	MCGUIRE, MAXINE L ETAL	7/11/2006	BY CC ORDER PAID IN FULL		X		\$225.96	1
100505	29879	VANMETER, DENNIS C	7/11/2006	S/B CLASS 2		X		\$188.98	4
134550	38215	WILEY, CHARLES W & BARBARA J	7/11/2006	ERRONEOUS VALUE		X		\$279.78	9
203930	17197	LOVE, SHIRLEY D OR AUDREY	7/11/2006	ERRONEOUS VALUE		X		\$100.42	2
132954	37351	SETTERL, VICTORIA R & STEVEN	7/11/2006	BY CC ORDER PAID IN FULL		X		\$675.72	9
221830	17365	MARTIN, SHIRLEY	7/11/2006	S/B CLASS 2		X		\$282.60	2
132521	23744	DODSON, EARL R JR & RITA C	7/11/2006	S/B CLASS 2		X		\$66.76	3
19228	31956	WILDER, MATTHEW W & SARAH	7/11/2006	S/B CLASS 2		X		\$178.30	5
82881	24451	HAMILTON, JAMES L & DALE L &	7/12/2006	DOUBLE ASSESSMENT	X			\$2.60	3
14106	39491	INGOMAR LIMITED PARTNERSHIP	7/12/2006	S/B CLASS 2		X		\$296.44	13

letter to the Board giving them a summary of usage of the Memorial Building by the Fayette County Board of Education during the Fiscal Year 2005-2006.

Commissioner Wender suggested tabling until July 28, 2006 for further discussion.

Commissioner Eskew offered a motion to send a response back to the Fayette County Board of Education and notify them that the Commission has tabled the discussion for July 28, 2006 at 1:00 p.m. and requesting that the Board attend. Commissioner Lopez seconded.

Sheila Withrow appeared before the Commissioners to inform them that she is still wanting water on Hawver Road, there are about 15 homes without water.

Ms. Withrow is requesting that funding be made to get the water tested.

Ms. Withrow presented a petition to the Commissioners.

Commissioner Wender suggested to Ms. Withrow to go to the Fayette County Health Department and ask them to test the water.

Commissioner Eskew offered a motion to approve expenditures for each household to test quality of the water on Hawver Road at the cost of \$20.00 each not to exceed 14 homes. Commissioner Lopez seconded. Unanimous. The Commissioners asked Ms. Withrow to make arrangements with the Fayette County Health Department.

Commissioner Lopez offered a motion to approve for Earl Pauley, Park Superintendent to purchase four (4) vehicles from the West Virginia State Agency for Surplus Property, cost \$12,775.00 (3-vehicles for Law Enforcement, and 1 for Dan Pauley) to be paid out of

07-14-06

Dunlop Creek Project

LOUIS ASPEY, NRCS 304-284-7544

RUSS CAMPBELL, WV CONSERVATION AGENCY 304-558-2204

Carolyn A. Hefner, WV Conservation Agency 304-558-2204

Greg Stone NRCS 304-255-9225

~~Harold Bragg Allen Farm 469-2293~~

Ernest E. Wickline Sr. Mt. Hope 877-5298

Michael Marton, Mayor 321 Montana St Mt. Hope 877-5194

Sonja M. Terry - DWSA - Board Member - 877-5869

Kenneth and Eunice Wanzel 506 Bro. 469-9210

Jaunita Wickline - Mt. Hope - 877-5298

Colleen Withrow - Mt. Hope - " "

Carl L. Harris 574-4230 PROSECUTING ATTORNEY

the Coal Severance Fund. Commissioner Eskew seconded. Unanimous.

Ms. Holly informed the Commissioners that Sheriff William Laird did get approval of the Community Corrections Grant.

Ms. Holly presented a quote for the removal of the two (2) pine trees in front of the Memorial Building, cost \$900.00.

Commissioner Eskew offered a motion to approve quote for the removal and replacement of both pine trees in front of the Memorial Building, cost \$900.00. Commissioner Lopez seconded. Unanimous.

The Commissioners asked Ms. Holly to ask Okey Skidmore, Building Manager to get price for a new flag pole at the Memorial Building.

The Commissioners received and reviewed a letter from Earl Pauley, Park Superintendent requesting to replace Richard Dix.

Mr. Pauley informed the Commissioners he would like the new employee to start as a full time employee with benefits at \$7.01 per hour the same that Richard Dix was paid.

Mr. Pauley informed the Commissioners there will be no change in his budget.

Commissioner Lopez offered a motion to approve Mr. Pauley's request to replace Richard Dix. Salary would stay the same and no change in his budget. Commissioner Eskew seconded. Unanimous.

The Commissioners signed Sales Tax Report for the Fayette County Park for the period ending June 30, 2006.

The commissioners signed Request for Reimbursements for the Community Corrections Grant and TRIDENT Grant.

The Commissioners signed a letter to the West Virginia Department of Environmental Protection regarding objecting to the proposal

delisting of Loop Creek in Fayette County from its current status as a "Tier 2.5" stream.

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 July.

The Commissioners signed a letter to the West Virginia Department of Environmental Protection regarding WV PA Site #5648 Price Hill Complex the safety of the water treatment ponds.

The Commissioners signed letters to Governor Joe Manchin, III, Senators John Rockefeller and Robert C. Byrd, Ron Mellon, GFR and Kenneth Kuchno, Director with the USDA-Rural Utility Service regarding their support for the iTown Communications project.

Pam Yost, Natural Resources Conservation appeared before the Commission to give an update on Dunloup Creek.

Ms. Yost told the Commissioners that they been working on this project for a couple of years.

Ms. Yost told the Commissioners they are putting together a watershed plan to include 290 properties all are residential, a few non-residential.

Ms. Yost told the Commissioners they are working on a formula for the low value-98% Federal money and 2% State.

Commissioner Wender informed that not everyone would take the buyout.

Commissioner Wender suggested setting up a formal meeting, public review and comments and workshops.

Commissioner Wender asked when will the people start making

application and will they have a sign up period.

Commissioner Wender asked Ms. Yost what roll the Commission have in this project.

Ms. Yost informed they are asking the Commissioners to send a letter of support for this project.

Commissioner Eskew asked if the property will be remove. Ms. Yost replied yes the property would become vacate lots?

Commissioner Wender informed this meeting today is informational purpose. All the Commissioners have to do is write a letter of support.

Michael Martin informed the Commissioners that if this is funded we don't know what will happen at the Public Service Commission because this is now on the table. This project might stop the Kilsyth Sewer Project.

Commissioner Wender suggested setting a special time to meet with Pam Yost, the Mayor and Alice King, Region 4 Planning and Development Council to discuss the project.

Mr. Martin informed the Commissioners they have a meeting in Mount Hope this month regarding all of their funding sources.

Commissioner Eskew offered a motion to approve Budget Revision #1 for the General County and Coal Severance Funds for fiscal year 2006-2007. Commissioner Lopez seconded. Unanimous.

David Neal, E911 Coordinator appeared before the Commission to discuss the emergency need for replacement of a repeater.

Commissioner Wender asked Mr. Neal how many repeaters are needed. Mr. Neal replied 16 repeaters over the county needs to be

replaced over the next few years.

Mr. Neal informed the Commissioners they need to replace Gauley Mountain fire repeaters.

Mr. Neal told the Commissioners this is not available on the State Contract.

Commissioner Wender asked Mr. Neal to get specifications.

The Commissioners asked Ms. Holly to advertise.

Commissioner Eskew offered a motion to advertise for a repeater for the Gauley Mountain Tower. Commissioner Lopez seconded.

Unanimous.

Commissioner Lopez told the Commissioners that Senator Shirley Love thinks State will fix the road to the Gauley Mountain Tower.

David Neal, E911 Coordinator appeared before the Commission to request to buy a recording systems for the 911 Center.

Mr. Neal told the Commissioners he would get specifications together to advertise.

Commissioner Eskew offered a motion to allow David Neal to put together specifications for a recording system for the 911 Center. Commissioner Lopez seconded. Unanimous.

Ms. Holly informed the Commissioners she had Debbie Berry write a check to the Mount Hope Community Center. Ms. Holly told the Commissioners she heard they were closing.

The Commissioners asked Ms. Holly to contact the Mount Hope Community Center and inquire to whether they are closing. The Commissioners told Ms. Holly if there are no red flags, okay to release check if not closing.

The Commissioners signed the letter to the Fayette County Board of Education regarding the lease.

The Commissioners signed the Application for Certificate to Operate the Courthouse incinerator for the period July 1, 2006 to June 30, 2007.

The Commissioners received and reviewed a letter from Daniel Wright, Circuit Clerk requesting permission to hire a part-time employee for a period of one month. The period would run from July 20, 2006 until August 20, 2006.

Commissioner Eskew offered a motion to approve a part-time employee for the Circuit Clerk's Office and approve \$800.00 for Circuit Clerk's budget. Commissioner Wender seconded. Unanimous.

Ms. Holly informed the Commissioners' reservations for the County Commission meeting has to be made before July 21, 2006. Commissioner Eskew informed he would be attending but he will not have a guest.

Commissioner Lopez offered a motion to increase the hourly rate of Donna Cooper from \$5.15 an hour to \$6.15 per hour. Commissioner Eskew seconded. Unanimous.

Commissioner Eskew offered a motion to appoint Dave Arnold to replace Jim Lively on the 4-C Economic Development Authority Board effective August 1, 2006. Commissioner Lopez seconded. Unanimous.

Commissioner Wender asked Ms. Holly to have Steve Cruikshank, OES Director to give a written report on the status of the Hazard Mitigation Plan, FEMA, Dog Pound matter and the reimbursement on Bridge Day.

Commissioner Wender asked to contact and schedule Dianne Morris

to give an update on the Pandemic Flu.

Commissioner Wender asked to contact David Neal, E911 Coordinator to give an update on the Valley Mountain generator.

Commissioner Wender asked Ms. Holly to ask Sheriff William Laird about the Regional Jail money withholdings.

The Commissioners received and reviewed a letter from the Division of Criminal Justice Services informing they will be examining the Community Corrections fines and fees collections statewide.

The Commissioners approved to pay registrations fees for Carl Thompson to attend the West Virginia State Conference on Volunteerism, National Service, and Service-Learning July 11-13, 2006 at the Charleston Civic Center, cost \$175.00.

The Commissioners received and reviewed an invitation to the Grand Opening Celebration of Wal-Mart July 18 and July 19, 2006.

The Commissioners received and reviewed a letter from the West Virginia Division of Culture and History informing they must receive the fourth quarter Project Status report, Project Status Expenditures Report and Invoices as soon as possible and absolutely no later than 5:00 p. m. July 27, 2006. The original letter forwarded to Kelvin Holliday, County Clerk.

The Commissioners received and reviewed from the Bank of New York Cash statement and Asset List for June 30, 2006.

The Commissioners received and reviewed a list of securities from the Branch Banking and Trust Company (BB&T) that were held as collateral to secure the deposits of Fayette County Commission as of June 30, 2006.

The Commissioners received and reviewed Sheriff William Laird voucher for Sheriff Commission, amount \$15,000.00.

The Commissioners received and reviewed "Less Than Honorable Service" Notification from the Consolidated Public Retirement Board regarding Mark Campbell.

The Commissioners received and reviewed a letter from the Public Service Commission regarding: GO 187.29- General Order to initiate an emergency and proposed Rulemaking for implementation of House Bill 3208 and Senate Bill 728 regarding wireless enhanced 911 fees and the Enhanced 911 Wireless Tower Assistance Fund.

The Commissioners received and reviewed a letter from the West Virginia Regional Jail and Correctional Facility Authority regarding the Proposed Rule 94-CSR-3 concerns the formula for the calculation of the cost per inmate day to house inmates in the West Virginia Regional Jail System.

The Commissioners received and reviewed a letter from the Department of Military Affairs and Public Safety requesting the name and contact information for at least one person to serve as their point-of-contact for the hazard Mitigation Plan.

The Commissioners signed the Project Financial Report for Project #05-JAG-06 for the West Virginia Division of Criminal Justice Service.

The Commissioners received and reviewed a letter from the Ford Meter Box Company, Inc. regarding the cost of copper.

The Commissioners received and reviewed an Official Oath of Office from Norville L. Ellison member of the Fayette County Planning Commission.

The Commissioners received and reviewed the 50% allocation to the New River Convention and Visitors Bureau for Hotel Occupancy Tax for April, May, and June, amount \$5,559.74.

The Commissioners received and reviewed a letter from the Fayette County Weatherization Program informing there will be a meeting of the Weatherization Policy Advisory Council on Monday, July 24, 2006.

The Commissioners received and reviewed Water Bacteriological Report from the Fayette County Health Department for the Fayette County Park.

The Commissioners received and reviewed a letter from Daniel Wright, Circuit Clerk informing of the interest earned and paid to the Sheriff of Fayette County for the period beginning July 1, 2005 and ending June 30, 2006.

The Commissioners received and reviewed a letter from the West Virginia Institute of Technology to Keenan and Associates, LC responding to the letter dated June 22, 2006 to Governor Joe Manchin and President William Hardesty.

The Commissioners received and reviewed a letter from the Naval Reactors inviting the Commission to attend a full scale exercise simulating an accident involving a Naval spent nuclear fuel rail shipment. The exercise will be conducted in Kenova, West Virginia on Thursday, October 12, 2006.

The Commissioners received and reviewed a letter from the Division of Highways requesting assistance in making available, to anyone who wishes to review the GARVEE (Grant Anticipation Revenue Vehicle) documents.

(WV State Code 19-1B) law.

The meeting was adjourned at 12:20 p.m. The next scheduled meeting is July 28, 2006.



FAYETTE COUNTY COMMISSION
REGULAR SESSION
JULY 28, 2006
COURTHOUSE

FAYETTEVILLE, WEST VIRGINIA 25840

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

The Fayette County Commission met in a regular session on this 28th day of July 2006.

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

Commissioner Lopez offered a motion to approve exonerations on real estate for Dennis Price, Sr., and Billy Cole. Commissioner Eskew seconded. Unanimous.

Commissioner Lopez offered a motion to approve Petitions to Combine or Divide and Segregate Land for Nora Crist, Randolph and Martha Carver, William and Barbara Meredith, Fred and Judy Minter, Harold and Ilene Dufour, George and Deborah Bryan, Dave and Holly fisher, Carol Short, and Nathan Dial.

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

Commissioner Eskew offered a motion to approve minutes for February 21, February 23, March 17, March 20, April 24, May 2, May 12, 2006. Commissioner Lopez seconded. Unanimous.

The Commissioners signed a letter to Michael Proops, Controller Family Law Master requesting reimbursement of rent in the amount of \$2,025.00 for the month of August.

The Commissioners signed a letter to 4-C Economic Development Authority appointing Dave Arnold to replace Jim Lively, Jr., a private

citizen representative to the 4-C Economic Development Authority Board of Directors effective August 1, 2006.

Commissioner Lopez offered a motion to approve Inspection Agreements for Appalachian Inspection Services, Stone Inspection Services, LLC, and William L. McGraw effective July 1, 2006 to June 30, 2007.

The Commissioners signed Fire Levy Protection Agreements for the Ansted Certified Fire Department, Armstrong Creek Volunteer Fire Department, Boomer Volunteer Fire Department, Gauley Bridge Volunteer Fire Department, Gauley River Volunteer Fire Department, Montgomery Volunteer Fire Department, Mount Hope Volunteer Fire Department, Oak Hill Fire Department, and Smithers Volunteer Fire Department for the period July 1, 2006 to June 30, 2007.

Carl Harris, Prosecuting Attorney informed the Commission they need to send a letter objecting to the approval of the Emergency Rule Title 94. Mr. Harris told the Commissioners that this is an attempt to circumvent the statutory requirements because of the Order entered in the Circuit Court of Cabell County. Mr. Harris asked Larry Harrah, Assistant Prosecuting Attorney to draft a letter on behalf of the Commission.

The Commissioners signed the letter to the Regional Jail authority objecting to the approval of the Emergency Rule Title 94 as the same does not comply with the provisions of West Virginia Code 29A-3-15(f).

Ms. Berry reminded the Commissioner Wender and Commissioner Eskew that the County Commissioners Annual meeting starts Saturday.

The Commissioners received and reviewed a letter from Dana Redden requesting that the painting her mother loaned for display in the Courthouse be returned. The Commissioners asked Carl Harris, Prosecuting Attorney to review.

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

The Commissioners asked to hold the letter from Arbuckle Public Service District.

No bids received on the Records Management and Preservation Grant for shelving for the Circuit Clerk's and Prosecuting Attorney's Office.

The Commissioners adjourned the Commission meeting at 9:45 a.m. to go into an executive session to discuss personnel matter.

The Commission reconvened the Commission meeting at 10:00 a.m.

Commissioner Wender informed this was an individual personnel matter, no public complaint.

Tim Richardson, Zoning Officer appeared before the Commission to present disposition for Case Z-509-06-1: Request of Low Places, LLC, owner, for a change in land classification from R-3 (residence District) to L-1 (Light Industrial District) on property legally described as, pt. lot 92, 93 and pt. lot 94 Sec. 3 Adena Village, Valley District.

Mr. Richardson told the Commissioners that the Planning Commission voted 10-0 to approve this request.

Commissioner Lopez offered a motion to accept the recommendation

of the Planning Commission and approve rezoning this property as requested. Commissioner Eskew seconded. Vote passed 3-0.

The Commissioners signed a letter to Region 4 Planning and Development Council asking that they consider this letter as evidence of Fayette County Commission's firm commitment of funding in the amount \$140,000 for the Wolf Creek Park Community Project and asked that this letter be included with application for funding for the project.

The Commissioners received a request from the Fayette County Weatherization Program requesting \$2,500.00 contributions for fiscal year 2006-2007.

Commissioners Wender asked that a letter be written stating that this contribution is conditional upon maintaining the Oak Hill/Fayette County office work center for the current year July 1, 2006 through June 30, 2007.

Commissioner Wender asked that a letter be sent to the Redden family informing them that Ms. Redden did sign a contract stating that the picture remains in the courthouse for 30 years.

The Commissioners received and reviewed a letter to Carl Harris, Prosecuting Attorney from Sheriff William Laird informing that the Commission had instructed him to prepare a summary of payments made to the Regional Jail and Correctional Facility for the confinement of Fayette County inmates at the Southern Regional Jail for Fiscal Years 2005 and 2006.

Included in the summary are the total number of inmate days per calendar month, the total billed expense per calendar month based on

the current per diem rate of \$48.50, and the project overpayment of \$3.50 per inmate/per day based on the assumption that this per diem increase was not properly authorized and applied. The total amount of the overpayment during this two-year period is \$123,210.50.

Sheriff Laird suggested that funds be held in reserve in the event that full payment is enforced.

Benitez Jackson appeared before the Commission on behalf of the New River Health Association to request a donation for the after school tutoring and enrichment program.

Mr. Jackson informed the Commissioners he is requesting \$10,000.00 to help offset cost on the New River Health Association Grant. The enrichment program is for children from the Oak Hill Elementary School, Scarbro, Mount Hope, Beards Fork, and Southern Appalachian Labor School (SALS). The Board of Education provides meals, cooks and transportation.

The Commission informed Mr. Jackson that the Commission will take under advisement and will get back with him.

Commissioner Wender asked Mr. Jackson to prepare a letter of other ways to help other than money and present it and also suggested that he ask Multi-Cap for assistance.

The Commissioners received a letter from the Town of Gauley Bridge inviting the Commission to attend the Dedication and Memorial Service for Nicholas County Deputy Sheriff William "Billy" Giacomo who was killed in the line of duty on Friday, August 4, 2006 at 1:00 p.m.

The Commissioners asked Larry Harrah, Assistant Prosecuting Attorney to prepare a Proclamation to recognize and honor his service

to his county and to his commitment to the citizens of Fayette County and Nicholas County and proclaim August 4, 2006 will be designated as William G. Giacomo Day in Fayette County. Proclamation signed.

Commissioner Eskew informed he would be attending.

Commissioner Wender informed the Commissioners he received from David Neal, E911 Coordinator on July 21, 2006 a request, requesting a pay rate increase for his part-time employees.

Discussion was held, the Commission questioned the request, they thought they had already increased the part-time employees pay. The Commission asked that David Neal attend the next Commission meeting to discuss.

David Perry, Chairman of the Democratic Executive Committee, appeared before the Commission to present election issues and asked the Commission's approval to proceed with investigation of these issues.

Mr. Perry told the Commissioners as Chairman of the Committee he is responsible for complaints and to oversee that all complaints are reviewed and investigated during the election process.

Mr. Perry told the Commissioners he had received numerous complaints on the last and prior election.

Mr. Perry told the Commissioners he had contacted the Secretary of State Office and ethics board regarding these issues. They advised him to share this information with the County Commission.

Mr. Perry gave a summary of all the complaints he received: Certain officials solicited in filing of offices, that's an ethic violation, voters asked to change politics after the voter books were

closed to work at the polls, that is also illegal, illegal training violation.

Mr. Perry told the Commissioners that Republicans have also confronted him with these issues.

Mr. Perry told the Commissioners that people have been threatened and employees were told their job would be terminated.

Mr. Perry told the Commissioners the issues need to be enlightened. Need to pursue the ethics of that office?

Mr. Perry told the Commissioners he would share times and names with appropriate people.

The Commissioners called Carl Harris, Prosecuting Attorney back and asked him if the County needs to request investigation. Mr. Harris advised to have the State Police investigate and asked Mr. Perry to present the complaints to the State Police in a letter.

Commissioner Wender thanked Mr. Perry and asked him to proceed with the investigation.

Mr. Perry told the Commissioners he had spoke with the Republic Executive Committee and we are asking that the Commission look into increasing the poll workers pay. Mr. Perry told the Commissioners that the statute allows up to \$300.00.

Mr. Perry told the Commissioners the State paid \$125 for training and \$125.00 for election day.

Mr. Perry invited the Commissioners to the Kick-off Training of the November Election being held August 22, 2006 at the Lions Club. Debra Jenkins from the National level and Derek Scarbro will be attending.

The Commissioners asked to get a poll on what the other counties pay their poll workers.

Commissioner Lopez offered a motion to approve paying the poll workers \$50.00 for training and \$100.00 for working the polls on election day and increase of \$15.00. Commissioner Eskew seconded. Unanimous.

Commissioner Eskew offered a motion to readvertise for bids on the Preservation and Records Management Grant for a filing system for the Circuit Clerk and Prosecuting Attorney's Office. Commissioner Lopez seconded. Unanimous.

The Commissioners signed the renewal agreement for the West Virginia State Agency for Surplus Property.

Attorney James Blankenship appeared before the Commission to present a Petition to Compel Accounting in the Estate of Hazel Ernestine Perry.

Mr. Blankenship told the Commissioners that the parties had reached an agreement concerning the matters set forth in the Petition to Compel Accounting and asked the Commission to incorporate the terms of said agreement within the Order.

Commissioner Wender informed that upon consideration of the foregoing, and upon the advice of Carl Harris, Prosecuting Attorney it is the order and judgement of the Commission that the Executor shall present unto the Clerk and to the Petitioner's Counsel a statement of the receipts and disbursements, accompanied by proper vouchers for the period since the Executor qualified, which statement shall be filed and provided as aforesaid on or before August 14, 2006. If an

objection to the statement is made by the Petitioner within ten days, this matter shall be immediately referred to a fiduciary commissioner by the Clerk of the Commission. If no objection to the statement of receipts and disbursements is filed within ten days with the Clerk, the Executor shall, within ten days thereafter, file with the Clerk of the County Commission a final settlement setting forth the receipts, disbursements and the proposed distribution of the assets of this Estate.

Commissioner Lopez offered a motion to approve and sign Agreed Order. Commissioner Eskew seconded. Order signed.

The Commission recessed the Commission meeting at 11:10 a.m.

The Commission reconvened the Commission meeting at 11:25 a.m.

David Neal, E911 Coordinator appeared before the Commission to open bids received for the UHF Repeater.

Mr. Neal told the Commissioners he received one bid from Two Way Radio for Motorola, amount \$17,227. Mr. Neal told the Commissioners that cost would be lower.

Commissioner Lopez offered a motion to approve bid received from Two Way Radio, amount \$17,227 after confirmation from David Neal. Commissioner Eskew seconded. Unanimous.

Discussion was held regarding pay raises for the 911 part time employees. The Commissioners approve increasing the 911 part time employee's salaries to 50¢ an hour effective August 1, 2006.

Commissioner Eskew offered a motion to approve 50¢ an hour raise for the part-time 911 employees, effective August 1, 2006. Commissioner Lopez seconded. Unanimous.

County Commission invited to Girl's Night out.

Debbie Tate, WVU Extension Agent asked the Commission for an Executive Session to discuss personnel matter.

The Commissioners held discussion regarding the Memorial Building Lease.

Commissioner Wender informed they received a letter from the Fayette County Board of Education informing that the offer of \$35,000 for the lease of the Memorial Building for the 2006-2007 school year shall remain as is and for additional usage of the Memorial Building the Board would pay \$100 per hour for other activities through the year.

The Commissioners decided that they needed to maintain Okey Skidmore as the janitor for the Memorial Building.

Commissioner Eskew offered a motion to keep Okey Skidmore on as janitor for the Memorial Building. Commissioner Lopez seconded. Unanimous.

Carl Harris, Prosecuting Attorney advised the Commission to accept the offer of \$35,000.00 for the lease of the Memorial Building, the additional \$100.00 per hour usages for other activities through the year. Mr. Harris suggested to the Commission to request that the Board provide two weeks advanced notice of the usage of the Memorial Building so that it can be staffed.

Commissioner Eskew offered a motion to approve the offer of \$35,000.00 for the lease of the Memorial Building as outlined in the letter from the Board of Education, and the \$100.00 per hour usages for other activities through the year, with the understanding that a

two week advanced notice of the usage of the building so that it can be staffed and to revisit next year at budget sessions. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez informed the Commissioners that they need to know the Boards intention of usage of the building by March 17, 2007.

Mr. Harris suggested to the Commission to send a letter to the Board of Education by January 2007 regarding the lease for the upcoming fiscal year.

The Commissioners asked Ms. Berry to draft a letter to the Board regarding their stipulations.

The Commission recessed the County Commission meeting to go into Executive Session with Debbie Tate to discuss personnel matter.

Upon reconvening from the Executive Session Commissioner Wender informed that no decision was made regarding the personnel matter.

The Commissioners received and reviewed a letter from the Humane Society of the United States thanking the Commission for their immediate response to the allegations concerning the methods and manner by which animal euthanasia is being performed at the shelter operated by the New River Humane Society (formerly CPAC).

The Commissioners received and reviewed a copy of the Pre-Election Questionnaire from Election Systems and Software (ES&S) completed by Kelvin Holliday, County Clerk.

The Commissioners received and reviewed a copy of the Fayette County Planning Commission minutes of July 24, 2006.

The Commissioners received and reviewed from the West Virginia Development Office confirmation of contract extensions to June 30,

2007 for grants awarded through the Governor's Community Partnership Program, Local Economic Development Assistance Program and the Industrial Park Assistance Program during fiscal years 2004, 2005, and 2006 for Gauneka Ruritan (Project #05LEDA0387), White Oak Rail Trail (Project #05LEDA0122), Historical Society (Project #06LEDA0130), Sportsman Recreation Center (Project #05LEDA0456ND), Tourism and Recreation (Project #06LEDA0129), Upper Kanawha Valley Community (Project #06LEDA0417), Horse Club (Project #05LEDA0124), Multi-Cap (Project #05LEDA0121), REACT System (Project #04LEDA0046), Valley Fire Department (Project #04LEDA0043), County ADA (Project #04LEDA0047), Tourism and Recreation (Project 06LEDA0046), Pool Access Ramp (Project #05CPGP0013), UKV Ball Field Lights (Project #04CPGP0021), New haven PSD (Project #01SCBG0041X) and Memorial Building (Project #04CPGP0022).

The Commissioners received and reviewed a letter from the Fayetteville Fairs and Festivals thanking the Commission for their loyal support, participation and/or financial contributions to the 55th Annual New River Gorge Heritage Festival.

The Commissioners received and reviewed Status Report of calls from the 911 Center for the months of January thru June 2006.

The Commissioner received and reviewed a letter from Suddenlink informing that the sale of Charter Communications' local cable system to Cebridge Acquisition, LLC has officially been completed. The new name will change from Cebridge Acquisition, LLC to Suddenlink Communications.

The Commissioners received and reviewed a Work Related Injury

Report Form from James Perdue, Maintenance Supervisor.

The Commissioners received and reviewed a letter from the Department of Military Affairs and Public Safety informing that a West Virginia's Urban-Rural Evacuation Conference is being planned for late January or early February.

The Commissioners received and reviewed minutes from the Gauley River Public Service District for July thru December 2005 and January thru June 2006.

The Commissioners received and reviewed several correspondences from the Unemployment Compensation Division and BrickStreet Insurance for Workers' Compensation claims.

The Commissioners received and reviewed a letter from the West Virginia Development Office requesting for any and all updated supplemental information associated with-or in support of-responses to WVEDA's project status inquiry of March 21, 2006.

The Commissioners received and reviewed a monthly Statistical Summary, a Contractor Agreement for the period June 1, 2006 through May 31, 2007, and Monthly Progress Report from the Fayette County Community Corrections Day Report Center.

The Commissioners received and reviewed a Remittance by the Assessor to the State Treasurer's Office for Courthouse Facilities Improvement Fund, amount \$39.00 for the month of June.

The Commissioners received and reviewed an Order from the United States Bankruptcy Court for the Southern District of West Virginia regarding Multi-County Community Action Against Poverty, Inc.

The Commissioners received and reviewed from the Bank of New York

Cash Statement and Asset List for July 21, 2006.

The Commissioners received and reviewed from SunTrust Bank a list of securities pledged as of June 30, 2006.

The Commissioners received and reviewed a letter from the Town of Meadow Bridge informing they are in the process of working toward completion of naming their streets to comply with the 9-1-1 mapping process. They have finalized and are ready to order signs, cost \$3,017.11. They are asking for assistance from the Fayette County Commission. A copy of the letter forwarded to David Neal, E911 Coordinator.

The Commissioners received and reviewed a letter from the Public Employees Insurance Agency informing they have not received insurance premiums for the month of June 2006, amount \$2,278.67.

The Commissioners received and reviewed a letter from the West Virginia Regional Jail and Correctional Facility Authority informing that a special meeting will be held Monday, July 31, 2006 at 1:30 p.m.

The Commissioners received and reviewed a letter from Steptoe and Johnson regarding Charles Canterbury v. William Laird, IV, etal lawsuit.

The Commissioners received and reviewed Weekly Fees Collected for the week of July 14, to July 20, 2006, amount \$115.00 and the week of July 21, to July 27, 2006, amount \$165.00 from the Fayette County Animal Control Center/NRHS.

The Commissioners received and reviewed from the West Virginia Division of Labor a "Certificate of Operation" for the elevator/lifting device(s).

The Commissioners received and reviewed from the West Virginia Department of Environmental Protection a "Certificate to Operate" the Courthouse incinerator for the period July 1, 2006 to June 30, 2007.

The Commissioners received and reviewed a copy of a letter to Linda Casey from Debbie Tate, West Virginia Extension Agent regarding her return to work days.

The Commissioners received and reviewed checks for 911 Fees from Public Service Commission, amount \$136,384.52, Verizon, amount \$32,890.21, Citizens Communications Company, amount \$52.38, AT&T Communications of WV, amount \$1,060.00, Cleartel Telecommunications, Inc., amount \$14.00, IDT Corporation, amount \$66.00, Spectrotel, Inc., amount \$40.00, and Granite Telecommunications, LLC, amount \$160.00; check for Alarm Fees, amount \$675.00; Soldiers and Sailors Memorial Fund, amount \$50.00; WV Development Office-Fayette Co. Park/Accessibility, amount \$9,266.33 and Courtroom Chairs/Equipment, amount \$2,235.00; and Secretary of State, amount \$776.06.

The Commissioners received and reviewed an e-mail from Charlotte Holly to Sheriff William Laird regarding the Regional Jail expenses/withholdings for the month of June.

The Commissioners received and reviewed an e-mail from Charlotte Holly to Steve Cruikshank regarding a status report of FEMA reimbursement/settlement including animal shelter and 2004 Bridge Day overtime reimbursement.

The Commissioners received and reviewed an e-mail from Matt Wender to Debbie Aliff, Payroll Clerk regarding his Alloy Credit Union Deduction.

The Commissioners received and reviewed an e-mail from Charlotte Holly to Okey Skidmore requesting that he get a price for a new flagpole at the Memorial Building.

The Commissioners received and reviewed an e-mail from David Neal to Charlotte Holly regarding the Transfer Panel.

The Commissioners received and reviewed an e-mail from Matt Wender regarding invoices for the materials for the skeet range.

The Commissioners received and reviewed an e-mail from Amber Marstiller regarding the Mount Hope Community Center.

The Commissioners received and reviewed several e-mails regarding public water on Hawver Road in Hico, West Virginia.

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

The meeting was adjourned at 12:15 p.m. The next scheduled meeting is August 11, 2006.



FAYETTE COUNTY COMMISSION

REGULAR SESSION

JUNE 9, 2006

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 9th day of June 2006.

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

Commissioner Lopez offered a motion to approve vouchers, and invoices and 1st and 2nd half payrolls, invoices and 1st half payrolls to be released today. Commissioner Eskew seconded. Unanimous.

Melissa Dragan with the West Virginia Conservation Agency appeared before the Commission to inform them that they have completed all proposed work related to the White Oak Creek as agreed in an efficient and responsible manner.

Ms. Dragan presented a letter asking that the Commission (landowner) sign acknowledging that the West Virginia Conservation Agency has completed the work.

Commissioner Eskew offered a motion to release and sign letter acknowledging that the West Virginia Conservation Agency has completed all proposed work related to the White Oak Creek. Commissioner Lopez seconded. Unanimous.

Ms. Holly told the Commissioners that they had received a Petition from Southern Grace, Inc. requesting exoneration of taxes for the years 2004 and 2005.

Ms. Holly informed the Commissioners that she had given a copy of the Order to Carl Harris, Prosecuting Attorney to review.

Carl Harris told the Commissioners that the question was certified to the State Tax Commission in January 2006. On January 23, 2006, the State Tax Commission issued his ruling.

Mr. Harris told the Commissioners that the Tax payer had thirty days after the adjournment of the Fayette County Commission sitting as the Board of Equalization and Review to appeal the decision to the Circuit Court of Fayette County.

Mr. Harris told the Commission that based upon the foregoing he finds that the Commission does not have the jurisdiction to grant the relief sought in this Petition. Mr. Harris suggested to the Commission to deny the request.

Commissioner Eskew offered a motion that after deliberation and review of the Petition the Commissioners deny the request for exonerations for the Southern Grace, Inc., matter not for the Commission. Commissioner Lopez seconded. Unanimous.

Commissioner Wender asked Jackie Hickman to check with Edwin Harper with the Office of Economic Opportunity regarding dates he would be available to arrange a meeting at the Kimberly Center to discuss Multi-Cap. Commissioner Wender informed he prefer early morning.

Commissioner Wender informed he wants to work with Jackie Hickman regarding the agenda for June 21, 2006.

Eddie Young, Assessor appeared before the Commission to present exonerations to be approved and signed.

Commissioner Lopez offered a motion to approve and sign exonerations for real property tax for Patricia Nutter, Bernard E. And

Kathy Lough, and Connie Scarbrough Everette and personal property taxes for Terry L. or Deborah L. Abbott and Ivan E and Patricia A. Persinger. Commissioner Eskew seconded. Unanimous.

Commissioner Eskew offered a motion to approve refund for Connie Scarbrough Everette, amount \$234.87 should be Class 2 and Homestead Exempt. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from Earl Pauley, Park Superintendent requesting that Peggy Bennet's salary go back to \$8.00 per hour during their pool season.

Commissioner Eskew offered a motion to approve Mr. Pauley's request to increase Peggy Bennett's salary to \$8.00 per hour during the pool season effective June 1, 2006. Commissioner Lopez seconded. Unanimous.

Ms. Holly informed the Commissioners that she had advertised for the transportation van for the Community Correction Day Report Center, she received only one bid from Ramey Automotive Group, amount \$16,992.15.

Commissioner Lopez offered a motion to accept the bid from Ramey Automotive Group, amount \$16,992.15, \$10,000 to be paid out of the Community Corrections Grant, \$3,000 to be paid out of the Community Corrections Fee Collections, and \$3,992.15 to be paid out of the Home Confinement Fund for a total of \$16,992.15. Commissioner Eskew seconded. Unanimous.

Sheriff William Laird presented Request for Reimbursement for the Community Corrections Program Grant, amount \$477.00 for the month of May to the Commissioners.

Commissioner Eskew offered a motion to release payment to Advanced Alarm Systems, amount \$7,100 and payment for \$10,000 for the transportation van for the Community Corrections Day Report Center. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to go into Executive Session to discuss personnel matter with Sheriff William Laird. Commissioner Eskew seconded. Unanimous.

Commissioner Wender informed that no conclusion was made regarding the personnel matter with Sheriff William Laird.

Commissioner Wender commented that the loss of the parking spaces on Wiseman Avenue does have an effect on the Courthouse.

Commissioner Wender informed the Commission has never addressed this matter, but it has been applied that it was okay with the Commission. Commissioner Wender informed that he would like to clear the record.

Commissioner Eskew told Commissioner Wender that he had discussed this matter with him.

Commissioner Wender offered a motion that the County Commission issue a written letter to the Town of Fayetteville informing them that the Commission feels that the elimination of the five parking spaces is a loss to the citizens of the County. Commissioner Eskew seconded. Unanimous. A letter signed.

Commissioner Wender told the Commission that Sheriff William Laird had informed him about the Cable County litigation pending regarding the \$45.00 to \$48.00 per diem for inmates.

Commissioner Eskew asked Carl Harris, Prosecuting Attorney to get

further information regarding this matter and present to the Commission at 10:00 a.m. on June 21, 2006 with recommendation for course of action. The Commissioners asked Sheriff Laird to invite Vivian Parson with the West Virginia Association of Counties to attend.

Commissioner Eskew offered a motion to approve and authorize Commissioner Wender, President to sign once the deed is prepared THE ADOPTION OF THE Resolution of the Fayette County Commission to accept conveyance of 2 parcels of land near Pax from the West Virginia Division of Highways. Commissioner Lopez seconded. Unanimous. Resolution Signed.

David Neal, E911 Coordinator appeared before the Commission to discuss the Valley Tower/AEP problem, mapping and addressing, the Gauley Mountain access road.

Mr. Neal told the Commissioners that he had to replace all the old style panels at the Valley Tower.

Mr. Neal told the Commissioners he had the Public Service Commission to look at.

Carl Harris, Prosecuting Attorney told Mr. Neal not to leave anything with the Public Service Commission.

Commissioner Wender asked Mr. Neal to wait and see decision of the Public Service Commission. Mr. Harris will decide then if the Fayette County Commission has a course of action.

Mr. Neal told the Commissioners someone had cut chain off fence destroying panels. He transferred panels and generator.

Mr. Neal told the Commissioners that the damages have been

repaired, cost \$600.00.

Commissioner Wender asked Mr. Neal for an update on the mapping/addressing project.

Mr. Neal told the Commissioners that the State mapping/addressing still committed to the project. They are going to see the process through even though the contractors has pulled out.

Mr. Neal told the Commissioners that the project is back to the counties to complete and money that would have gone to the contractor will be divided between the counties.

Mr. Neal told the Commissioners that the Fayette County 911 will finish the project.

Mr. Neal told the Commissioners that overtime for the current staff and the temporary staff should be reimbursed by the State.

Mr. Neal told the Commissioners that 14% of Fayette County data received yesterday has been verified. Fayette County will verify the balance.

Mr. Neal told the Commissioners that the Gauley Mountain Access Road is in terrible condition

Commissioner Lopez informed the Commissioners that Senator Shirley Love was to contact Homeland Security to get them involved.

Commissioner Lopez informed the Commissioners he will try to get a hold of Senator Love to discuss on June 21, 2006.

Mr. Neal discussed with the Commissioners about getting a new repeater.

Ms. Holly informed the Commissioners that Mr. Neal had sent her an e-mail regarding the recording system.

Commissioner Lopez suggested holding until June 21, 2006.

David Gay appeared before the Commission regarding Retain the Train (Amtrak Service) to discuss getting with Congressman Nick Rahall and Senator Robert Byrd to purchase Prince Depot from CSX.

Mr. Gay requested that the Fayette County Commission help Prince depot owned by CSX operated by Amtrak to consider buying the depot from CSX and apply for Federal Government Grants for money to help with the upkeep.

Commissioner Eskew asked Mr. Day to put a synopsis together.

Commissioner Wender informed he will contact various persons to set up a meeting Wednesday or Friday earl afternoon to discuss.

The Commission recessed for lunch at 12:25 p.m.

Commissioner Wender reconvened the County Commission meeting at 1:50 p.m.

The Commissioners discussed designating James E. Lively, Sr. the Agent of Record for the Workers' Compensation for BrickStreet effective July 1, 2006.

Carl Harris, Prosecuting Attorney informed the Commissioners that this should be on the agenda for the next meeting June 21, 206 at 10:30 a.m.

Commissioner Wender asked Ms. Holly if she had heard anything back from Earl Pauley, Park Superintendent regarding the letter he wrote regarding the shooting range. Ms. Holly replied no.

Commissioner Wender asked Ms. Holly to advertise for equipment.

Commissioner Eskew offered a motion that Ms. Holly advertises for machines for the shooting range. Commissioner Lopez seconded.

Unanimous.

The Commission informed they do not want to sign the lease of shooting range until shooting range is complete.

Treatha Sexton, Voter Registrant appeared before the Commission to request unlocking ballot room to get voter registration books.

The Commissioners asked Ms. Holly and Carl Harris to determine the date they can open the room to get voter registration books for Ms. Sexton.

Commissioner Lopez offered a motion for casual dress July and August meetings. Commissioner Lopez withdrew motion, will check agenda.

The Commissioners signed a letter to the Town of Fayetteville regarding the elimination of the five parking spaces.

The Commissioners signed a letter of support to Bill Lanham, Town Superintendent for the Community Design Team Workshop Grant Application from West Virginia University.

The Commissioners signed an Order, ordering the annual pro-rate 5-year costs associated with such special levy election to be deducted from the total annual amount raised for each entity receiving funds from such Special Levy and transferred to the Fayette County Election Expense Levy Fund.

The Commissioners signed an Order, ordering the balance of the Fayette County General School Fund in the amount of \$120,750.65 to be transferred to the Fayette County General Fund to defray the balance said fund for the cost of care and feeding of misdemeanor prisoners incarcerated by magistrates.

The Commissioners signed an Order, ordering the sum of \$39,918.16 for the fiscal year 2005-2006 to be transferred from the Magistrate Court Fund to the Fayette County General Fund.

The Commissioners signed an Order, ordering a sum in the amount of \$17,124.38 be transferred from the Fayette County Worthless Check Fund to the General Fund for reimbursement of previous expenditures as set forth in the order of the Fayette County Commission and entered to record on June 15, 1995.

Ms. Holly presented a letter from the Fayette County Health Department requesting that John M. Frazier be recommended for appointment to fill the vacancy due to the resignation of Senator Shirley Love to the Commissioners.

Commissioner Wender suggested holding until the next meeting.

After a brief discussion, Commissioner Wender offered a motion to accept the resignation of Senator Shirley Love and appoint John M. Frazier to fill the vacancy. Commissioner Lopez seconded. Vote passed 2-1.

The Commissioners signed the Order and the appointment to serve letter.

Ms. Holly informed the Commissioners that Dan Pauley from the Fayette County Park was involved in a car accident.

The Commissioners received and reviewed a letter from Sheriff William Laird requesting that a purchase order be issued for the purchase of two (2) computers to be paid from funds available through the current community correction grant, amount \$3,132.60.

The Commissioners received and reviewed a proposal from Camco

Heating and Cooling for an air conditioner for the Courtroom.

The Commissioners received and reviewed a letter from Daniel Wright, Circuit Clerk requesting that the remaining funds in his travel and salary budgets be transferred to a budget account that can be used to purchase office furniture and to fund remodeling the front counter of his office.

Commissioner Lopez offered a motion to approve transfer from travel/salary budget for furniture for the Circuit Clerk's Office and to hold off on front counter. Commissioner Eskew seconded.

Unanimous.

Ms. Holly asked the Commissioners about the Fayette County Board of Education lease for the Fayette County Memorial Building.

Carl Harris, Prosecuting Attorney told the Commissioners he would get with Jack Thompson to discuss.

The Commissioners received and reviewed a letter from the West Virginia Development Office approving the request for a change of scop and extension for the (10-31-06) for the Fayette County Commission-Boomer Volunteer Fire Department-Local Economic Development Assistance Grant, Project #03LEDA0047, amount \$10,000.00.

Ms. Holly informed the Commissioners that Okey Skidmore, Manager Fayette County Memorial Building sent down some quotes for chairs for the Memorial Building.

Commissioner Eskew offered a motion to authorize purchase of 300 vinyl back chairs, dependent on if they have a place to store otherwise reduce the number to purchased. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed resignation of James E. Lively, Jr. from the 4-C Economic Development Authority Board effective May 1, 2006.

Commissioner Wender asked to hold off on appointing someone at this time.

The Commissioners received and reviewed a letter from the City National Bank regarding Highland Towers, Inc. Irrevocable Letter of Credit 5164043 to secure the payment of One Hundred Thousand Dollars (\$100,000.00) to secure the cost of the removal of a tower to be installed in Fayette County, West Virginia pursuant to the applicable provisions of the Unified Development Code.

The Commissioners received and reviewed a copy of a letter from Sheriff Laird to the West Virginia Division of Criminal Justices requesting a Budget Adjustment for the Fayette County Community Corrections Program, Project #06-CC-50.

The Commissioners signed a letter to the Fayette County Board of Education regarding their action on the lease of the Memorial Building.

The Commissioners received and reviewed an invoice from the West Virginia Prosecuting Attorneys Institute, amount \$4,500.00.

The Commissioners received and reviewed a letter from St. Paul Travelers informing they have received the appraiser's report regarding the damage to the 1990 Chevy truck, truck has been declared a total loss.

The Commissioners received and reviewed several e-mails to review.

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

The Commissioners received and reviewed several correspondences from BrickStreet (Workers Compensation) and the Unemployment Compensation Division.

The Commissioners received and reviewed copies of several checks for 911 Fees-CityNet, LLC, amount \$13.58, CityNet Holding, LLC, amount \$5.82, Trinsic Communications, Inc., amount \$30.00, Nos Communications, Inc., amount \$2.00; Franchise Fees-Bradley Communications, amount \$532.48, Charter Communications, amount \$500.00, and Sherman and Howard, LLC, amount \$250.00; a check from the Secretary of State-State Grant HAVA Polling Places, amount \$10,000.00, Reimbursement-City of Beckley, amount \$2,110.08; a check Fayette County Board of Education rent, amount \$5,416.66, Federal Grant EPA Wastewater Study, amount \$7,165.91; Jail Fees-Town of Fayetteville, amount \$388.00; WV Development Office-State Grant-Chamber of Commerce Bridge Day, amount \$12,000.00, Homeland Security and Emergency Management Federal Grant-Law Enforcement, amount \$7,016.00; Family Law Master rent, amount \$2,025.00, Criminal Justice Services-State Grant-TRIDENT, amount \$241.32, Auditor's Office Refund-Registration for GASB34, amount \$300.00.

The Commissioners received and reviewed a Monthly Report, Activity Report for the month of May from the Fayette County Animal Control Center/NRHS; C-PAC allotment, amount \$12,110.69 for the month of June and Weekly Fees Collected for the week of May 19 to May 25,

2006, amount \$210.00, the week of May 26 to May 31, 2006, amount \$390.00 the week of June 1, 2006, amount \$10.00 and the week of June 2 to June 8, 2006, amount \$285.00.

The Commissioners received and reviewed a letter from Branch Banking and Trust Company (BB&T) informing that as of May 31, 2006 securities held as collateral to secure the deposits of Fayette County Commission.

The Commissioners received and reviewed from the Bank of New Cash Statement and Asset List for May 22, 2006, May 23, 2006 and May 31, 2006.

The Commissioners received and reviewed a letter from the State Auditor's office informing that their annual-in-service training program for all County Commissioners will be held on July 30 - August 1, 2006 at the Radisson Hotel and Conference Center in Huntington, West Virginia.

The Commissioners received and reviewed a letter from the Governor regarding the \$1,500,000 commitment in Small Cities Block Grant funds to extend public sewers to the Wriston and Ingram Branch areas of the Page-Kincaid Public Service District.

The Commissioners received and reviewed a letter from the Secretary of State attaching for review a summary of changes that as a result of the most recent Legislative session, various bills were passed which affect West Virginia Election Law.

The Commissioner reviewed a letter to the Unclaimed Property Division enclosing a form for purposes of claiming certain funds made payable to the Sheriff of Fayette County that are currently in the

possession of their office.

The Commissioners received and reviewed copies of the Annual Report from Sheriff William Laird and Harvey E. Young, Assessor to the State Tax Commission for the period beginning June 1, 2005 through May 31, 2006.

The Commissioners received and reviewed from Page-Kincaid Public Service District minutes of March and May 2006.

The Commissioners received and reviewed a letter from the Office of Economic Opportunity regarding the 2005 Cost Allocation Plan.

The Commissioners received and reviewed a Notice of Grant Award Change from the West Virginia Development Office-Project Water Services.

The Commissioners received and reviewed a letter from Sheriff William Laird regarding Pay Proposal for the Sheriff's Tax Office

The Commissioners received and reviewed a letter from the West Virginia Development office regarding Synthetic Fuel Non-Producing Counties Fund for Fiscal year 2006 allocation and Uses.

The Commissioners received and reviewed expenditures as of May 2006 for the Fayette County park and Central Garage.

The Commissioners received and reviewed a copy of a letter to Debbie Aliff, Payroll Clerk from Harvey E. Young, Assessor informing he will be hiring Franklin Colt, Sandoro at a rate of \$6.00 per hour effective May 30, 2006, Ashton N. Critchley at a rate of \$6.00 per hour effective June 1, 2006, Amber Renee Bishop at a rate of \$6,00 per hour effective June 1, 2006, Amber N. Whitmore at a rate of \$5.50 effective June 1, 2006 and Michael J. Lee at a rate \$5.50 effective

June 1, 2006 for summer help. These employees will be paid from the PVC Fund.

The Commissioners received and reviewed a copy of a letter to Debbie Aliff, Payroll Clerk from Sheriff William Laird informing that Amy Nibert will be working part-time for the Sheriff's Department in the Detective Bureau effective date of employment is May 15, 2006, salary \$6.50 an hour.

The Commissioners received and reviewed a copy of a letter to Debbie Aliff, Payroll Clerk from Kelvin Holliday, County Clerk informing that as of June 7, 2006 he hired Nina Logan as a part-time deputy at \$7.00 per hour.

The Commissioners received and reviewed a copy of a letter from Multi-Cap, Inc. to the Office of Economic Opportunity responding to their letter date May 30, 2006.

The Commissioners received and reviewed a copy of a letter from Region 4 Planning and Development Council to the West Virginia Development Office and Southern Appalachian Labor School (SALS) regarding Fayette County Commission-Project #03SCBG0120-Elevator/SALS Project.

The Commissioners received and reviewed a letter from the Public Service Commission thanking the Commission for their petition regarding Case #06-0710-PWD-PC Fayette County Commission.

The Commissioners received and reviewed a request for leave from Dave Pollard, County Resource Coordinator.

The Commissioners received and reviewed a Remittance by the Assessor to the State Treasurer's Office for Courthouse Facilities

Improvement Fund for the month of May, amount \$99.00.

The Commissioners received and reviewed a letter from the United States Bankruptcy Court regarding Multi-Cap, Inc.

The Commissioners received and reviewed a letter from the United States Environmental Protection Agency informing that the project/budget period for X-983981-01 for the reference assistance agreement ended on March 30, 2006. To close out the reference assistance agreement they would have to complete the Closeout Checklist and the applicable Standard Forms, and return to the office by June 30, 2006.

The meeting was adjourned at 3:45 p.m. The next scheduled meeting is June 21, 2006.



FAYETTE COUNTY COMMISSION
SPECIAL SESSION
JUNE 21, 2006
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 21st day of June 2006.

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

Commissioner Lopez offered a motion for the Fayette County American Red Cross to use the hall of the Courthouse for a Blood Drive. Commissioner Eskew seconded. Unanimous.

Commissioner Eskew informed the Commissioners that they are not required but suggested that the Commission designate and name an Agent of Record for the purpose of placing its Workers' Compensation Coverage through BrickStreet Mutual Insurance Company in the State of West Virginia.

Commissioner Eskew offered a motion to name James E. Lively, Sr. As our Agent of Record for the purpose of placing its Workers' Compensation Coverage through BrickStreet Mutual Insurance Company. Commissioner Lopez seconded. Unanimous. The Authorization to Act as Agent of Record was signed.

Ms. Holly presented an Order designating three (3) banks to be county depositories.

Commissioner Eskew offered a motion to accept and make binding by this Order the depository bonds and/or securities and agreements as received for the banking institutions enumerated for the Fayette County National Bank, Branch Banking and Trust (BB&T), and the Bank of Mount Hope. Commissioner Lopez seconded. Order signed.

The Commissioners approved to change the August 25 meeting to August 21, 2006.

Commissioner Eskew offered a motion to approve James Perdue, Maintenance Supervisor, and Jackie Hickman, Secretary overtime. Commissioner Lopez seconded. Unanimous.

Ms. Holly reminded the Commissioners that the meeting with Ed Harper is set for June 28, 2006 at 8:30 a.m. at the Kimberly Community Center.

Ms. Holly informed the Commissioners she received bids for the Fayette County Jail Museum gutters.

Ms. Holly told the Commissioners that J. Dan Snead is recommending cutting the stone ledge. Mr. Snead informed he has talked with Daniel Wright with the Fayette County Landmark Historic Commission and Chris Knorr of the West Virginia Division of Culture and History regarding his recommendation and both are in agreement that the stone ledge can be carefully cut to accommodate the new downspouts extending from the bottom of the new gutters.

Ms. Holly told the Commissioners this would be an additional \$1,200 for the project.

Commissioner Eskew offered a motion to approve the \$1,200.00 for cutting the stone on the roof gutter and authorize Commissioner Wender to sign agreement. Commissioner Lopez seconded. Unanimous.

The Commissioners asked Ms. Holly if Tri-State Roofing will do inspection of the roof when they are here. Ms. Holly replied yes.

The Commissioners signed a letter to the West Virginia Development Office requesting first and final drawdown for the ramp at

the Fayette County Park, amount \$5,000.00.

The Commissioners signed a letter to the West Virginia Development Office requesting second and final drawdown for the Courtroom Chairs and Equipment, amount \$12,000.00.

The Commissioners signed a letter to the West Virginia Development Office requesting the third drawdown for the Fayette County Facilities Accessibility Project, amount \$4,266.33.

The Commissioners received a fax from Southern Appalachian Labor School requesting that the Commission sign a letter of support for the Coalfield Healthy People proposal. The Commissioners signed the letter of support.

The Commissioners received and reviewed a letter from Mountain Transit Authority informing that Carl Thompson term is scheduled to expire on June 30, 2006. The Mountain Transit Authority is asking that the Commission reappoint Mr. Thompson to their board of directors.

Commissioner Eskew offered a motion to reappoint Carl Thompson representative for Fayette County to the Mountain Transit Authority board of directors. Commissioner Lopez seconded. Unanimous. Order and letter of appointment to serve signed.

Ms. Holly informed the Commissioners she has prepared Budget Revisions for the General County and Coal Severance Funds for any last minutes revisions.

Commissioner Eskew offered a motion to authorize Ms. Holly to make any budget revisions for the General County and Coal Severance Funds if needed. Commissioner Lopez seconded. Unanimous. Orders

signed.

The Commissioners signed invoices for the confinement of inmates at the Southern Regional Jail for the City of Oak Hill, amount \$921.50, the City of Mount Hope, amount \$242.50, and the Town of Fayetteville, amount \$97.00.

The Commissioners received and reviewed an invitation to a Lunch on the Run at The Summit being held Thursday, June 22, 2006 from 11:00 a.m. to 2:00 p.m.

The Commissioners approved for Ms. Holly to attend workers' Compensation Seminar being hosted by the West Virginia Chamber of Commerce Thursday, June 29 from 10:00 a.m. to 2:00 p.m.

Commissioner Eskew offered a motion to approve interval budget for the elected and appointed offices for the end of the year.

Commissioner Lopez seconded. Unanimous.

Allen Ballard appeared before the Commission to discuss Handicap Accessibility Grant.

Mr. Ballard informed the Commissioners he has called several paving companies and no one has returned his calls.

Commissioner Wender asked Mr. Ballard to get with Steve Cruikshank, OES Director and have him write a letter to the Fire Departments.

Ms. Holly asked Mr. Ballard to address the problems of the Babcock Community Center.

Mr. Ballard informed the Commissioners they need handicap parking spots.

Ms. Holly suggested to Mr. Ballard to get three (3) written bids

for the ramps and paving.

Commissioner Wender asked Mr. Ballard to get back on the agenda as soon as possible when he find more information.

The Commissioners recessed the Commission meeting for five (5) minutes (10:15 a.m.).

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

Carl Harris, Prosecuting Attorney asked the Commission to go into an Executive Session (10:31 a.m.) to discuss the Regional Jail Expenses.

Commissioner Wender informed the Executive Session with Mr. Harris and Sheriff Laird was to discuss the Regional Jail Expenses

The Commissioners asked the Prosecuting Attorney to check into the appeal of July 1, 2004 opinions regarding the expenses.

The Commission asked Sheriff Laird to prepare a summary of payments made to the Regional Jail and Correctional Facility for the confinement of inmates at the Southern Regional Jail for July 2004 through today and notify the Regional Jail they will withhold the \$3.50 per inmate.

Commissioner Eskew offered a motion that based on the information available regarding the per diem for inmates, the Fayette County Commission approves to notify the Regional Jail that based on the information they received they will withhold the \$3.50 per diem to be calculated by Sheriff Laird from July 1, 2004 through today hold the funds. Commissioner Lopez seconded. Unanimous.

Ms. Holly is to get figures from Sheriff Laird.

Commissioner Wender asked Carl Harris to set up an escrow

account.

Commissioner Wender asked if the bills they received for June and July should be recalculated.

Mr. Harris replied yes should make the adjustments.

Commissioner Eskew offered a motion to roll back rates prior to 2004 for June and July. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve overtime for Debbie Aliff, Payroll Clerk. Commissioner Eskew seconded. Unanimous.

Steve Pilato, Chairman, Helen Whitehair, Superintendent, and Chris Perkins from the Fayette County Board of Education appeared before the Commission to discuss the lease of the Fayette County Memorial Building.

Commissioner Eskew informed the Commissioners that he had some discussion with Helen Whitehair on this matter, but no decisions were made during the meeting.

Ms. Whitehair told the Commissioners that originally they had made a suggestion of \$20,000.000 and at this point they will not be using the facility for the Fayetteville Elementary School or the Fayetteville Middle School November 15 through March 9.

The Fayetteville Elementary School asked for ten (10) days at \$30,000.00 with the understanding we would pay additional daily fees.

Ms. Whitehair told the Commissioners that last year they had talked about reducing the payment for the use of the Memorial Building.

Ms. Whitehair told the Commissioners that they are making this proposal and are willing to take this to the Board for approval.

Ms. Whitehair suggested to the Commissioners to look at some kind of grant to cover expenses for the building.

Steve Pilato asked the Commission to consider Ms. Whitehair proposal for the Memorial Building.

Commissioner Eskew asked that the Board of Education would continue to pay the same fee until the end of the Fiscal Year 2006-2007.

Commissioner Wender requested that the Board continue to pay the \$65,000 this year for Fiscal Year 2006-2007, rent would be \$20,000 in addition there be a maintenance fee of \$40,000.00 for the building. Commissioner Wender asked that this be taken back to the Board.

Mr. Pilato informed they would take under consideration and will get back with the Commission.

Ms. Whitehair told the Commission she would take this back to the Board, but the Commission needs to prepare for what's going to happen down the road.

Commissioner Wender informed he appreciate everyone for coming over to discuss this matter.

Debbie Tate, Carrie Strum, Tera Basham, Sharon Ramsey from the West Virginia University Extension Office appeared before the Commission to discuss hiring part-time temporary help and to discuss Budget.

Debbie Tate told the Commissioners she is here today to ask permission to hire a parti-time temporary employee.

The Commissioners approved to go into Executive Session to discuss personnel matter (11:35 a.m.).

Upon reconvening the Commission meeting, Commissioner Wender informed the Executive Session involved discussion about an employee that works in the Extension Office.

Ms. Tate asked the Commission if they would increase here budget.

Commissioner Lopez offered a motion to make a budget increase in the WVU Extension Office Budget of \$500.00 plus benefits.

Commissioner Eskew seconded. Unanimous.

The Commissioners informed after July 1 they will make adjustments.

Ms. Tate told the Commissioners she has \$500.00 in her travel budget and \$1,300 in the Work Study budget for a total of \$1,800.00, would like to use these funds to purchase a copier for the office.

Ms. Tate told the Commissioners she did approach the Fayette County board of Education regarding this purchase and they did not approve.

Commissioner Eskew offered a motion to approve using the \$1,800 plus \$1,000 a total of \$2,800.000 to purchase a copier for the WVU Extension Office. Commissioner Lopez seconded. Unanimous. Ms. Tate to get at list three (3) bids.

Jim Lively informed the Commissioners of the Renewal of Insurance for this Fiscal Year increased 2%, the acreage and five new vehicles.

Commissioner Wender asked Ms. Holly to have Earl Pauley, Park Superintendent to check to see how many vehicles are on the road.

Commissioner Wender offered a motion not to sign the terrorism policy. Commissioner Lopez seconded. Unanimous.

The Commissioners signed insurance policy without any changes

from prior years.

The Commissioners received/reviewed and signed the Financial Status Report on the Fayette County Wastewater Equivalency Plan Grant, amount \$5,000.00.

The Commissioners received and reviewed letters from the Governor approving two Justice Assistance Grants for a "Heads Up-Child Victimization: Now and Beyond" Project, amount \$24,000.00 and funds to provide for continued TRIDENT officer overtime to continue a multi-jurisdictional drug and violet crime control task force, amount \$17,243.

The Commissioners received and reviewed a letter from the Governor approving a West Virginia Community Corrections Fund Grant (\$89,000).

The Commissioners signed a Sears Commercial One Credit Application.

The Commissioners received and reviewed a copy of a letter to Debbie Aliff, Payroll Clerk from Sheriff William Laird requesting that supplemental payroll checks be issued in the gross amount of \$1,000.00 to each of the employees within the Sheriff's Tax Office (Tom Woodrum, Cindy Renick, Rebecca Jones, Jan Neal, and Judy Treadway).

The Commissioners received and reviewed a letter from Judge Paul Blake requesting that the automated courthouse telephone directory be changed from Judge Charles Vickers as a Fayette County Circuit Court Judge to Paul Blake, Jr.

Ms. Holly informed the Commissioners she received a fax regarding barking hound dog's ordinance.

Ms. Holly told the Commissioners she received a copy of a letter to Debbie Aliff, Payroll Clerk from Kelvin Holliday, County Clerk requesting that Jennifer Legg be paid \$50,000 for attending the election training class.

Ms. Holly informed the Commissioners that she was told that ms. Legg did not stay for the class.

The Commissioners asked Ms. Holly to get an explanation from the County Clerk.

Ms. Holly reminded the Commissioners that the County Commissioners Annual Training Seminar is July 29 through August 1 cut off date for registration is June 28, 2006.

The Commissioners received and reviewed the invoice to Tom Louisos for the Recount of the 2006 Primary Election for the 29th Delegate District of House of Delegate, amount \$2,549.49.

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

The Commissioners received and reviewed several correspondences from BrickStreet regarding Workers' Compensation claims.

The Commissioners received and reviewed several checks for the 911 Fees-Verizon, amount \$33,138.66, Citizens Communications Co., amount \$48.50, Operating Account, amount \$1,982.68, and Vartec Solutions, amount \$3.88; Franchise Fees-Charter Communications, amount \$250.00; Reimbursement City of Beckley, amount \$508.88, Reimbursement FC Farmland Protection (postage), amount \$231.66; WV Development Office-Sportsman's Recreation Grant, amount \$10,919.19, New Haven PSD

Grant, amount \$13,250.00, Synfuel Tax, amount \$40, 816.33 and SCBG Elevator Project Grant, amount \$7,498.00; Homeland Security-Citizen Corps, amount \$799.99 Criminal Justice Service-Community Corrections Grant, amount \$13,380.87.

The Commissioners received and reviewed the Weekly Fees Collected from the Fayette County Animal Control enter/NRHS for the week of June 9, to June 15, 2006, amount \$315.00.

The Commissioners received and reviewed copies of Grant Adjustment Notices to the Division of Criminal Justice Services for the Fayette County Day Report Center (06-CC-50) and the Task Force (05-JAG-06).

The Commissioners received and reviewed a letter from Judge John Hatcher regarding the drain pipes on the Maple Avenue porch and the front porch of the Courthouse.

Ms. Holly informed the Commissioners she forwarded a copy of the letter to James Perdue, Maintenance Supervisor. Mr. Perdue called her and told her the drain pipes has been cleaned.

The Commissioners received and reviewed a letter from J. Dan Snead Associates enclosing the AIA Document G707 Consent of Surety to Final Payment from Kyle Construction Company, Inc. for the Fayette County Courthouse Elevator Project.

The Commissioners received and reviewed a letter from the Department of the Interior informing that the Fayette County Commission is entitled to a Payments-in-Lieu of Tax (PILT), amount \$67,730.06, an electronic funds transfer (EFT) will be posted to the account on or about June 16, 2006.

The Commissioners received and reviewed a copy of a letter from Region 4 Planning and Development Council to Southern Appalachian Labor School regarding the Fayette County Commission Project #03SCBG0102-Elevator/SALS Project.

The Commissioners received and reviewed from SunTrust Bank a list of securities pledged as of May 31, 2006.

The Commissioners received and reviewed a letter from the Town of Fayetteville regarding the five (5) parking spaces located on Wiseman Avenue.

The Commissioners received and reviewed an Official Oath of Office for John M. Frazier member of the Fayette County Health Department Board.

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

The Commissioners received and reviewed a copy of a letter to the West Virginia Housing Development Fund from Region 4 Planning and Development Council regarding the Fayette County Urban Renewal Authority-Wolf Creek Park Project..

The Commissioners received and reviewed a copy of a letter from Sheriff William Laird to Debbie Aliff, Payroll Clerk informing that effective June 15, 2006 will be the last day of employment for Gayle Koone as a Transport Officer with this department and effective June 15, 2006 will be the last day of employment for Leonard Bickford as a Deputy Sheriff, he will return to the position of Transport Officer June 16, 2006.

The Commissioners received and reviewed a letter from Senator

Shirley Love enclosing a copy of the West Virginia final wrap-up of the Bills Status Report.

The Commissioners received and reviewed an invitation to the Third Annual Regional Community and Economic Development Summit being held Saturday, July 15, 2006 at the Ritchie County Middle/High School.

The Commissioners received and reviewed a thank-you letter from Southern Appalachian Labor School thanking the Commission for their donation to the Fayette County Energy Express Program.

The Commissioners received and reviewed an e-mail from Commissioner Wender regarding saving NPR and PBS broadcasting.

The Commissioners received and reviewed an e-mail from the Office of the State Treasurers informing that funds due for the 25% of the oil and gas severance tax will be directly deposited on June 19, 2006, amount \$29,250.35.

The Commissioners received and reviewed an e-mail from the Office of the State Treasurers informing that funds due for the 75% of the oil and gas severance tax will be directly deposited on June 16, 2006, amount \$82, 373.09.

The Commissioners received and reviewed an e-mail regarding an update on the Equitable Gas at the Fayette County Park and Animal Shelter.

The Commissioners received and reviewed an e-mail from the Fayette County Park responding to inquiry of the shooting range.

The Commissioners received and reviewed an e-mail from Ms. Holly to Sharon Cruikshank regarding the removal of the port-a-pot from the parking lot after the Captain Thurmond's Challenge.

The meeting was adjourned at 12:30 p.m. The next scheduled meeting is June 30, 2006.

A handwritten signature in blue ink is written over a solid horizontal line. The signature is stylized and appears to be the initials 'MADL'.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
JUNE 30, 2006
COURTHOUSE

FAYETTEVILLE, WV 28540

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

The Fayette County Commission met in a regular session on this 30th day of June 2006.

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

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

The Commissioners reconvened the Commission meeting.

Eddie Young, Assessor presented exonerations to be singed to the Commissioners.

Commissioner Eskew offered a motion to approve and sign exonerations for personal property tax for Shawna and Bradley Cox, amount \$561.92 and Sharon Sue Moles, amount \$5.04. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve and sign exonerations for real property tax for Mitchell & Tammy O'Neal, amount \$89.10 and M. F. HRS Cole, amount \$116.72. Commissioner Eskew seconded. Unanimous.

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

Ms. Holly informed the Commissioners that a check for BrickStreet Insurance in the amount of \$27,470.00 has been prepared. Ms. Holly told the Commissioners that the due date of the invoice is July 3,

2006. Ms. Holly asked the Commissioners if they wanted her to mail the check or void the check and pay after July 1, 2006.

Commissioner Lopez offered a motion that BrickStreet check is voided today and issues a new check after July 1. Commissioner Eskew seconded. Unanimous.

Commissioner Wender offered a motion to approve minutes of April 24, May 2, and May 12. Commissioner Eskew seconded. Unanimous.

Ms. Holly presented to the Commissioner Petitions to combine or divide and segregate land she received from the Assessor.

Commissioner Eskew offered a motion to approve and sign Petitions to combine or divide and segregate land for Frances E. & Linda L. Ray, Van M. & Billy Burks, Bonnie Bragg, Bobby E. & Charlotte E. Kessler. Commissioner Lopez seconded. Unanimous.

Commissioner Eskew offered a motion to approve overtime for Debbie Berry (16 hrs.20 mins.). Commissioner Wender seconded. Unanimous.

Ms. Holly discussed increasing franchise fees from 3% to 5%.

Commissioner Wender suggested holding until Commissioner Lopez return.

Upon Commissioner Lopez return discussion was held regarding franchise fees' increase.

Commissioner Eskew offered a motion to increase Cable Franchise Fees from 3% to 5% effective July 1, 2006. Commissioner Lopez seconded. Unanimous. Order signed.

The Commissioner received and reviewed a notice from Kelvin Holliday, County Clerk authorizing the Commission to transfer

\$2,017.00 from the County Clerk's record book line item 342 to cover two line item expenditures (dues & subscription \$75, and travel \$1,972) in the current fiscal year.

Commissioner Lopez offered a motion to transfer from the record books line item expenditures to cover dues and subscription (\$75) and travel (\$1972) for the current fiscal year. Commissioner Eskew seconded. Unanimous.

Commissioner Eskew offered a motion to notify Election System and Software (ES&S) that they will need on-site support for the November General Election. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed letters from Eddie Young, Assessor requesting that adjustments be made to his General County Fund and his Assessor's Property Valuation Fund (PVC).

Commissioners Lopez offered a motion to approve \$1,251.62 from the travel line item to the Group Insurance PEIA line item in the General County Fund and transfer \$28,512.41 in the Assessor's Property Fund (PVC) adding \$792.00 to the PVC Group Insurance Vision, \$707.98 to the PVC Maintenance and Repair Equipment, \$13,911.00 to PVC Contracted Services and \$13,101.42 to the PVC Materials and Supplies. Commissioner Eskew seconded. Unanimous.

The Commissioners received a letter from the West Virginia University Extension Service informing that the end of 2005/2006 fiscal year, an excess of \$135,000 remained in the travel budget. The unused travel expense has been transferred to the supply budget.

Commissioner Lopez offered a motion to approve transfer by the WVU Extension Service. Commissioner Eskew seconded. Unanimous.

Ms. Holly told the Commissioners that she did receive three quotes for the copier for the WVU Extension Service.

The Commissioners received and reviewed a letter from the Fayette County Planning Commission recommending that Gary Harding, Norville Ellison, Jesse Bibb, Dianna Smallwood, and Doug Maddy be reappointed members of the Fayette County Planning Commission.

Commissioner Eskew offered a motion to accept the recommendation of the Fayette County Planning Commission to reappoint Gary Harding, Norville Ellison, Jesse Bibb, Dianna Smallwood, and Doug Maddy as members of the Fayette County Planning Commission. Commissioner Lopez seconded. Unanimous. Orders an appointment to serve letters were signed.

Commissioner Lopez offered a motion to reappoint, William "Bill" Toney, a member of the Fayette County Solid Waste Authority. Commissioner Eskew seconded. Unanimous. Order and appointment to serve letter signed.

The Commissioners asked to recess the County Commission meeting for five minutes, will be back at 10:05 a.m.

The Commissioners reconvened the Commission meeting to have a public hearing to transfer four (4) cable television franchise from Charter Communications to Cebridge Acquisition.

The Commissioners reviewed the application for the transfer. The Commission did advertise.

The Commissioners received no objections to the applications and Michael Keleman did appear on behalf of Charter and Michael J. Zarrilli did appear on behalf of Cebridge.

Ms. Holly recommended to the Commission to holding transfer until the renewal expires.

Commissioner Wender asked for a five minute recess.

Upon reconvening, Commissioner Wender read the Resolution.

Commissioner Eskew offered a motion that the Commission adopts the four (4) Resolutions to transfer a cable television franchise to Cebridge Acquisition, LLC/dba Cebridge Connections-Charter Communications Operating, LLC (formerly Rifkin Communications Partners, L.P.), Charter Communications VI, LLC (formerly Cable Franchising Inc.), Charter Communications Operating, LLC (formerly Cable Equities of the Virginias, LTD dba Cablevision), Charter Communications VI, LLC (formerly Cedar Grove Cablevision Associates, LTD). Commissioner Lopez seconded. Unanimous.

Eula Ewing and neighbors appeared before the Commission to discuss the water extension of String Town Road. Ms. Ewing informed the Commissioners they are requesting funding for the water testing.

Ms. Ewing informed the Commissioners that there are 10 or 12 families in the areas that need these testing done.

Commissioner Lopez offered a motion that the Commission approves up to \$400 for water testing on String Town Rad. Commissioner Eskew seconded. Unanimous.

Attorney Leonard Coleman appeared before the Commission to discuss restructuring old housing bond issue for Fayette, Raleigh, and Nicholas Counties.

Mr. Coleman presented the Resolution authorizing and approving the execution of agreements relating to the substitution of escrow

investments and/or the reinvestment of moneys securing the outstanding Raleigh County, WV, Fayette County, WV and Nicholas County, WV special obligation refunding bonds, Series 1992, and the undertaking of any and all related actions, and the Execution and delivery of all other documents relating to such matter.

Commissioner Lopez offered a motion to approve and sign Resolution authorizing to convey escrow substitution rights and/or reinvestment rights with respect to the maturing investments held under the 1992 Indenture, in exchange for a current cash payment, and to undertake such other escrow restructuring actions. Commissioner Eskew seconded. Unanimous.

Mr. Coleman told the Commissioners the bid would be done by July, approximately. The amount would be \$7,500 to \$8,000. The money would be split with the other counties.

Commissioner Lopez offered a motion to give permission for the Grace Baptist Church to use the showers at the Memorial Building. Commissioner Eskew seconded. Unanimous.

Kenneth Hayes, Chairman of the New Haven Public Service District appeared before the Commission to request assistance in getting a grant for a Readiness Project.

Mr. Hayes told the Commissioners they have applied with the Abandon Mine Reclamation and petitioned the West Virginia American Water Company.

Commissioner Wender suggested asking Dave Pollard, County Resource Coordinator to have a meeting and invite Mike Miller of West Virginia American Water to attend.

Commissioner Wender suggested setting a meeting up in July with Mr. Pollard, W. D. Smith and Michael Miller.

Commissioner Wender asked Ms. Hickman to remind him to initiate a meeting with Dave Pollard and the Unified Development Committee regarding water extension to Beauty Mountain.

Commissioner Wender asked that a copy be sent to W. D. Smith and Mike Miller regarding String Town Road.

Ms. Holly informed the Commissioners she received a request from Rebecca Dean requesting that the Commission sign a letter of support to the Division of Culture and History for the Mount Hope Community Center. A letter of support signed.

Ms. Holly presented the Budget Statement for the ensuing Fiscal Year beginning July 1, 2006 through June 30, 2007 to the Commissioners. The Commissioners signed Order.

Commissioner Eskew offered a motion to approve Budget Revisions for the General County Fund and the Coal Severance Fund. Commissioner Lopez seconded. Unanimous.

Ms. Holly presented three (3) grant agreements from the Division of Criminal Justice Service to the Commissioners to be signed.

The Commissioners unanimously authorized Matthew Wender, President of the Fayette County Commission to act on its behalf to enter into a contractual agreement with the Division of criminal Justice Service to receive and administer grant funds. Resolution signed.

The Commissioners recessed for lunch at 12:25 p.m.

Carol Vickers member of the Montgomery Park Board appeared before

the Commission to ask the Commission if they would consider helping with the expenses of the Montgomery Pool Projects.

Commissioner Lopez suggested holding for Fiscal Year Budget 2008 in March 2007.

Commissioner Lopez left the Commission meeting at 1:35 p.m.

The Commissioners recessed the County Commission meeting to go into an Executive Session with Earl Pauley, Park Superintendent at 1:35 p.m.

Upon reconvening the Commission meeting, Commissioner Wender informed in the Executive Session they met with the Prosecuting Attorney and Earl Pauley to discuss the right-of-way easements needed for the Fayette County Park.

Earl Pauley appeared before the Commission to give them an update on the progress of the Shooting Range at the Fayette County Park.

Mr. Pauley informed the Commissioners of the complaint he received from Phil Perone, Sanitation Officer with the Fayette County Health Department.

The Commissioners asked Mr. Pauley to submit his comments in a letter regarding Mr. Perone complaint.

Commissioner Eskew offered a motion to accept Construction Contract with Dravenstott's Roofing/Building with the approval of the Prosecuting Attorney. Commissioner Wender seconded. Unanimous. Contract signed.

Ms. Holly informed the Commissioners that BrickStreet Insurance premium has increased.

The Commissioners received and reviewed explanation from Kelvin

Holliday, County Clerk regarding why Jennifer Legg should be paid the \$50.00 for attending the training class for the primary election.

The Commissioners received and reviewed from Dave Pollard, County Resource Coordinator, the Grant Expenditures Certification forms for the Wolf Creek Park Project #157.

The Commissioners received and reviewed an invoice sent to Tom Louisos regarding the recount of the 2006 Primary Election for the 29th Delegate District of the House of Delegates, amount \$2,549.49.

Ms. Holly informed the Commissioners that their reservation to attend the County Commissioners Annual Training and In-Service Seminar has been made (July 29 to August 1, 2006).

The Commissioner received and reviewed invitation from the Fayetteville Fairs and Festivals Committee inviting the Commission to participate in the Heritage Festival Parade, Saturday, July 1, 2006 at 5:00 p.m.

The Commissioners received and reviewed a request from Kelvin Holliday, County Clerk for expenditures for 2005-2006 Records management and preservation Board Grant, amount \$807.41.

Commissioner Eskew offered a motion to approve expenditures' request of Kelvin Holliday of \$807.41 to be paid from the General County Fiscal Year fund 2006-2007. Commissioner Wender seconded. Unanimous.

The Commissioner received and reviewed a copy of a proposal from Danny Wright, Circuit Clerk regarding the renovation of his front office.

Ms. Holly presented a copy of the Auditor's Report for the year

ended June 30, 2005 to the Commissioners.

The Commissioners signed a Data Collection Form for Reporting on Audits of States, Local Governments and Non-profit Organizations for Fiscal Year ending dates are 2004, 2005 and 2006.

The Commissioner received and reviewed a letter from kelvin Holliday, County Clerk certifying that the votomatic room is free of all live election materials and asking that the Commission remove their locks as prescribed by code in the immediate times near election.

Commissioner Eskew offered a motion that the Commission locks are removed. Commissioner Wender seconded. Unanimous.

The Commissioner received and reviewed a letter from Kelvin Holliday, County Clerk informing that Sherry Davis will be on vacation next week and requesting that her check be released to her on June 23, 2006.

The Commissioners approved releasing the Regional Jail check for the month of May but asked to start withholding invoices for June.

The Commissioner received and reviewed an e-mail regarding the available meeting dates with Ed Harper with the Office of Economic Opportunity.

The Commissioner received and reviewed a copy of a letter from the West Virginia Division of Culture and History to J. Dan Snead and Associates, Inc. approving the addition of downspouts requiring cutting into the stone ledge.

The Commissioner received and reviewed a letter from Charter Communications informing they are taking the proper steps well in

advance toward the renewal of their franchise agreements which is due to expire on December 31, 2008.

The Commissioner received and reviewed a letter from the Department of Military Affairs and Public Safety asking that the Homeland Security-Citizen Corp. Sub-Grant #04-CC-06 submit a request for a reimbursement letter for approved grant purchases made within the grant period.

The Commissioner received and reviewed a telephone message from Earl Pauley, Park Superintendent informing the pool had to be closed, not enough chlorine in the water have to purchase a new pump.

The Commissioner received and reviewed several correspondences from the West Virginia Association of Counties and the County Commissioner's Association.

The Commissioner received and reviewed Return to Work Recommendations from Linda Casey for June 21 and June 28, 2006.

The Commissioner received and reviewed several correspondences from BrickStreet Insurance regarding Workers' Compensation claims.

The Commissioner received and reviewed a letter from the West Virginia Division of Culture and History informing their proposed annual Work Program for its 2006-2007 Historic Preservation program is now available for public review and comment.

The Commissioner received and reviewed a letter from the Office of the Insurance Commission informing that the national Council on Compensation Insurance (NCCI) classification codes will now be used in order to align West Virginia with national standards.

The Commissioner received and reviewed from the West Virginia

Unemployment Compensation for a second request for th Multiple Worksite Report.

The Commissioner received and reviewed Cash Statements and Asset List from the Bank of New York for June 22 and June 23, 2006.

The Commissioner received and reviewed a copy of a letter from the West Virginia Division of Tourism approving the extension request for Grant #13080 to the White Oak Rail Committee, an extension until June 30, 2007.

The Commissioner received and reviewed a copy of a letter to the West Virginia Development Office from the White Oak Rail Trail Committee requesting a one-month time extension for project #05LEDA0122.

The Commissioner received and reviewed Audit Report of the Fayette County Solid Waste Authority for the Fiscal Year ended June 30, 2004 and Fiscal Year ended June 30, 2005.

The Commissioner received and reviewed a proposal from Jones Business Machines, Inc. for office furniture for the Circuit Clerk's Office.

The Commissioner received and reviewed a letter from the Courthouse Facilities Improvement Authority informing of their new location.

The Commissioner received and reviewed several correspondences from St. Paul Fire and Marine Insurance Company.

The Commissioner received and reviewed a letter from the Public Service Commission informing they have no new information to provide regarding the request for water service to the communities of "Hilton

Village" near Rainelle.

The Commissioner received and reviewed a copy of a letter to Governor Joe Manchin from the Joint Community Water Committee thanking the Governor for meeting with them to discuss the proposed water extension from the Danese Public Service District to the communities of Hilton Village, Ravens Eye, Clifftop, Corliss Road, Beelick Knob and Russellville.

The Commissioner received and reviewed a letter from the West Virginia Development Office acknowledging receipt of the Small Cities Block Grant application submitted by the Fayette County Commission requesting \$1,500,000.00 for the Danese Public Service District Water Extension-Phase 1 Clifftop/Hilton Village area.

The Commissioner received and reviewed a letter from the West Virginia Institute of Technology informing that as a result of the funding to alleviate the storm water problem suffered in Adena Village, amount \$10,000 they are required to submit information to the Economic Development Administration. Enclosed is a form requesting information regarding the funded project that needs to be completed.

The Commissioner received and reviewed correspondences from Schumacher, Francis, and Nelson regarding the Braxton v. Jones, et al lawsuit.

The Commissioner received and reviewed a letter from the Division of Natural Resources enclosing two copies of a License Agreement by and between the Public Land Corporation and the Fayette County Urban Renewal Authority.

The Commissioner received/reviewed and approved requisition for

supplies for the WVU Extension Office.

The Commissioner received and reviewed checks for 911 Fees from Operating Account, amount \$1,963.28, Granite Telecommunications, LLC, amount \$156.00, Cleartel Telecom, Inc., amount \$14.00, and AT&T Communications of WV, amount \$1,138.00; Alarms Fees from the Summit at Hidden Valley, LLC, amount \$300.00; Supreme Court, FLM rent, amount \$2,025.00; Franchise Fees from Bradley Communication, Inc., amount \$526.30 checks for the Fayette County Soldiers and Sailors Memorial, amount \$125.00 and Weekly Fees collected from the Fayette County Animal Control Center/NRHS for the week of June 16 to June 22, 2006, amount \$260.00 and the week of June 23 to June 29, 2006, amount \$190.00.

The Commissioner received and reviewed a copy of a Contractor Agreement between the Fayette County Community Corrections Day Report Center and FMRS Health Systems, Inc.

The Commissioner received and reviewed from John David a report on the volunteers working on the Southern Appalachian Labor School Housing for the two-week period beginning July 1, 2006.

The Commissioner received and reviewed a copy of a letter to Sheriff William Laird from Anna Frost requesting eight weeks of unpaid leave to care for her newborn son, will return to work August 14, 2006.

The Commissioner received and reviewed a copy of a letter to the Governor and David Hardesty, President West Virginia University from Keenan and Associates, LC regarding the release of the 3.2 million dollars which has been earmarked for West Virginia Tech.

The Commissioners received and reviewed Dog Tax Commission for Harvey E. Young, Assessor, amount \$739.20.

The Commissioner received and reviewed a letter from David Neal, E911 Coordinator informing that Probationary Part-time Communications Specialists has been terminated for Christina Mullins and Samatha Sanson effective June 21, 2006.

The Commissioner received and reviewed an Official Oath of Office for Thomas R. Dragan, member of the White Oak Public Service District.

The Commissioner received and reviewed a letter from the State Auditor's Office, informing they reviewed the Commission's response to their Notice of Conditional Approval of the Levy Estimate for the fiscal year ending June 30, 2007 and find that all conditions of the approval have been satisfactorily corrected.

The Commissioner received and reviewed a letter from David Gay thanking the Commission for the opportunity to discuss the Prince Depot situation.

The Commissioner received and reviewed Request for Leave from Dave Pollard for July 7 to July 14, 2006.

The Commissioners approved purchase of an air conditioner for the County Clerk's copier room, amount \$349.00 (Lowe's of Fayetteville).

The Commissioner received and reviewed a copy of a letter to West Virginia American Water from the New Haven Public Service District regarding New Haven Public Service District-Phase IIIA Shawver Bridge Road, Beauty Mountain and Power Plant Road.

The Commissioner received and reviewed an e-mail from the Office of the State Treasurer informing that the funds for the June Limited

Video Lottery proceed will be directly deposited on June 26, 2006.

The Commissioner received and reviewed an e-mail informing that Patti Payne, Director of the Fayette County Animal Control Center will be on vacation from June 24 through July 4, 2006.

The Commissioner received and reviewed an e-mail to Ed Harper and Arley Johnson with the Office of Economic Opportunity from Commissioner Wender thanking them for meeting with the commission to discuss the Multi-Cap situation.

The Commissioner received and reviewed an e-mail from Tim Richardson, Zoning Officer informing them of the Rezoning application he received from Deborah Taylor.

The meeting was adjourned at 3:50 p.m. The next scheduled meeting is July 14, 2006.



FAYETTE COUNTY COMMISSION
REGULAR SESSION
MARCH 10, 2006
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 10th day of March 2006.

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

Eddie Young, Assessor presented exonerations to be approved and signed by the Commissioners.

Commissioner Lopez offered a motion to approve and sign exonerations for personal property tax as submitted by the Assessor. Commissioner Eskew seconded. Unanimous.

Commissioner Eskew offered a motion to approve and sign exonerations for real property tax as submitted by the Assessor. Commissioner Lopez seconded. Unanimous.

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

Ms. Holly presented to the Commissioners minutes of the Zoning Hearing held February 23, 2006 to be signed by the Commissioners.

Commissioner Wender asked to hold off signing the minutes as submitted by Tim Richardson, Zoning Officer until he had time to review.

Ms. Holly told the Commissioners that Dan Snead is to look at the roof at the Prosecuting Attorney's Office today. Ms. Holly told the Commissioners that a copy of the specifications had been sent to Tri-

State Roofing and Sheet Metal and Dravenstott Roofing/Building.

Ms. Holly presented bids from Tir-State Roofing and Sheet Metal (\$27,511) and Dravenstott Roofing/Building (\$16,400).

Commissioner Wender suggested forwarding to Dan Snead to make recommendations.

Commissioner Eskew offered a motion to approve bids for the Prosecuting Attorney Office roof and to approve the lowest bid pending Dan Snead review. Commissioner Lopez seconded. Unanimous.

Carl Harris, Prosecuting Attorney appeared before the Commission to discuss his budget for Fiscal Year 2006-2007.

Mr. Harris told the Commissioners he had a few changes in his budget. The biggest part of his budget is salary increases.

Mr. Harris told the Commissioners he has five (5) assistance, three (3) secretaries and one (1) receptionist.

The Commissioners told Mr. Harris they would review and get back with him.

Okey Skidmore, Manager Fayette County Memorial Building appeared before the Commissioners to discuss his budget for Fiscal Year 2006-2007.

Mr. Skidmore told the Commissioners that the front porch roof is leaking, and he would like to have Dravenstott Roofing/Building submit a bid to repair.

Commissioner Lopez told Mr. Skidmore he would contact Mr. Dravenstott. Commissioner Lopez suggested getting Dan Snead to do specifications for the roof.

Commissioner Eskew offered a motion to readvertise for the

Prosecuting Attorney's roof and have Dan Snead make recommendations for the Memorial Building roof. Commissioner Lopez seconded.

Unanimous.

Mr. Skidmore told the Commissioners he's not asking anything but would like to keep same expenditures as last year.

Commissioner Wender asked Ms. Holly to send the lease to the Board of Education for them to review and sign. Ms. Holly told the Commissioners that the Prosecuting Attorney has the lease on a disc she would check with Carl Harris, Prosecuting Attorney.

Kelvin Holliday, County Clerk appeared before the Commission to discuss his budget for Fiscal Year 2006-2007.

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, will delete part-time help if an additional employee is approved.

The Commissioners told Mr. Holiday they would review and get back with him.

Daniel Wright, Circuit Clerk appeared before the Commission to discuss his budget for Fiscal Year 2006-2007.

Mr. Wright told the Commissioners he's not asking for anything extra from last year, would like an additional \$500.00 for travel, included a \$1,400 raise for each of his employees.

The Commissioners told Mr. Wright they would review and get back with him.

Mr. Wright asked the Commissioners have the interior of the

courthouse ever been photographed. The Commissioner replied not to their knowledge.

Commissioner Wender asked Mr. Wright to call someone to see how much it would cost.

Commissioner Wender asked Mr. Wright to get the cost to secure a photograph.

The Commissioners recessed the County Commission meeting to go into an Executive Session.

The Commission reconvened the County Commission meeting at 11:20 a.m. Commissioner Wender informed the Executive Session concerns a personnel matter, no decision was made.

Tim Richardson, Zoning Officer appeared before the Commission to discuss the tabled zoning hearing from February 23, 2006 County Commission meeting, for a site visit by the members of the Commission on March 4, 2006 regarding Z-505-06-1: Request of Pervis C. Major, III, contract owner, for a change in land classification, from LC-2 (Private Land Conservation District) to R-A (Agricultural District) on property legally described as Surf. 86 3/8 Waters Gauley, Surf. 16 1/2 Gauley Cliffs, 16.04 ac Surf. Reynolds Creek, Surf. 51.29/Gauley Cliffs, 24 ac Surf. Reynolds Creek, Residue 65.96 ac Surf and Meadow River 586/699, 652, total of 220.13 acres, located on Patterson Ferry Road, New Haven District.

Mr. Richardson told the Commissioners that the Planning Commission recommended that this property be reclassified as requested by a vote of six (6) for and two (2) abstentions.

Commissioner Wender informed the Commissioners will not take any

additional evidence at this time.

Commissioner Eskew offered a motion to approve the Planning Commission recommendation to change land classification for LC-2 (Private Land Conservation District) to R-A (Agricultural District). Commissioner Lopez seconded. Vote passed 3-0.

Commissioner Wender thanked Mr. Major for taking them out to the site.

Diane Meadows, Debbie Tate, Amber Jones, Linda Casey, Polly Reynolds and Brian Sparks with the WVU Extension Office appeared before the Commission to discuss their budget for Fiscal Year 2006-2007.

Ms. Meadows informed the Commissioners she has included in her budget a request to increase her budget to \$1,700 from last year. Ms. Meadows is asking to increase Capital Outlay and Equipment to \$1,000 for purchase of (fax machine, water cooler, filter system, program software and other items to improve the efficiency of operating their office), increase travel from line item to \$500, to increase dues and subscriptions to \$200.

The Commissioners told everyone they would review and get back with them.

The Commissioners received and reviewed a letter from Captain Thurmond's Challenge requesting permission to use the Courthouse property for their 11th Annual Captain Thurmond's Challenge to be held on Saturday, June 10, 2006.

Commissioner Wender offered a motion to approve permission for Captain Thurmond's Challenge to use the Courthouse property for their

11th Annual Captain Thurmond's Challenge being held Saturday, June 10, 2006. Commissioner Eskew seconded. Unanimous.

Discussion was held regarding the budget for Fiscal Year 2006-2007.

The Commissioners recessed for lunch at 12:35 p.m.

The Commissioners reconvened the County Commission meeting at 1:25 p.m.

Ms. Holly presented a letter prepared by Eddie Young, Assessor to the State Tax Commissioners regarding Pocahontas Land Company coal values to the Commissioners. The Commissioners and the Assessor signed the letter.

Eddie Young, Assessor appeared before the Commission to discuss his budget for Fiscal Year 2006-2007.

Mr. Young told the Commissioners that everything stays the same, requesting \$200 raise for his employees.

William Laird, Sheriff appeared before the Commission to discuss his budget for Fiscal Year 2006-2007.

Sheriff Laird told the Commissioners he has included in this budget for the General County Fund salaries and wages that are required incremental salary increases for eligible employees; included the projected 3% PEIA increase; uniform allowance \$30.00; Capital Outlay requesting six (6) vehicles State Contract-\$21,587.00 for each vehicle total amount \$129,522.00; Sheriff Laird asked the Commission to give him authorization to purchase vehicles. Sheriff Laird told the Commissioners that two (2) vacancies has been filled as of March 1, 2006 and two (2) other vacancies will be filled on April 1, 2006.

Sheriff Laird told the Commissioners the total amount requested for the General Fund is \$796,452.72.

Sheriff Laird told the Commissioners that based on the current staffing level and current salaries paid a total appropriation of \$410,126.64 from the Excess Levy Fund for salaries and wages will be required to maintain current level operation for Fiscal Year 2006-2007. Included in this budget projection for salaries and wages are the required incremental salary increases based on years of services for eligible employees.

Sheriff Laird told the Commissioners he has appropriated \$35,000 in the Excess Levy Fund for overtime. Total funding for the Excess Levy Fund is \$649,715.01.

Sheriff Laird told the Commissioners he has appropriated \$314,452.68 for the Office of Treasurer. No change.

Total funding for Service of Processor is \$38,828.47.

Sheriff Laird told the Commissioners he has two (2) budget slots for the Office of Transportation total funding \$62,941.56. No change.

Sheriff Laird recommended to the Commissioners that \$800,000 be funded for the Regional Jail Expense.

Sheriff Laird told the Commissioners that the Animal Control Dog Warden Program total Funding is \$30,763.86. No change.

Sheriff Laird presented to the Commissioners a list of 18 Improvement Levy Budget Requests-Employees pay increases all employees \$150 each, purchase of body armor \$23,870 less 50% cost match \$11,935, uniform for Fayette County Deputies is only \$9,170 requesting that this be increased to \$31,847.70; requesting purchase of A

handheld radios.

Sheriff Laird is requesting an additional Corporal Position and Lieutenant Position total improvement level request \$2,835.50 and requesting a future rank advancement proposal for a Deputy Sheriff First Class estimated expense, \$2,534.00; additional computer terminals, Hepatitis B vaccine, purchase of additional Radar Units-3 units at \$1,800 each; purchase of Transport Security Screen \$350.00 each training within the Department \$2,500; increase in Uniform Allowance, increase in longevity pay, additional digital cameras, Shotguns and Shotgun Locks, salary increase for Chief Tax Deputy and Fayette County Community Correction Program Grant. Sheriff Laird told the Commissioners that the application for the Fayette County Community Correction Program Grant is due at 4:00 p.m. on March 31, 2006.

The Commissioners told Sheriff Laird they would review and get back with him.

Earl Pauley, Park Superintendent appeared before the Commission to discuss his budget for the Fayette County Park and the Central Garage for Fiscal Year 2006-2007.

Mr. Pauley is requesting that his maintenance and repair auto for the Central garage be increased to \$80,000, auto supplies the same as last year. For Capital Outlay Equipment, Mr. Pauley is requesting a Diagnostic Kit 4-Post Lift, amount \$7,603.80, two (2) mechanic carts.

Mr. Pauley told the Commissioners that the canteen porch needed to be replaced, cost \$174.00, the canteen septic tank needed to be replaced, cost \$1,227.26, Cabin #3 both porches needed to be replaced,

cost \$1,044.00 and the recreation hall porch needed to be repaired, cost \$739.50.

Mr. Pauley told the Commissioners the total cost for Park Maintenance and Repair for Building and Grounds is \$34,490.10.

Mr. Pauley told the Commissioners that Ricky Myles Construction will pour/finish concrete floors on the Recreation Hall porch, Cabin #3 front/back porch, cost \$5,200.00.

Mr. Pauley asked the Commission if they would transfer Randall Redden, Sr. from the Park Budget to the Central Garage Budget and Randall Redden, II be the outside Supervisor.

Commissioner Eskew offered a motion to do a Budget Revision to transfer Randall Redden, Sr. from the Fayette County Park Fund to the Central Garage Fund. Commissioner Wender seconded. Unanimous.

The Commissioners asked Mr. Pauley to submit a list of all the items requested and prioritize them.

The Commissioners received and reviewed letters from Attorney James Blankenship requesting a copy of the tape recordings of the Board of Equalization and Review hearings involving Nuttall, LLC and Pocahontas Land Company. A copy of the letters forwarded to Eddie Young, Assessor and Carl Harris, Prosecuting Attorney.

The Commissioners signed Grant Application for the Drug and Violent Crime to the West Virginia Division of Criminal Justice Services.

The Commissioners signed letters to Carl L. Harris, Prosecuting Attorney, John MacCorkle, and Steptoe and Johnson, Pullin, Fowler and Flanagan, PLLC asking that they furnish a description of all material

Flanagan, PLLC 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, 2005 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, 2005 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 Untied State of America.

The Commissioners received and reviewed several letters from the Worker's Compensation Division and BrickStreet.

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

The Commissioners received and reviewed a letter from Branch Banking and Trust Company (BB&T) informing as of February 28, 2006 several securities were held as collateral to secure the deposits of Fayette County Commission.

The Commissioners received and reviewed a letter from SunTrust Bank informing the County Commission of a new pledged security notification.

The Commissioners received and reviewed from the Bank of New York Cash Statement and Asset list for February 22, and February 23, 2006.

Animal Control Center/NRHS Activity Report and Monthly Revenue Report for the month of February and C-PAC reimbursement for the month of March, amount \$9,164.71 and Weekly Fees Collected for the week of February 17 to February 23, 2006, amount \$180.00, the week of February 24 to February 28, 2006, amount \$40.00, the week of March 1 to March 2, 2006, amount \$85.00, and the week of March 3, to March 9, 2006, amount \$110.00.

The Commissioners received and reviewed a Remittance by the County Assessor to the State Treasurer's Office for Courthouse Facilities Improvement Fund in the amount of \$131.50 for the month of February 2006.

The Commissioners signed a letter to the West Virginia Department of Culture and History endorsing the White Oak Chapter of National Railroad Historical Society Grant Application.

The Commissioners signed an Order to Pay Monies regarding the Estate of Joe Henry Hunter/Betty M. Blume, Administratorix DBN. Original filed in the County Clerk's Office, check and a copy of the order given to Attorney Fred Jesser. Mr. Jesser to mail check to Attorney Paul Clay.

The Commissioners received and reviewed a letter from the Department of Military Affairs and Public Safety informing that the Sub-Grant to the County Commission Homeland Security-Citizen Corps Sub-Grant #04-CC-06 ended on December 31, 2005 and asking to submit a request for reimbursement letter (attaching the corresponding invoices) for approved grant purchases made within the grant period. Copy forwarded to Sheriff Bill Laird, Steve Cruikshank, OES Director

and Virgil Berry with the American Red Cross.

The Commissioners received and reviewed a letter from the West Virginia Statewide Addressing and Mapping Board informing of important updates concerning microData Contract with the West Virginia Statewide Addressing and Mapping Board and County Responsibilities for the Remainder of the project.

The Commissioners received and reviewed a letter from the City of Mount Hope giving the Commission an update of the City of Mount Hope-Project No. 03SCBG0065 Kilsyth Sewer Extension/Plant upgrade.

The Commissioners signed a letter to Joe Marr approving his request to place port-a-pots on the Small Courthouse parking lot adjacent to Blue Ridge Outdoors and approved the request to use the Courthouse property for the annual Captain Thurmond's challenge on June 10, 2006.

The Commissioners signed a request for reimbursement for Project 05-JAG-06 and Project 06-CC-50 to the West Virginia Division of Criminal Justice Services.

The Commissioners received and reviewed a letter from Delegate Tom Louisos informing the Commission of the cancellation of the Budget Digest.

The Commissioners received and reviewed a letter from Governor Joe Manchin congratulating the Fayette County Commission on their third successful Records Management and Preservation Board County Records Grant. A copy forwarded to Carl Harris, Prosecuting Attorney and Danny Wright, Circuit Clerk.

The Commissioners received and reviewed a letter from the

Courthouse Facilities Improvement Authority announcing that the Fayette County Commission financial assistance request for courthouse improvements has been approved, amount \$80,000.

The Commissioners received and reviewed a letter from the State Tax Department regarding valuation of reserve coal properties of Pocahontas Land Corporation. A copy forwarded to Eddie Young, Assessor and Carl Harris, Prosecuting Attorney.

The Commissioners signed a letter to Virgil Helton, Acting Tax Commissioner for the State Tax Department responding to his letter dated March 8, 2006 regarding Pocahontas Land Company coal value.

The Commissioners received and reviewed Official Oath of Office from Lawrence R. Boley, member of the Danese Public Service District. Original forwarded to the County Clerk's Office.

The Commissioners received/reviewed and approved request from Gauneka Ruritan Club requesting \$500.00 contribution awarded for the Fiscal Year 2006.

The Commissioners received/reviewed and approved request from the Town of Pax requesting the \$1,000 contribution for Fiscal Year 2006.

The Commissioners received and reviewed a letter from the Hank Williams Museum of Oak Hill requesting \$2,000 to help get started with the renovation of the old Pure Oil Service Station.

The Commissioners received and reviewed a letter from Natural Resources Conservation Service requesting that the Commission participate in a work group to develop guidelines for a voluntary buyout option for residents in flood prone areas along Dunloup Creek.

The Commissioners received and reviewed a letter from the

The Commissioners received and reviewed a letter from the Division of Highways requesting the Commission's assistance in making available (to anyone who wishes to review) the modified listings of Highway and Transit projects.

The Commissioners received and reviewed a letter from Senator Randy White thanking the Commission for their letter concerning Senate Bill #485.

The Commissioners received and reviewed a letter from Senator Randy White concerning the Homestead Exemption Code.

The Commissioners received and reviewed a letter from Senator Randy White informing the Commission he will be glad to support and work toward success for funding the "Fayette Coalfield Housing" of \$40,000.00.

The Commissioners received and reviewed copies of the expenditures for the Fayette County Park and Central Garage for the month of February.

The Commissioners received and reviewed a letter from Energy Systems Group (ESG) informing Commissioner Eskew that it was a pleasure meeting him at the recent West Virginia Association of Counties conference, and asking if he can allow to expand on the introduction of his company and the capabilities they offer.

The Commissioners received and reviewed recall notices from Bert Wolfe Ford, GMC and Ford. Originals forwarded to Earl Pauley, Park Superintendent.

The Commissioners received and reviewed a letter from the Economic Development Administration informing the Fayette County Urban

and specification) for the access Road and utilities have been reviewed and are approved.

The Commissioners received and reviewed a letter from the Fayetteville Midget League requesting approval to use the Memorial Building for cheerleading clinic and tryouts. The original was forwarded to Okey Skidmore, Manager Fayette County Memorial Building to review.

The Commissioners received and reviewed a letter from Kelvin Holliday, County Clerk informing the Commissioners of his part-time workers for the Primary Election.

The Commissioners received and reviewed a check to the Fayette County General Fund to reimburse the General Fund for C-PAC July 2005 allotment should have been paid from the Coal Severance Fund, amount \$10,344.32.

The Commissioners received and reviewed expenditures for the Regional Jail as of February 2006, amount \$75,805.50.

The Commissioners received and reviewed a thank-you letter from Timothy Erwin, Chief Probation Officer thanking the Commissioners for agreeing to purchase the four (4) computer tables for his office.

The Commissioners received and reviewed a letter from the Department of Environmental Protection regarding the underground Injection Control (UIC) permit #0134-95-019 Reissue Number 1.

Ms. Holly told the Commissioners she forwarded a copy to Earl Pauley, Park Superintendent asking him to review and forward comments to the Fayette County Commission.

The Commissioners received and reviewed a letter from the

The Commissioners received and reviewed a letter from the Secretary of State asking to direct all checks and/or correspondence for payment for voting machine equipment to the attention of the Election Division.

The Commissioners received and reviewed a letter from the Extension Service Committee and a New River Master Gardner thanking the Commission for their continued support of the West Virginia University Extension Services in Fayette County.

The Commissioners received and reviewed a letter from the Secretary of State enclosing the current invoices for the new voting system.

The Commissioners received and reviewed a letter from the West Virginia Development Office thanking the Fayette County Commission-Danese Public Service District Water Extension for submitting their 2005 Small Cities Block Grant (SCBG) application. The Commissioners informed they would discuss further on March 17, 2006.

The Commissioners received and reviewed a copy of a letter to Kyle Construction from J. Dan Snead and Associates, Inc. reminding them to be aware of the specification requirement to pay their site employers either state or federal wage rates, whichever is higher.

The Commissioners received and reviewed checks for 911 Fees from AT&T Communications of WV, amount \$1,162.00, VarTec Solutions, amount \$3.88, Operating Account, amount \$1,839.12, Nos Communications, Inc., amount \$2.00, Trinsic Communications, amount \$28.00; Jail Fees-Town of Fayetteville, amount \$97.00 and the City of Mount Hope, amount \$194.00; Criminal Justice Services-TRIDENT, amount \$2,467.08, Board of

amount \$503.40, Insurance Claim, amount \$1,924.82; Refund, amount \$11.00; Homeland Security and Emergency, amount \$30,000.00.

The Commissioners received and reviewed a notice from the U. S. Bankruptcy Southern District of WV Court regarding Multi-County Community Action Against Poverty, Inc.

The Commissioners received and reviewed a notice from the U. S. Bankruptcy Court Western District of Pennsylvania regarding ACR Management, LLC.

The Commissioners received and reviewed a letter from the Region One Collaboration informing they will be hosting a Regional Pandemic Flue Summit on Friday, March 31, 2006 from 8:00 a.m. to 12:30 p.m.

The Commissioners received and reviewed a letter from Rapid Cable informing that due to their massive Fiber Optic Development Plan, programming changes will occur in Fayette County on or after April 1, 2006.

The Commissioners received and reviewed an invitation inviting the Commission to attend a fundraiser and social reception for James W. Keenan the next Judge of the Circuit Court.

The Commissioners received and reviewed a letter from the Secretary of State Office reminding the County Clerk and the County Commission that the deadline is approaching for poll workers appointments.

The Commissioners received and reviewed a letter from the Department of Military Affairs and Public Safety informing that a member of the West Virginia Homeland Security State Administrative Agency staff did an on-site visit for grant #04-LETPP-10.

The Commissioners received and reviewed a Sub-Grant Adjustment Notice from the Department of Military Affairs and Public Safety-Homeland Security State Administrative Agency informing that Sheriff William Laird request on March 1, 2006 to change Sub-grant Period from December 1, 2003 to February 28, 2006 has been extended through March 31, 2006.

The Commissioners received and reviewed an e-mail from Charlotte Holly to Commissioner Wender regarding transcription of the Pocahontas Land hearing tape from February 21 and February 23, 2006.

The Commissioners received and reviewed several e-mails regarding the Prepaid Wireless 9-1-1 Fee: Case #06-0076-C-61.

The Commissioners received and reviewed an e-mail from Commissioner Wender asking that David Neal, E911 Coordinator and someone from the State Mapping/Addressing Board to attend the March 10 County Commission meeting to discuss mapping/addressing project and to discuss digital radios for law enforcement vehicles.

The Commissioners received and reviewed an e-mail from Beth Gardner regarding the finalization of the deed for the Oak Hill Rail Trail.

The Commissioners received and reviewed an e-mail from Commissioner Wender regarding the Budget Digest Grant for the Hank Williams Museum and Shooting Range.

The Commissioners received and reviewed an e-mail from the Fayette County Housing Economic Opportunity Council regarding Multi-Cap Funding.

The Commissioners received and reviewed an e-mail informing that

the Wellness Council of West Virginia and the Wellness Councils of America will present a Well workplace at the Oak Hill Holiday Inn on April 12, 2006.

The Commissioners received and reviewed a copy of a letter to the Fayette Institute of Technology from Sheriff William Laird on behalf of the Fayette County Community Corrections Program thanking Vo-Tech for taking the time to meet with them for purposes of reviewing and discussing the adult basic education needs and services for those offenders sentenced to this newly established community-based program.

The meeting was adjourned at 4:45 p.m. The next scheduled meeting is March 17, 2006.



FAYETTE COUNTY COMMISSION
SPECIAL SESSION
MARCH 20, 2006
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 20th day of March 2006.

Commissioner Wender called the meeting to order at 10:25 a.m.

Danny Wright, Circuit Clerk appeared before the Commission to inform them of Judge John Hatcher's concerns regarding storing the election tabulator in the evidence room. Mr. Wright told the Commissioners that Judge Hatcher told him he would think over storing the election tabulator in evidence room until Monday.

Mr. Wright told the Commissioners his idea is to put a wall 10½' x 28' and divide into two (2) sections, (1) for the lounge and (2) for office use area between for the tabulator and a solid door.

Larry Adkins told the Commissioners that he and James Perdue can do the work. Mr. Adkins questioned when the work can be done, Mr. Adkins told the Commissioners that Mr. Perdue is working on an estimate of the cost.

Commissioner Lopez suggested seeing if Allen Ballard can help.

Ms. Holly told the Commissioners that this must be done at least before the election, Ms. Holly told the Commissioners they also need a dedicated electrical outlet for the tabulator.

Commissioner Wender suggested that \$3,000 be used for materials to build partition, if more money is needed for the project they are to tell Ms. Holly and she will contact Commissioner Lopez for

approval.

Commissioner Eskew offered a motion to approve building partition for \$3,000 with overtime for four (4) people. Commissioner Lopez seconded. Unanimous.

The Commissioners approved to change meeting for April 14 to April 11 and to test early voting devices on April 11, and to change April 28 meeting to April 24.

Kelvin Holliday, County Clerk appeared before the Commission to request use of the County Commission office beginning March 31, 2006 for the election, and he needs Commissioner Wender at 8:00 a.m. on March 31 or authorize Commissioner Eskew to lock early voting ballot cans.

Mr. Holliday told the Commissioners he has hired Polly Neely and a republican to get compartments tomorrow and clean ballot room (March 21, 2006) at 9:00 a.m. Mr. Holliday asked the Commissioners to authorize Commissioner Eskew to open tabulator and votomatic rooms tomorrow. The Commission approved.

The Commissioners recessed the County Commission meeting to work on the budget for Fiscal Year 2007.

The meeting was adjourned at 1:30 p.m. The next scheduled meeting is March 24, 2006.



FAYETTE COUNTY COMMISSION
SPECIAL SESSION
MARCH 17, 2006
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 17th day of March 2006.

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

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

Commissioner Wender offered a motion to approve February 15, 2006 minutes. Commissioner Eskew seconded. Unanimous.

Commissioner Wender informed the Commissioners is here to have a public hearing and a decision on the proposed tax increase.

Commissioner Wender asked Ms. Holly to give an update on the proposed tax increase.

Ms. Holly informed that every year the Fayette County Commission proposes to increase property tax levies. This year 103.00% assessed value of property, excluding additional assessments due to new or improved property, exceeded last year's total assessed value of property by 4.48%.

Ms. Holly told the Commissioners they have to have a public hearing on the appraised value and assessed value increases.

Ms. Holly told the Commissioners the tax rate per \$100 of assessed value on each class of property - Class I-14.30, Class II-28.60, Class III-57.20 and Class IV-57.20.

Ms. Holly told the Commissioners without the public hearing the Commission would have had to roll back the taxes, with this public hearing we can set tax rates to go up. Ms. Holly told the Commissioners the tax rate would be the same as last years.

Commissioner Wender informed that no one is here today to express any comments on this tax matter.

Commissioner Eskew offered a motion to approve the effective tax rate of 103.00% to allow for roll back tax rates as Class I-14.30, Class II-28.60, Class III-57.20, and Class IV-57.20 maintaining that this is not a tax increase. Commissioner Lopez seconded. Unanimous.

Ms. Holly presented a list from the Chairman of the Democratic Executive Committee and the Chairman of the Republican Executive Committee of Election Officials, including Poll Clerks, Election Commissioners, Alternates and Emergency Absentee Voting Commissioners they desire to have appointed for holding the Primary Election on May 9, 2006 to the Commissioners. Ms. Holly told the Commissioners she does not have all the lists.

Commissioner Lopez offered a motion to approve poll officials' list for the upcoming Primary Election as presented by the Democratic and Republican Executive Committees, pending they receive Valley's Republican Poll Workers list and Plateau Democrats' Poll Workers list today. Commissioner Eskew seconded. Unanimous.

The Commissioners received the Court Security Grant Application and Resolution submitted by Sheriff William Laird.

Commissioner Lopez offered a motion that Commissioner Wender, President is authorized to sign the Courthouse Security Grant and

Resolution. Commissioner Eskew seconded. Unanimous. Application and Resolution signed.

Ms. Holly informed the Commissioners she received a letter prepared by Sheriff Bill Laird to the Homeland Security Grant requesting reimbursement in the amount of \$799.99 for the purchase of a Sharp XR-105 Digital DLP Projector and requesting that the project period for this grant be extended to April 30, 2006 to enable Fayette County Commission to expend the remaining balance of funds originally allocated to this project. The Commissioners signed the letter.

The Commissioners signed a letter to Virgil T. Helton, Acting State Tax Commissioner responding to his correspondence dated March 8, 2006, regarding the tax year 2006 valuation of certain reserve coal properties owned by Pocahontas Land Corporation.

Ms. Holly told the Commissioners that Chief Deputy Steve Kessler prepared the taxes.

The Commissioners signed the Boomer Volunteer Fire Department Modification Agreement for the period July 1, 2005 to June 30, 2006.

George Campbell appeared before the Commission to request funding for the Danese Community Association.

Mr. Campbell told the Commissioners that the roof is leaking needs to be redone, it has messed up a lot of the ceiling tiles, needs more black topping done, need help with the utilities.

Commissioner Wender suggested getting Earl Pauley, Park Superintendent to come up here to see what he could do to assist.

Commissioner Lopez suggested putting request in with this year's Fiscal Year Budget 2006-2007.

Ms. Holly told the Commissioners she received a letter from the West Virginia Courthouse Facilities Improvement Authority approving the request for courthouse improvements, amount \$80,000.00.

Commissioner Eskew informed with this approval of the courthouse improvement grant, they will be able to move ahead with the Phase III Project.

Ms. Holly asked the Commissioners if they wanted her to send a copy of the roof bids to Dan Snead to review.

The Commissioners asked Ms. Holly to send a letter to Dan Snead requesting his recommendation on the jail spout at the jail and recommendation on the Memorial Building and bids for the roof at the Prosecuting Attorney's Office.

The Elected Officials signed a letter to the West Virginia State Auditor 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.

The Commissioners received and reviewed a proposal from Earl Pauley, Park Superintendent requesting that Randall Redden, Sr. be transferred from the Park Budget to the Central Garage Budget to help Dan Pauley and request that Randy Redden, II be outside Supervisor and Johnny Worix.

Commissioner Lopez offered a motion to approve transferring Randy Redden, Sr. To the Central Garage Budget at a rate of \$7.50 and increase Randy Redden, II outside Supervisor to \$7.46 Commissioner Eskew seconded. Unanimous.

Ms. Holly told the Commissioners they would have to make a Budget Revision.

Commissioner Eskew offered a motion that a Budget Revision is made to the Central Garage 2005-2006 budget, amount \$5,800.00.

Commissioner Lopez seconded. Unanimous.

Ms. Holly asked the Commissioners if they reviewed the rules and regulations for the Fayette County Park.

Commissioner Eskew offered a motion to approve and accept the regulations and fees for the Fayette County Park. Commissioner Lopez seconded. Unanimous.

Allen Ballard, Fayette County Building Inspector appeared before the Commission to discuss his Fiscal Year 2006-2007 Budget.

Mr. Ballard told the Commissioners that as of today his revenue from July to current is \$84,000.00.

Mr. Ballard told the Commissioners that he cannot get Oak Hill or Fayetteville to get on board to add the amendment to the Unified Development Code.

Mr. Ballard told the Commissioners that his Training and Education line (\$7,500) could be less, need a digital camera, file cabinets, and need to raise the contract labor to \$45,000.

Ms. Holly told the Commissioners that Sheriff Bill Laird had talked with them during his budget presentation regarding matching funds available through the Bulletproof Vest Partnership Act administered by the U. S. Department of Justice that will provide 50% funding for the purchase of the body armor.

Commissioner Eskew asked Ms. Holly what would be the dollar

amount.

Ms. Holly replied the total cost would be \$23,870.00 the 50% match would be \$11,935.00.

Commissioner Eskew offered a motion to approve to advance from the Coal Severance Fund Fiscal Year 2006 Budget for 50% match \$11,935.00 from current year budget to purchase bulletproof vests. Commissioner Lopez seconded. Unanimous.

The Commissioners told Sheriff Laird he can move forward with grant application.

David Neal, E911 Coordinator appeared before the Commission to give an update on the Statewide mapping/addressing project in Fayette County.

Also present was Tom Williams, Serviceman with Verizon, Craig Neidig, WVGIS, Coordinator and Neal Cadle from microData.

Commissioner Wender asked the status of the mapping/addressing project, and would like to know what else they need from the State.

Mr. Neidig told the Commissioners that this project is long term maintenance. They will finish up all the data by December 31, 2006. Team II-Software is scheduled for April a map with every addressable structure will be entered into the system. (See attached letter)

Tom Williams and David Neal to review and make any changes to confirm, should be completed in April.

Mr. Neidig told the Commissioners they are looking at an August-September time frame. After Mr. Williams and Mr. Neal review and confirm they will give to the Post Office and phone companies to review and confirm.



**WEST VIRGINIA
STATEWIDE ADDRESSING AND MAPPING BOARD**

JOE MANCHIN III
GOVERNOR

1124 Smith St., Suite LM-10
Charleston, WV 25301

CRAIG A. NEIDIG
CHAIRMAN

MEMORANDUM

TO: County 9-1-1 Directors and County Commissioners
FROM: Craig Neidig, Chairman, WVSAMB
DATE: 3/6/2006
SUBJECT: Important Update Concerning microDATA Contract with the WVSAMB and County Responsibilities for the Remainder of the Project

The West Virginia State Addressing and Mapping Board (the "Board"), microDATA GIS, Inc. ("microDATA") and the Board's project management team (the "Project Manager") have been working to assist counties in the completion of complete statewide city-style addressing and the implementation of Enhanced 9-1-1 services, under the SAM-0301 Contract. As work on the project has progressed over the last two years, the Board, the Project Manager, and microDATA determined that certain revisions to the SAM-0301 Contract would benefit the project, and all interested parties. Therefore, on January 30 and February 1, 2006, the parties entered into facilitated mediation in order to reach an agreement on the issues under question. The parties formalized their mutual agreement on these matters in a "Memorandum of Understanding" (MOU) with an effective date of February 2, 2006. The MOU was further modified into a Change Order to the SAM-0301 contract for submission to the State Division of Purchasing.

The outcome of the mediation has implications regarding the roles, responsibilities and participation of the Counties that are outlined below.

A. Incentive Payments

A key provision of the agreement the parties reached is a better method of providing incentives to both microDATA and the Counties to better achieve the desired outcome of the project. The Board's overall objective is to attain the maximum number of "TN Matches" between (a) a city-style address and (b) the telephone number for the residents at that address. The Board is intent on achieving a minimum ninety-five percent (95%) TN Match rate across the state.

The Board, the Project Manager, and microDATA recognize the critical role the Counties play in maximizing the TN Match rate, and in achieving the other goals of the project. The Board, the Project Manager, and microDATA acknowledge that portions of the work need to be

*copy to
David Neal*

shared with the Counties, and the Counties, with their local knowledge, bring special expertise to completing TN Matching and other work under the project. From this, microDATA and the Board agreed that it would be in the best interests of the project to provide the Counties with a financial incentive tied to improving the TN Match rate.

Contractually, this means that microDATA will be compensated based on the number of valid TN Matches it produces. Once microDATA provides its initial TEAM-2 dataset to a County, and the County's Addressing Coordinator and other assistants begin working on generating additional TN Matches for any previously unaddressed areas, the County will share in the per TN Match payments for any such additional TN Matches produced by it. The exact rate of compensation is yet to be finalized but will be based on the number of matchable land lines per county. The parties believe that this structure creates monetary incentives toward improving the TN Match rate to the maximum extent reasonably possible, and represents a fair way of moving forward with the remainder of this project.

B. Additional Assistance to the Counties

microDATA and the Board also agreed to clarify certain provisions of the SAM-0301 Contract with respect to the assistance microDATA provides to the Counties. Based on microDATA's expertise and experience in similar addressing projects, microDATA agreed to provide the following services:

1) microDATA will establish a TEAM-2 Help Desk for the Counties. This Help Desk will be available to the designated County Addressing Coordinators Monday through Friday, 8AM to 8PM EST for all questions, and on weekends for critical questions from 9AM to 5PM EST. If, after a Help Desk consultation, an Addressing Coordinator still has questions that warrant further investigation, microDATA has agreed to either (a) provide support via Netmeeting or another web-based data conferencing software, or (b) arrange a face-to-face meeting with the Addressing Coordinator, at a mutually convenient and prompt time.

2) microDATA will include with its TEAM-2 deliverables to the Counties a set of "TN Matching Forms." These Forms will be sorted by fire department within the associated Emergency Service Zone, to allow an Addressing Coordinator, for example, to request assistance from local fire fighters, other county emergency personnel, or citizen volunteers, in obtaining additional TN Matches in such areas.

3) Based on the results of the McDowell County pilot project, microDATA will make certain modifications to the TEAM-2 software and deliverables in order to tailor these materials to West Virginia use.

4) The parties further agreed that the digital site photographs provided by microDATA would be acceptable if a portion of the applicable structure is visible, even if other structures are also visible in the photo. The County, at its option, may choose to provide additional structure photos to augment the database over time.

The Board, the Project Manager, and microDATA are confident that these additional forms of assistance to the Counties will further support the project's goals.

C. Schedule for TEAM-2 Deliverables and Responses

The Board, the Project Manager, and microDATA agreed that the TEAM-2 materials in general form are ready to be delivered to the Counties. Accordingly, microDATA will begin providing the Counties with TEAM-2 deliverables beginning in late February and early March, and will continue delivering these materials thereafter in substantially the order listed on Exhibit A.

As per the original guidelines established in the "WVSAMB Addressing Handbooks, Volume 1 and 2" the Counties will be given 30 days to review and complete work with respect to their TEAM-2 deliverables. This should be adequate time for the Counties to review the data and make any necessary changes. The parties further agreed that this 30-day deadline should not be extended, just as microDATA's and the Board's deadlines for completion of the project similarly has not been extended. For those Counties unable to meet this deadline, microDATA confirmed that it will accept partial deliveries of a County's revisions to its TEAM-2 dataset, during the applicable 30-day period. Other issues with County TEAM-2 compliance will be dealt with on a case-by-case basis.

IMPORTANT NOTE: Counties should be aware that it is the responsibility of the County 9-1-1 Office and the County Commission to make sure that adequate staff, computer, and vehicle resources be made available during the 30-day window to complete the TEAM-2 review process.

D. Addressed Areas

For areas that already have city-style addresses, the Board and microDATA confirmed that no field verification for these sites will be undertaken. For these areas, microDATA will take the source data it has been provided, and conflate this data onto the Board's geometry. In addition, microDATA agreed that, to the extent it has already collected data in addressed areas, it will provide this data to the County. If there are additional addressing changes required in any previously addressed areas, these will be the responsibility of the County to complete – either during their TEAM-2 review phase or on their own at a later time.

E. Conclusion

In sum, the parties believe that these revisions and clarifications to the SAM-0301 Contract further the goals of West Virginia's E9-1-1 initiative, and place the project on a strong footing going forward. Each party is pleased with the cooperative, team-approach the other demonstrated in clarifying the SAM-0301 Contract in this manner, and each party looks forward to successful completion of this project.

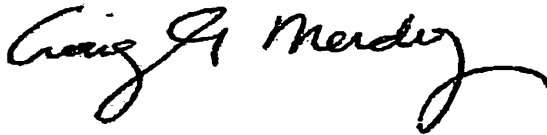
Please bear in mind that the Memorandum of Understanding and the contract Change Order contain the actual terms and conditions of the agreement described above. In addition, the contract Change Order is subject to final approval by the State Division of Purchasing and by the Attorney General's Office. Finally, please understand that this letter is only a summary, and has no legal effect. The actual legal documents, when approved by the State Division of Purchasing and the Attorney General's Office, will define and control the legal rights and

obligations of the parties. In the event of any inconsistencies between this letter and the official, approved legal documents, the legal documents will control.

The Board, Project Manager and microDATA want to thank the Counties for their continued hard work on the project as we seek to bring this project to a successful conclusion. We all need to remember that this project is unique in the nation, and our resolve to build nothing less than a "world-class" E9-1-1 addressing system for West Virginia remains steadfast.

If you have any questions or concerns regarding this memo or the terms of the Change Order to the microDATA contract, please do not hesitate to contact me or any Board member.

Respectfully submitted,



Craig A. Neidig
Chairman, WWSAMB

Exhibit A - TEAM-2 Delivery Schedule for West Virginia Counties

<u>Months:</u>	<u>Counties:</u>
February 2006	McDowell Doddridge Ritchie Putnam Jefferson Wirt Raleigh
March	Mason Braxton Clay Greenbrier Hancock Brooke
April	Kanawha Ohio Harrison Fayette Webster Wetzel
May	Cabell Taylor Monongalia Wayne Boone Wood
June	Marshall Hardy Tyler Hampshire Nicholas Roane
July	Pendleton Tucker Marion Lincoln Mercer Preston
August	Pleasants Randolph Logan Barbour Wyoming Mineral

September	Upshur Jackson Mingo Pocahontas Summers Mourne
October	Gilmer Lewis Grant Calhoun Berkeley Morgan

*microDATA has a degree of discretion to make reasonable changes to this order.

David Neal and Tom Wagner will be able to give a correct address by the summer.

Steve Fox with the Assessor's Office informed the Commissioners that the DMV is telling everyone they need a letter with a seal before issuing a license.

Mr. Neal told the Commissioners he would check into this.

Howard Scott, Amber Marstiller, Robert Dorado and Mel Parker with the City of Mount Hope and the Mount Hope Community Center appeared before the Commission to request financial assistance to help ensure the longevity of the Mount Hope Community Center.

Ms. Marstiller told the Commissioners they are in partnership with the New River Health Association.

Ms. Marstiller told the Commissioners they are here to make two requests: 1) For the Commission to allocate \$2,000.00 toward the operating budget of the Mount Hope Community Center as has been done in the past for other community centers and 2) For the Commission to allocate \$3,000.00 as a one time contribution toward upgrading the old YMCA/Mount Hope Community Center facility.

Robert Dorado appeared before the Commission to request funds to replace the historic Town Clock.

Mr. Dorado presented a history of the clock to the Commissioners. (See attached)

Mr. Dorado is requesting that the Commission contribute \$10,000 to assist in replacing the Town Clock, but anything the Commission can give will be appreciated.

The Commissioners informed they would consider their request

October 26, 2005

Dear

I am writing on behalf of an effort to replace a 1921 landmark in the city of Mount Hope, West Virginia. Mount Hope is one of the last communities where one can actually view a town built by miners, coal companies, and coal barons. Mount Hope is in Fayette County ten minutes from the New River Whitewater Rapids and New River Gorge and Bridge with its scenic views. It is a small, quiet town rediscovering itself; finding that one of its greatest resources is not the coal that still lies beneath its surface, but its Coal History: Mt. Hope is taking steps to develop a plan for the city to address its strengths and resources and have a city which not only will its people be proud to live in, but will be attractive to visitors. It has seven historical sites being renovated (YMCA, Mountainair Hotel, Municipal Stadium, Open Air Coal Seam and Fountain, Princess Theatre, and The New River Company Store, and The New River Administration Building) and one being replaced.

"The Town Clock" stood for fifty-two years in front of the Mount Hope National Bank on Main Street in Mount Hope, West Virginia. Through the years, it became one of the landmarks for the city. It was twenty feet in height with four porcelain faces with each face weighing over seventy pounds. Businessmen set their watches, children rushed to school, and mothers completed their runs to the market, cleaners, and so on by keeping their eye on "The Clock".

In 1961, Mr. Sam Dorado purchased the Mount Hope National Bank. Since bank president, Mr. Pat Garrett, had the clock erected shortly after the bank was built, Mr. Dorado was under the understanding that the clock in front of the bank was part of the transaction. In 1973, after Mr. Garrett's death, Mrs. Pat Garrett wanted to donate "The Clock" to the city as long as it was moved to a site in front of City Hall which was several blocks away. The city regretfully declined the gift saying, they wanted "it to remain on Main Street in front of the bank as an historical landmark". When the gift was declined, Mrs. Garrett then put "The Clock" up for sale. Sam Dorado was hospitalized at the time it was purchased and removed and was not able to file an injunction to stop the action until it could be determined who really owned "The Clock".

As a memorial to his father and to restore an historic landmark to the city of Mount Hope, Robert Dorado tried to repurchase "The Clock" from William Tweel of Huntington, West Virginia. With the passing of Mr. Tweel and then his wife, "The Clock" which had deteriorated over the years was dismantled and moved to "someplace" in Virginia. Since the cost of finding, repurchasing, moving, and restoring would be much more expensive than purchasing an authentic replica, Robert Dorado has researched and is pursuing a different approach. In line with Mount Hope's vision of Economic Development through Historic Preservation and Cultural Heritage Tourism, Robert Dorado recommended to the Mount Hope City Council and Mount Hope Lion's Club that a replica (see attachment) be purchased for \$25,000 and be erected in front of what was once the Mount Hope National Bank. The Mount Hope City Council passed a resolution supporting the project and the Mount Hope Lion's Club has endorsed the project. The

replica will be a sixteen foot, four-faced Electric Howard Clock and the \$25,000 will include freight and installation.

To date, Robert Dorado has raised \$~~7~~⁴,500 from individual donations, the Mount Hope City Council has committed \$1,500, a special raffle held during Jubilee Weekend and continuing through the month at \$5.00 per ticket has raised \$400.00, the Mount Hope Lion's Club will be sponsoring a fundraising dinner in December, and a Challenge Grant of \$5,000 has been promised, to be awarded when the amount of \$20,000 has been realized. The monies needed are over one-third achieved.

"The Town Clock" project initiated by Robert Dorado is supported by both the city of Mount Hope and The Mount Hope Lion's Club and contributions would be directed to the city of Mount Hope, which has tax exempt status (see attached documentation).

We respectfully request you consider our request for a contribution towards "The Town Clock" for \$10,000 and look forward to your reply.

Sincerely,

Rebecca Dean, Project Coordinator

MT. Hope Lions Club

Clock Fund - Robert Dorado

during their budget session.

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 April.

The Commissioners received and reviewed checks for 911 Fees from Citizens Communications Company, amount \$48.50 and Mountain Communications, LLC, amount \$51.70; Supreme Court FLM rent, amount \$2,025.00; Criminal Justice Services-State Grant-Community Corrections Grant, amount \$14,677.34.

The Commissioners received and reviewed a letter from Attorney William Gerwig, to BrickStreet Mutual filing a motion to reopen Workers Compensation claim for Becky Toney.

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 an e-mail from the Office of the State Treasurer informing that the funds due for wine, liquor and private club taxes will be direct deposited on March 15, 2006, amount \$481.52.

The Commissioners received and reviewed from the Bank of New York Cash Statement and Asset List for February 28, 2006.

The Commissioners received and reviewed from SunTrust Bank a list of securities pledge as of February 28, 2006.

The Commissioners received and reviewed a letter from the Fayette County Weatherization Program informing that a meeting of the Weatherization Policy Advisory Council is scheduled for Monday, March

27, 2006 at 1:30 P.M.

The Commissioners received and reviewed a letter from Sheriff Bill Laird regarding an invoice for Maintenance Agreement from Lanier Copy Machines asking that a check be issued in the amount of \$600.00 (posted as \$300.00 from the Home Confinement Fund and \$300.00 from the General Fund Budget). Following the issuance of this check in the amount of \$600.00, Sheriff Laird is asking that Tom Woodrum prepare check in the amount of \$300.00 from the Sheriff's Concealed Weapons Fund so that this invoice would be paid in full.

The Commissioners received and reviewed copy of letters from Sheriff Bill Laird to Debbie Aliff, Payroll Clerk informing that Patrick Jeb McCutcheon and Shannon Ray Morris has accepted employment as Fayette County Deputy Sheriffs, starting salary will be \$23,441.04 per year or \$1,953.43 a month, starting dates will be March 16, 2006.

The Commissioners received and reviewed a letter from Morgan County Commission informing that the Make-A-Wish Foundation has asked them to forward this request from Craig Sheppard to send a business card from their office. Craig Sheppard is a seven-year-old boy who has a brain tumor. It is his wish to have an entry in the Guinness Book of World Records for the largest collection of business cards.

The Commissioners received and reviewed Monthly Progress Report from the Fayette County Community Corrections Program.

The Commissioners received and reviewed from the Homeland Security State Administrative Agency a Sub-Grant Adjustment Notice for Citizen Corps approving the request to change the Sub-grant period from December 1, 2003 to December 31, 2005 to December 1, 2003 to May

31, 2006.

The Commissioners received and reviewed from the Fayette County Animal Control Center Weekly Fees Collected for the week of March 10, 2006 to March 16, 2006, amount \$362.00.

The Commissioners received and reviewed a copy of a letter from Region 4 Planning and Development Council to Kyle Construction regarding several items that need to be addressed for the Fayette County Courthouse Elevator-Project #03SCBG0102.

The Commissioners received and reviewed a letter from the Bank of Mount Hope informing of their efforts to be very attentive regarding their responsibilities to various needs and concerns of the citizens, communities, and various activities within their servicing area.

The Commissioners received and reviewed a letter from the West Virginia Development Office enclosing a copy of the grant award for Fayette County Commission-Tourism and Recreation Local Economic Development Assistance Grant Program, Project #06LEDA0129.

The Commissioners received and reviewed a letter from Delegate John Pino informing he has submitted the Commission's request for financial assistance to the House Finance Committee.

The Commissioners received and reviewed a message from Carl Harris, Prosecuting Attorney informing he believes the Fayette County Board of Education will go with same figures as last year on their Lease Agreement with the Fayette County Memorial Building.

The Commissioners received and reviewed an e-mail from the County Commissioners' Association of West Virginia regarding working on rules to assess the 911 fees on prepaid wireless services. Ms. Holly

forwarded a copy of the e-mail to David Neal, E911 Coordinator to review and advise the Commission.

The Commission recess the Commission meeting for lunch at 12:41 a.m.

The Commission reconvened the Commission meeting at 1:45 P. M. to work on the Fiscal Year Budget for 2006-2007.

The meeting was adjourned. The next scheduled meeting is March 24, 2006.

A handwritten signature in blue ink is positioned above a solid horizontal line. The signature is cursive and appears to read "Walter W. [unclear]".

FAYETTE COUNTY COMMISSION
REGULAR SESSION
MARCH 24, 2006
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 24th day of March 2006.

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

Eddie Young, Assessor presented the exonerations to the Commissioners to be approved and signed.

Commissioner Eskew offered a motion to approve and sign exonerations for real property tax for Charles Skaggs, amount \$334.17. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve vouchers, invoices and payrolls, checks for invoices to be released today, payroll checks to be released on April 30th. Commissioner Eskew seconded. Unanimous.

Howard Hughes and Henry Meredith members of the Upper Paint Creek Watershed Association appeared before the Commission to inform them that they were recently awarded a grant of \$80,000 to develop a 5-year management plan for the Upper Paint Creek Watershed Association.

Mr. Hughes told the Commissioners that in the beginning, the Division of Highways was willing to donate this land to the Upper Paint Creek Watershed Association, but now for some unknown reason they have decided to auction this land off to the public.

Mr. Hughes told the Commissioners that the Division of Highways owns approximately 4 acres that would add significantly to the Paint Creek Scenic Trail.

Mr. Hughes asked the Commission if they would write a letter to our delegates asking them to meet with them and the Division of Highways to discuss how they can work together to acquire this property.

Commissioner Lopez suggested sending the letter to Michael Cobb at the Oak Hill Division of Highways and to Nathan Thomas at the Lewisburg Division of Highways.

Commissioner Lopez offered a motion to approve overtime for Jackie Hickman (44 hrs), Debbie Aliff (24 hrs.) and Debbie Berry (45 hrs.). Commissioner Eskew seconded. Unanimous.

Commissioner Wender informed they were here today to adopt the Budget for the Fiscal Year 2006-2007.

Elected Officials that were present for the adoption of the budget were Daniel Wright, Circuit Clerk, Eddie Young, Assessor, Kelvin Holliday, County Clerk and Carl Harris, Prosecuting Attorney.

Commissioner Wender gave a brief summary of what the Commissioners approved for Fiscal Year 2006-2007 Budget.

Commissioner Wender informed there is a slight increase in the Budget for this Fiscal Year 2006-2007, General County Budget is \$6,682,760 and Coal Severance Fund Budget is \$727,000.

Commissioner Wender informed that because of an increase in revenue there would be \$150.00 raise per employee in addition county employees hired after 1991 would have a decrease in their insurance, co-pay \$10.00 single coverage and \$25.00 family coverage; for department heads who was hired and have less than 30 years of services salary would increase by an additional 2.5%, those who have over 30

years of services salary would increase by an additional 5%.

Commissioner Wender informed PEIA increased by 3% the Commission will pick up the full amount for all employees; \$100,000 Workers' Compensation increase, the elected officials will receive a 20% increase in salary except the Prosecuting Attorney would receive \$13,000 increase; County Commission approved four (4) new cruisers; \$1,000 for bullet proof vest for law enforcement; increase uniform allowance for law enforcement \$5.00; longevity \$5.00, increased the rank of pay for deputies from \$100 to \$125.00; increased the number of deputies by two (2).

Commissioner Eskew offered a motion to adopt the Budget for Fiscal Year 2006-2007 for the General County Fund (\$6,682,760) and the Coal Severance Fund (\$727,000). Commissioner Lopez seconded.

Unanimous. Budget signed.

The Commissioners received and reviewed a letter from the Fayette County Historic Landmark Commission requesting that Ann Skaggs, Pat Wendell, Carolyn Hill and Daniel Wright be reappointed to serve as members of the Fayette County Historic Landmark Commission.

Commissioner Eskew offered a motion to reappoint Ann Skaggs, Pat Wendell, Carolyn Hill, and Daniel Wright to serve as members of the Fayette County Historic Landmark Commission. The term to expire is June 30, 2008. Commissioner Wender seconded. Unanimous. Orders and appointment to serve letters signed.

The Commissioners signed Application for a Permit to Operate the Boomer Ball Park and the Harlem Heights Park.

Ms. Holly presented from Delegate John Pino Certificates for the

Local Economic Development Assistance Grant Awards for the Fayette County Historical Society (\$2,500) to complete capital improvements at the Contentment Historic Complex, to the Fayette County Commission (\$18,000) to complete capital improvements at the Upper Kanawha Valley Community Center, and to the Fayette County Commission (\$12,000) to provide bus transportation services during Bridge Day to the Commissioners.

The Commissioners received and reviewed a letter from Carl Harris, Prosecuting Attorney informing that he has opened a checking account at the Fayette County National Bank for his asset forfeiture money. Mr. Harris is requesting that the balance of the money that is now in the general fund be transferred to his new account, balance \$3,880.60.

Commissioner Eskew offered a motion to set up the account and to transfer money from the Prosecuting Attorney Forfeiture line item into the new checking account. Commissioner Lopez seconded. Unanimous.

The Commissioners received/reviewed and approved an invoice from Sally Pennington for the Wolf Creek Park Hospitality Training Center, amount \$2,500.00.

The Commissioners received and reviewed from Eddie Young, Assessor three (3) Petitions to Combine or Divide and Segregate Land.

Commissioner Lopez offered a motion to approve and sign Petitions to Combine or Divide and Segregate Land for Nugen Cemetery Trust, Inc., Elizabeth Mahoney Morgan Lee, and Carmen Shrewsberry. Commissioner Eskew seconded. Unanimous. Petitions signed.

The Commissioners received and reviewed a request from the

Fayetteville Midget League Cheerleaders requesting approval to use the Memorial Building for cheerleading clinics and tryout for April 6, 7, and 8, 2006.

Commissioner Lopez offered a motion to approve the use of the Memorial Building for the Fayetteville Midget League Cheerleaders for April 6, 7, and 8, 2006 with a waiver of the rent pending no conflict of the schedule. Commissioner Eskew seconded. Unanimous. Letter signed.

Commissioner Lopez offered a motion to make a budget revision in the Coal Severance Fund for \$2,500 from next year's budget to current budget for the Montgomery City Pool. Commissioner Eskew seconded. Unanimous.

Commissioner Eskew offered a motion to approve James Perdue, Maintenance Supervisor request to purchase a vacuum cleaner. Commissioner Lopez told Commissioner Eskew that he had already approved the purchase. Commissioner Eskew withdrew his motion.

Commissioner Lopez offered a motion to authorize Commissioner Wender to execute the Emergency Homeland Management Grant Program for the Office of Emergency Services. Commissioner Eskew seconded. Unanimous.

The Commission recessed the Commission meeting at 10:25 a.m.

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

Tim Richardson, Zoning Officer presented to the Commissioners the first case for disposition from the Planning Commission:

Commissioner Wender swore in every who would be speaking.

Case #Z-506-06-1: Request of Mindy Johnson 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, New Haven District.

Mr. Richardson told the commissioners that the Planning Commission recommended that this request be denied by a vote of 11 and 1 abstention.

See attached copy of minutes.

Commissioner Eskew offered a motion to support the Planning Commission's request and deny Mindy Johnson request to change from R-R (Rural Residence District) to B-2 (Business, Local District).

Commissioner Lopez seconded. Unanimous.

The next order of business-Case #Z-507-06-1: Request of Clarence and Doris Shepherd, Jr., owners, for a change in land classification, from R-R (Rural Residence District) to B-2 (Business, Local District) on property legally described as 0.25 ac Pt. Lot 8 Boomer Subdivision, Boomer Hill, Boomer Valley District.

See attached copy of minutes.

Commissioner Lopez offered a motion to accept the recommendation of the Planning Commission to approve request of Clarence and Doris Shepherd, Jr. to rezone from R-R (Rural Residence District) to B-2 (Business, Local District). Commissioner Eskew seconded. Unanimous.

Brian Parsons, Attorney for the City of Oak Hill appeared before the Commission to present an annexation by minor boundary adjustment of Wolf Creek Development Park.

Commissioner Wender asked Mr. Parsons why the request is being

Fayette County Commission

Minutes

March 24, 2006

The Fayette County Commission met in regular session, March 24, 2006 at 10:30 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, and Carl Harris, Prosecuting Attorney.

First order of business :

Swearing in of all speakers in regard to these zoning cases by Commission President Matt Wender.

Next order of business :

Z-506-06-1 : Request of Mindy Johnston, 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, New Haven District.

Zoning Officer, Tim Richardson, the planning commission recommends that this request be denied by a vote of 11 for the motion and 1 abstention.

Randall Gafford, legal representation in behalf of Ms. Johnston. Ms. Johnston is proposing to lease purchase this property. (Mr. Gafford submitted photographs of location for the record). Ms.

Johnston was unaware of the history of this building, she is proposing to obtain a loan from Community Trust Bank to purchase the property and has been issued a special use permit to operate a gift shop. She does not have any intension of selling beer or pornographic material, but to run a gift shop and wants to obtain a loan to operate the business. The bank will not approve a loan on a special use permit on the property. There are sewage concerns on the property, in 2005 it barely passed inspection. This application is the first step in obtaining a loan.

Matt Wender, asked Ms. Johnston to address the commission. I am trying to obtain a loan to purchase this property, but I could not exercise the option of reselling because of the zoning.

Mr. Gallford, what are your intensions for this property ? Ms. Johnston, I want to operate a gift shop, flea market, and possibly have rental apartments. I want my own business and you could condition this request if that is necessary. There will be no alcohol sales.

Mr. Gallford, have you contacted suppliers about gift supplies ?
Ms. Johnston, yes I have.

Matt Wender, question, what about your loan, is there zoning issues?

Zoning Officer, Tim Richardson, I explained to Ms. Johnston, I would document to Ms. Johnston's loan officer the definition of the special use permit, which is a business approval or would call him to explain the guidelines for business special use approvals.

Opposition :

Ruby Sorrell, opposed to any business that sells beer and cigarettes, if the B-2 is granted I have a concern of future uses. I am serving Jesus, and am against evil ways.

Allen Whitt, Minister of the Faith Freewill Baptist Church and Principal of the Danese Christian School, I present this petition of protest to this rezoning with 335 names and agree with the recommendation of the planning commission to deny this request. The first request to rezone this was denied and nothing has changed in this application. This is not a sincere request for a gift shop. B-2 is permanent as the original application for alcohol. We would not object to a feasible business request. When she applied for a special use for a gift shop we offered help and did not object. She could not pass on the appearance of application made for B-2 on a loan pretense. The gift shop is closed at Babcock State Park, not sincere about the B-2 zoning, a concern of all the other uses that come with the B-2 zoning.

David Roach, I agree with Mr. Whitt, she is not sincere in her loan application, does not have a plan study, other gift shops have closed, traffic is minimal at this location, there is no tourist trade. Once this is zoned B-2 it is permanent. This is a residential community and this location is in a flood zone, it is a financial boondoggle.

Barbara Taylor, there is alcohol sold one mile from this location and it is trouble, there is no room to operate at this location. Do the right thing.

Barbara Wells, someone said this used to be a beer establishment, this is not true.

Matt Wender, I am concerned of the intensions from the bank to the occupant. If concerns of loans from the bank to the occupant. And there are other issues.

A citizen, concern of B-2, not the applicant, protect the community interests.

Disposition:

Motion to deny this request as recommended by the planning commission, by Ken Eskew, stating a petition was presented with 335 names in opposition and concern of this request of B-2, Concern of sewage, parking and the best use of this property which appears to be a gift shop only. Second by John Lopez, stating he agrees with the recommendation from the planning commission.

Vote 3-0.

Next order of business :

Z-507-06-1: Request of Clarence & Doris Shepherd, Jr., owners, for a change in land classification, from R-R (Rural Residence District) to B-2 (Business, Local District) on property legally described as 0.25 AC Pt. Lot 8 Boomer Subdivision, Boomer Hill, Boomer, Valley District.

Mr. & Mrs. Shepherd present, stating they want to open a restaurant to benefit the community and seniors. This is a small residential community.

Matt Wender, do you intend to pursue a special use permit for alcohol ? Mr. Shepherd, yes we will eventually want to sell wine and beer with meals.

Ken Eskew, what will be your operating hours ? Ms. Shepherd, we will be open seven days a week for breakfast, lunch and dinner, seating for 25. We do have public water and sewage. We are in contact with the health department concerning requirements for restaurants.

Mr. Shepherd presented a diagram of what the structure will look like to the commission, including parking, stated this was a store years ago.


Matt Wender, asked if there was any opposition ? None present .

Disposition :

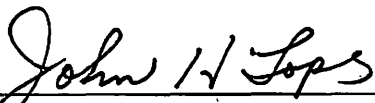
Motion to approve this request of rezoning from R-R to B-2 as recommended by the planning commission by John Lopez, second by Ken Eskew.

Vote 3-0.

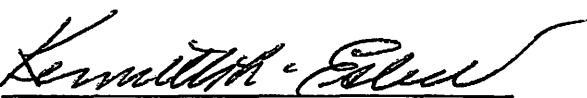
No other business. Zoning portion of this meeting. Adjourned.



Mathew D. Wender, President



John H. Lopez, Commissioner



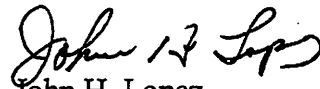
Kenneth L. Eskew , Commissioner

ORDER

On this 24th day of March 2006, it appearing to the Fayette County Commission a recommendation from the Fayette County Planning Commission to rezone property applied for in the names of Clarence & Doris Shepherd, Jr., owners, zoning case, **Z-507-06-1** from R-R (Rural Residence District) to B-2 (Business, Local District), be and is hereby granted.



Mathew D. Wender
President



John H. Lopez
Commissioner



Kenneth L. Eskew
Commissioner

made by the City of Oak Hill for minor boundary adjustment.

Mr. Parsons replied that the City of Oak Hill is in a better position to provide sewer services.

Commissioner Eskew had several questions for Mr. Parsons.

Carl Harris, Prosecuting Attorney informed the Commissioners that Mr. Parsons is here to present an application.

Commissioner Wender asked Mr. Parsons and Mr. Harris to get together and figure out what the legal issues are regarding this request.

Attorney John Shumate appeared before the Commission to present an annexation by minor boundary adjustment of 6.37 acre tract, situate near U. S. Route 16 and State Route 211, Southwest of the City of Mount Hope, Plateau District, Fayette County.

Commissioner Wender sworn in Attorney John Shumate, Mr. Shumate presented application.

Mr. Shumate told the Commissioners this annexation is to build a family dollar store and a grocery store.

Mr. Shumate told the Commissioners that on January 10, 2006 the City Council endorsed the annexation. Water and sewer service no problem.

Mr. Shuamte presented application to the Commission to schedule a hearing.

Commissioner Wender asked Carl Harris, Prosecuting Attorney what action the Commission need to take.

Mr. Harris told the Commissioners they would have to accept the application.

Commissioner Lopez offered a motion to accept the application for annexation by minor boundary adjustment for the City of Mount Hope. Commissioner Eskew seconded. Unanimous.

The Commissioners set the petition for final hearing before the Commission on April 24, 2006 at 10:30 a.m. at which time and place all persons interested therein may appear in support of or in opposition to said petition.

Attorney James Blankenship, W. D. Smith, Region 4 Planning and Development Council, Cynthia Jones, Ray Tilley Danese Public Service District appeared before the Commission to discuss Phase I boundary adjustment for the Danese Public Service District.

Attorney Blankenship asked the Prosecuting Attorney to verify the boundary lines for Danese Public Service District to enter into an order to start the Project.

Ms. Holly told the Commissioners that normally the Public Service District brings the Petition to the Commission.

Commissioner Eskew offered a motion that they ask the Prosecuting Attorney Office to verify New Haven Public Service District boundaries if not in the New Haven Public Service District generate an order to Danese Public Service District. Commissioner Lopez seconded. Unanimous.

Commissioner Eskew offered a motion to allow the expansion of the Danese Public Service District to go to Meadow Bridge up to the City Limits to accommodate Phase I. Commissioner Lopez seconded. Unanimous.

Cynthia Jones asked the Commission to reaffirm to sponsor the

Small Cities Block Grant for 2006.

Commissioner Eskew offered a motion that the Commission recommits to sponsor the Small Cities Block Grant for 2006 for the Danese Public Service District. Commissioner Wender seconded. Unanimous.

Ms. Holly informed the Commissioners they would have to have a public hearing.

W. D. Smith informed the Commission that one public hearing is required.

Dan Snead appeared before the Commission to discuss the gutters for the jail museum.

Mr. Snead told the Commissioners he recommended advertising for a roofer and a masonry to do the gutters for the jail.

Mr. Snead recommended to the Commissioners to rip off old gutters and replace with new gutters, Mr. Snead does not recommend putting in a liner.

Ms. Holly suggested to Mr. Snead to write a letter to the Division of Cultural and History to inform them of his recommendation.

The Commissioners asked Mr. Snead to include in the letter the specifications to replace the gutters and attach a letter stating that the original recommendation was to replace the gutters.

The Commissioners received and reviewed checks for 911 Fees from Granite Telecommunications, LLC, amount \$124.00, IDT Corporation, amount \$60.00, AT&T Communications of WV, amount \$1,034.00, Cleartel Telecommunications, Inc., amount \$14.00, CityNet Holding, amount \$5.82, Mountain Communications, amount \$51.70 and Verizon, amount \$33,723.98; Alarm Fees, amount \$275.00, Soldiers and Sailors Memorial

Fund, amount \$500.00; Franchise Fees-Bradley Communications, Inc. \$520.87 and a Refund UPS, amount \$13.92.

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 minutes of the Page-Kincaid Public Service District for the months of February and March 2006.

The Commissioners received and reviewed Weekly Fees Collected by the Fayette County Animal Control Center/NRHS for the week of March 17 to March 23, 2006, amount \$330.00.

The Commissioners signed a letter to the Division of Highways-Equipment Division asking permission to purchase surplus equipment from their sale line when it becomes available.

The Commissioners received and reviewed a letter from the Office of the Insurance Commissioners informing they will be hosting informational meetings around the State regarding the transition to the National Council on Compensation Insurance (NCCI) for workers' compensation services.

The Commissioners received and reviewed the official Oath of Office for Eddie P. Chornobay, a member of the White Oak Public Service District.

The Commissioners received and reviewed a letter from the West Virginia Development Economic Development Authority asking that the Wolf Creek Park Project #157 complete and return the Grant Expenditure Certification by June 30, 2006 if they do not anticipate there project

being fully disbursed by June 30, 2006.

The Commissioners received and reviewed a letter from the West Virginia American Water regarding Public-Private Partnership Water Extension Projects.

The Commissioners received and reviewed a copy of a letter from Thrasher Engineering to the Fayette County Urban Renewal Authority proposed Wolf Creek Park Addendums #1 and 2 addressing responses to questions and clarification that were generated during the Pre-Bid Conference held Tuesday, March 14, 2006.

The Commissioners received and reviewed a letter from the Secretary of State Office informing of the jobs to be done on election night as it relates to M650's optical scanners.

The Commissioners received and reviewed a letter from the Secretary of State Office regarding the testing of the voting equipment for the Primary Election.

The Commissioners received and reviewed a letter from Region 4 Planning and Development Council enclosing a copy of their Mission Statement part of their annual Comprehensive Economic Development Strategy (CEDS) that is submitted to their funding agencies on a yearly basis.

The Commissioners received and reviewed from the West Virginia Department of Military Affairs and Public Safety a notice announcing the availability of federal fiscal year 2005 Homeland Security Grant Program (HSGP) grant funds.

The Commissioners received and reviewed a letter from the West Virginia Development Office attaching the Fiscal Year 2006 Small

Cities Block Grant Draft Action Plan and informing that due to the continued reduction of federal funds, they have made some major program design changes.

The Commissioners received and reviewed a letter from Work Force West Virginia enclosing a copy of a CD to be used in printing wage reports for Unemployment Compensation.

The Commissioners received and reviewed a letter from the Division of Homeland Security attaching an application for the 2007 Hazardous Materials Emergency Planning Grant funding for review and submission.

The Commissioners received and reviewed the Fayette County Planning Commission minutes of March 20, 2006.

The Commissioners signed the Zoning meeting of February 23, 2006.

The Commissioners received and reviewed a fax to Dave Pollard, County Resource Coordinator from Thrasher Engineering, Inc. asking his input for the bridge appearance and material selections.

The Commissioners received and reviewed an e-mail from Cy Bihn, Jefferson Audio Video System (JAVS) Representative to Commissioner Eskew asking that he speak with him regarding their audio video systems to the Courts and City/County Governments of West Virginia.

The Commissioners received and reviewed an e-mail from Chris Dyer, Housing Consultant with the Fayette County Housing-Economic Opportunity Council informing of the \$2,267 offer Multi-Cap made to the Fayette County Housing-Economic Opportunity Council.

The Commissioners received and reviewed an e-mail from Commissioner Wender regarding scheduling the mount Hope Community

Center on the agenda.

The Commissioners received and reviewed an e-mail from Nancy Thomas to Commissioner Wender regarding Multi-Cap obligation to the Ameri-Corp Position.

The Commissioners received and reviewed an e-mail from Commissioner Wender to Ms. Holly asking that she forward the information reviewed in USA Today regarding developers covet land near parks to Commissioner Eskew and Commissioner Lopez.

The Commissioners received and reviewed an e-mail from Commissioner Wender to the Montgomery Herald and the Fayette Tribune regarding the report they did on the March 17, 2006 County Commission meeting.

The meeting was adjourned at 2:07 p.m. The next scheduled meeting is April 11, 2006.



FAYETTE COUNTY COMMISSION

SPECIAL SESSION

MAY 2, 2006

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 2nd day of May 2006.

Commissioner Wender called the meeting to order at 9:11 a.m.

Eddie Young, Assessor presented exonerations to be approved and signed by the Commissioners.

Commissioner Lopez offered a motion to approve real property tax refund for Maxine L. McGuire, etal in the amount of \$260.52.

Commissioner Eskew seconded. Unanimous.

Commissioner Eskew offered a motion to approve application for Correction of Assessment on real estate property for Jack E. Meadows.

Commissioner Lopez seconded. Unanimous.

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

The Commissioners recessed the County Commission meeting at 9:20 a.m. to test tabulator and voting devices for the Primary Election.

Commissioner Wender reconvened the County Commission meeting at 10:40 a.m.

Commissioner Eskew offered a motion to approve to pay the Ballot Commissioners Larry Dotson and Richard Meadows \$125.00 each.

Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from the Ben

Argento Basketball League requesting use of the Fayette County Memorial Building for their upcoming basketball summer program.

Commissioner Eskew offered a motion to approve the request of the Ben Argento Basketball league to use the Fayette County Memorial Building for their upcoming basketball summer program pending no conflict of the schedule, the \$1,000 rental fee will be waived, the garbage and the custodians' fees are waived with the understanding that Richard Meadows is to supervise the clean-up of the building and grounds, and be responsible for locking and unlocking the building. The Commission will monitor the situation and if they receive any complaints, the Commission will withdraw their waiver. All other rules are applicable including insurance and responsible adult supervision is required at all times. Commissioner Lopez seconded. Unanimous. A letter signed.

Commissioner Wender asked Ms. Holly to write a letter to the Fayette County Board of Education regarding the status of the lease agreement for the Fayette County Soldiers and Sailors Memorial Building.

The Commissioners received and reviewed a letter from Granny's Daycare requesting permission to have a lemonade sale on the courthouse lawn, May 9, 2006.

The Commissioners asked Ms. Holly to see if this is profit or nonprofit if profit, the Commission deny approval of the lemonade stand.

Ms. Holly informed the Commissioners that Legislative Digest Grant 03LEDA0053 Courtroom Chairs was to purchase chairs for the courtroom. Ms. Holly told the Commissioners that there is a balance

of \$2,235.00 an unexpended project will expire on June 30, 2006 and any expenses incurred after June 30, 2006 will not be considered for reimbursement.

Ms. Holly told the Commissioners she sent a letter to Judge John Hatcher informing him of the balance and he suggested that a 32-inch color television set, VCR/DVD player-combined unit, with remote, and a suitable, moveable table with locking wheels, be purchased for use in his courtroom.

Ms. Holly told the Commissioners she has prepared a letter to the West Virginia Development Office requesting that the scope of the Legislative Digest Project 03LEDA0053 be changed from the Fayette County Courtroom Chairs to include video equipment consisting of a 32-inch color television set, VCR/DVD player-combined unit, with remote, and a suitable, moveable table with locking wheels, be purchased.

Ms. Holly presented a Resolution to be signed to the Commissioners.

Commissioner Eskew offered a motion to approve and authorize the adoption of the Courtroom Chairs and Video Equipment Resolution. Commissioner Lopez seconded. Unanimous. Letter and Resolution signed.

The Commissioner received and reviewed a letter from the Town of Gauley Bridge requesting funds for fiscal year 2006 for repairs at the James H. Miller Community Center, amounts \$1,500.00. Ms. Holly informed the Commissioners that the check has been prepared.

The Commissioners signed invoices to the Fayette County Board of Education for the month of April (\$5,416.66), May (\$5,416.66), and

June (\$5,416.66).

Carl Harris, Prosecuting Attorney presented an Order and Notice to the Commissioners to enlarge the Danese Public Service and included in the Order doing away with a portion of the Meadow Bridge Public Service District. The Commissioners reviewed the Order.

Commissioner Eskew offered a motion that the Commission finds that the Meadow Bridge Public Service District while being formulated has not conducted any business, therefore, the Commission subject to the written consent of the Public Service Commission approves motion to dissolve the Meadow Bridge Public Service District in the best interest of the citizens of that area. Commissioner Lopez seconded. Unanimous.

Commissioner Eskew offered a motion to approve enlargement of the Danese Public Service District subject to the written consent of the Public Service Commission, and this includes a portion of the Meadow Bridge Public Service District. Commissioner Lopez seconded. Unanimous.

Mr. Harris informed the Commissioners that Attorney James Blankenship is to get description corrected.

The Commissioners approved a date of the hearing for the dissolution of the Meadow Bridge Public Service District and the enlargement of Danese Public Service District to be held at 11:00 a.m. on May 26, 2006.

The Commissioners signed a letter to the Public Service Commission informing of the hearing for the dissolution of the Meadow Bridge Public Service District and the enlargement of the Danese Public Service District.

Commissioner Lopez offered a motion to close out the FEMA-HMGP1378 grant, amount \$89,674.08 provided Steve Cruikshank, OES Director confirms they are in agreement of the amount with FEMA.

The Commissioners received and reviewed a letter from Judy Radford, Executive Director, 4-C Economic Development Authority requesting for approval of the sitting Board of Directors.

Commissioner Wender offered a motion to approve appoints of Robert Rappold to replace Mayor Emmett Pugh, Arden Bayliss to replace Jim Fitzpatrick and Tom Cochran to replace Jim Hern. Commissioner Eskew seconded. Unanimous.

The Commissioner signed a letter to the 4-C Economic Development Authority confirming the approval of all the Board of Directors members.

The Commissioners signed a letter expressing their continued support for the Southern Appalachian Labor School application to continue home rehabilitation work within Fayette County.

Ms. Holly informed the Commissioners she received congratulations from the West Virginia Development Office on Governor Manchin's receipt fiscal year 2005 Local Economic Development Assistance Program award in the amount of \$25,000 to the Fayette County Commission to complete Phase II of the Sportsman's Recreation Center.

The Commissioners signed title for the Fayette County Solid Waste Authority truck.

The Commissioners signed the Certificate of Title for the two (2) new cruisers.

Ms. Holly informed the Commissioners that she forwarded a copy

of the bill for the Fayette County Jail gutter to Dan Snead and the West Virginia State Preservation Office to review.

Commissioner Wender suggested notifying Mr. Snead about cutting the stone. Commissioner Wender suggested moving ahead with the Commission's approval unless Mr. Snead recommends something different, otherwise have Mr. Snead to get a contractor.

Commissioner Wender informed the Commissioners that Norfolk Southern has scheduled Monday, May 8, 2006 at 5:00 p.m. to sign the deed for the Oak Hill Depot pending approval of Carl Harris, Prosecuting Attorney to review documents and authorize Commissioner Wender to sign the deed.

Commissioner Eskew offered a motion that the Commission approves for Commissioner Wender to sign the deed for the Oak Hill Rail Trail on behalf of the Commissioners. Commissioner Lopez seconded. Unanimous.

The Commissioner received and reviewed a letter from Attorney Erwin Conrad regarding the Annexation into the City of Oak Hill of the Corina Callahan Grimmett Property.

Ms. Holly told the Commissioners they have not received the order from the Prosecuting Attorney's Office.

The Commissioners received and reviewed a letter from the Fayetteville Midget league requesting approval to use the Memorial Building for a fundraiser which will consist of pictures being taken by the Knickerbocker Company.

Commissioner Eskew offered a motion to approve the request of the Fayetteville Midget League, the use of the Memorial Building if no conflict in the schedule, to be scheduled through Okey Skidmore.

Rental fee and custodian and trash service is waived. All other rules are applicable including the insurance requirement.

Commissioner Lopez seconded. Unanimous.

Ms. Holly told the Commissioners that Gene Watkins had called regarding the invoice for the telephone audit.

Commissioner Eskew offered a motion to pay the invoice pending Carl Harris, Prosecuting Attorney review and confirmation that the contract still applies, if not Mr. Harris to send letter informing that contract expired.

The Commissioners signed a letter to the Upper Kanawha Valley community Center enclosing a copy of the Agreement for the Legislative Digest grant, amount \$18,000.00.

The Commissioners signed a letter to the Fayette Historical Society enclosing a copy of the Agreement for the Legislative Digest grant, amount \$2,500.00.

The Commissioner signed a letter to the Boomer Volunteer Fire Department informing that the unexpended balance of their grant is \$10,000 and attached is a letter from the West Virginia Development Office advising that the project will expire on June 30, 2006 and the expenses incurred after June 30, 2006 will not be considered for reimbursement.

The Commissioners received and reviewed a copy of a memorandum from Sheriff William Laird to Debbie Aliff, Payroll clerk informing that Robert Legg has been reinstated as a deputy sheriff effective May 1, 2006, annual salary \$24,887.04 or \$2,073.42 per month.

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

Gayle Koone work hours per week will be 24 hours or 3 days a week. If he would work past the 24 hours, he would be paid straight time up to 40 hours.

The Commissioner received and reviewed a copy of a letter from Sheriff William Laird to Debbie Aliff, Payroll Clerk informing that Nicole Kessler will be working at the Sheriff's office effective April 24, 2006, her pay will be \$6.50 per hour.

The Commissioner received and reviewed a request for a Purchase Order from Sheriff William Laird for the purchase of certain software required for the furtherance of the adult basic education program requirements at the Day Report Center, amount \$1,890.00.

The Commissioners signed a Request for Reimbursement to the West Virginia Division of Criminal Justice Services for Project 05-JAG-06, amount \$241.32.

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

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

The Commissioner received and reviewed from the West Virginia Property Tax Division Legislative Rules for Business Registration Certificate Suspension for Failure to Pay Personal Property Tax.

The Commissioner received and reviewed from the West Virginia Division of Highways, Senate Bill 673 Permission Authority for County Commission to Enact Voter Approval Service Fees.

The Commissioner received and reviewed from the Bank of New York Cash Statement and Asset List for April 21, 2006.

The Commissioner received and reviewed a copy of a letter to the Department of Transportation from Delegate John Pino informing he support the Commission request of the plans by the Upper Paint Creek Watershed Association.

The Commissioner received and reviewed a copy of a letter from the Public Service Commission to Dale Preast regarding his request for new water service to the community of "Hilton Village" along Route 60 in Fayette County. A copy forwarded to Dave Pollard, County Resource Coordinator.

The Commissioner received and reviewed a letter from Wood County Commission introducing the Commission to Captain mark King from the Wood County Sheriff's Office and Sue Patalano, Director of Program Services for thee Arc of Wood County. They have been instrumental in bringing Project Lifesaver to Wood County and the State of West Virginia.

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

The Commissioner received and reviewed a copy of a letter from the Joint Community Water Committee to Delegate john Pino regarding the Danese Public Service District Proposed Water Extension for Hilton Village, Corliss, Big Bend, Ravens Eye, and Russellville.

The Commissioner received and reviewed an e-mail from the Public Service Commission enclosing copies of the minutes of the Tower Assist Fund review Committee for the month of March.

The Commissioner received and reviewed an e-mail and a letter from the Public Service Commission informing that the 9-1-1 Fee for Prepaid wireless Service has been resche3duled.

The Commissioners received and reviewed a summary of the WV Legislature Bills for 2006.

The Commissioner received and reviewed checks for the 911 Fees from Nos. Communications, Inc., amount \$2.00, Trinsic Communication, Inc., amount \$30.00, CityNet Holding, LLC, amount \$6.32 and Operating Account, amount \$1,887.62; Alarm Fees, amount \$435.00; Franchise Fees-Charter Communications, amount \$21,622.00, Bradley Communications, amount \$525.23; TRIDENT overtime, amount \$2,137.08; Reimbursements-City of Beckley, amount \$1,541.12, Valley High School, amount \$377.40, Miscellaneous Revenue, amount \$50.00; from other funds, amount \$9,150.60.

The Commissioner received and reviewed an e-mail from Ms. Holly to Commissioner Wender informing that Milan Simonich, a reporter with the Pittsburgh Post Gazette was here and wanted to talk about the LRC decision.

The Commissioner received and reviewed an e-mail from Ms. Holly to Commissioner regarding the FEMA buyout.

The Commissioner received and reviewed an e-mail from Ward Lefler, District Right of Way Agent with the Division of Highways concerning his meeting with the Legislator, Commissioners and the Upper Paint Creek Watershed Association regarding the Pax Property.

The Commissioners recessed the County Commission meeting for lunch at 12:15. The Commission meeting will reconvene at the time the tabulator is ready to be tested.

The meeting was adjourned. The next scheduled meeting is May 12, 2006.



FAYETTE COUNTY COMMISSION

SPECIAL SESSION

MAY 12, 2006

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 12th day of May 2006.

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

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

Commissioner Eskew offered a motion that the Commission approves to send an invoice requesting that the West Virginia Division of Highways, Planning and Research Division release the matching funds for the Oak Hill Rail Trail Project, amount \$56,800.00. Commissioner Lopez seconded.

The commissioners recessed the County Commission meeting and convened to have the canvass of the May 9, 2006 Primary Election.

Carl Harris, Prosecuting Attorney explained to everyone present the procedures on how the canvass would be conducted.

The Commissioners pulled Precinct 51 (Beckwith) and Precinct 65 (Ames Heights/Lansing/Edmond) to be hand counted.

Linda Johnson, Chief Deputy in the County Clerk's Office swore in all the election workers.

The canvass was concluded at 2:20 p.m.

The Commission reconvened the Commission meeting at 2:30 p.m.

Ms. Holly presented an Order and letters to the Commissioners to

approve and sign incorporated banking institutions within the County to act as County depositories for the Fiscal Year beginning July 1, 2006 (Fayette County National Bank, Branch Banking and Trust, Bank of Mount Hope, Inc., United National Bank, Bank One, Beckley, WVNA, and the City National Bank of West Virginia).

The Commissioners signed a letter to the West Virginia Development Office requesting first and final drawdown for Grant #04-035 the New Haven Public Service district, amount \$13,250.00.

The Commissioners signed a letter to the West Virginia Development Office requesting first and final drawdown for Grant #06-619-Bridge Day Festival, amount \$12,000.00.

The Commissioners received and reviewed a letter from the West Virginia Development Office congratulating the Commission on Governor Manchin's recent fiscal year 2006 Local Economic Development Assistance Program award, in the amount of \$5,000 to the Fayette County Commission to make capital improvements at the Southern Appalachian Labor School.

The Commissioners received and reviewed a letter from the West Virginia Development Office congratulating the Commission on Governor Manchin's recent fiscal year 2006 Local Economic Development Assistance Program award, in the amount of \$4,000 to the Fayette County Commission to purchase equipment such as protective head gear, bases, and bats that will be retained for future use by the Upper Kanawha Valley Little League.

Ms. Holly presented to the Commissioners a letter from Eddie Young, Assessor informing that Maxine L. McGuire et al should have received the homestead exemption for the 2004 tax year.

Mr. Young informed the Commissioners that since Ms. McGuire did not get the exemption she should get a credit on future taxes in the amount of \$255.96.

The Commissioners approved tax refund for Maxine L. McGuire etal subject to the approval of the Assessor, the Petitioner be afforded tax relief for tax year 2004 in the total amount of \$255.96 in the form of a credit against taxes owing for the following year or years with said tax relief being spread over the year or years until the debt is paid.

The Commissioners received and reviewed a letter from the Fayette County Volunteers requesting a discount rental rate for the Fayette County Park so that they may conduct Camp Kismet for July 10, 2006 to July 14, 2006.

The Commissioners signed Abstracts by Voting Precincts for the Primary Election held May 9, 2006.

The meeting was adjourned. The next scheduled meeting is May 19, 2006.



FAYETTE COUNTY COMMISSION
REGULAR SESSION
MAY 19, 2006
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 19th day of May 2006.

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

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

Commissioner Wender asked the Commissioners to waive building permit fees for the Southern Appalachian Labor School dormitory, amount \$400.00.

Commissioner Eskew offered a motion to waive building permit fees for Southern Appalachian Labor School dormitory, amount \$400.00. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve Commissioner Eskew's travel expense. Commissioner Wender seconded. Unanimous.

Commissioner Eskew offered a motion to approve Debbie Berry (30 hrs.) and Debbie Aliff (17 hrs.) overtime. Commissioner Lopez seconded. Unanimous.

Ms. Holly informed the Commissioners she received a request from the Evangel Fellowship Outreach Ministry to be paid rent for the rental of the Beckwith Elementary School for conducting the elections.

Commissioner Eskew offered a motion to approve paying the Evangel Fellowship outreach Ministry \$50.00 rent for use of the building and

to pay for first prior special election in June. Commissioner Lopez seconded. Unanimous.

Ms. Holly presented an Order certifying the Primary Election to the Commissioners.

Ms. Holly informed the Commissioners that she has received a request for a recount from Tom Louisos and a motion filed by John Pino to continue the recount if Tom Louisos decides to stop the recount.

Ms. Holly asked the Commissioners if they are going to ask Election Systems and Software to be present during the recount.

Commissioner Wender suggested having them on standby.

Commissioner Eskew offered a motion that if they needed Election Systems and Software to be here on the recount the County would absorb the \$1,500.00 cost would not be passed on to the candidates.

Commissioner Lopez seconded. Unanimous.

Ms. Holly informed the Commissioners that the forty-eight (48) hour time frame for the Primary Election has passed and presented the total of votes from the canvass by precincts to the Commissioners.

Ms. Holly told the Commissioners they can approve 2006 Primary Election, but they would have to exclude the race for the House of Delegates.

Commissioner Lopez offered a motion to approve the 2006 Primary Election excluding the race for the House of Delegates. Commissioner Eskew seconded. Unanimous.

The Commissioners signed a letter to the Secretary of State enclosing the certificates of the results of the Primary Election held in Fayette County on the 9th of May 2006.

The Commissioners recessed the County Commission meeting for five minutes.

The Commission reconvened the County Commission meeting at 10:15 a.m.

Attorney John Wooton appeared before the Commission to request that the Estate of Dora F. Hiltunen be closed despite pending claims against it, on the bases that there exists no assets of the estate.

The Commissioners informed Mr. Wooton that they will check with the Prosecuting Attorney and will make a decision later today.

Ms. Holly presented to the Commissioners for additional approval invoices entered by an Order from Judge Gary L. Johnson in the State of West Virginia v. Larry Joe Hess case.

Commissioner Lopez offered a motion to approve payment of the invoices from the Special Prosecuting Attorney in the Larry Joe Hess case. Commissioner Eskew seconded. Unanimous.

Attorney Fred Jesser appeared before the Commissioners on behalf of Judy Hess, himself and other members of the bar association.

Mr. Jesser told the Commissioners that the County Clerk's Office needs another map cabinet, the two (2) cabinets they brought are not suitable.

The Commissioners suggested appointing an ad hoc committee to work with Kelvin Holliday, County Clerk, Fred Jesser, Erwin (Toad) Conrad and Jamie Blankenship to do inventory of record room for best maximum use of space and make recommendations in writing to the Commissioners.

Commissioner Eskew offered a motion to appoint an ad hoc

committee, Erwin Conrad, Fred Jesser and Jamie Blankenship to do inventory of record room for best maximum use of space and make recommendations in writing to the Commissioners. Commissioner Lopez seconded. Unanimous.

The Commissioners signed the Motor Fuel Excise Tax Refund Application.

The Commissioners signed a letter to the West Virginia Division of Culture and History requesting that the contract between the West Virginia Division of Culture and History and the Fayette County Commission be extended to cover the period from July 1, 2006 through June 30, 2007.

The Commissioners signed a Request for Reimbursement to the West Virginia Division of Criminal Justice Services for the Fayette County Community Corrections (06-CC-50).

Ms. Holly informed the Commissioners that she had notified the Boomer Volunteer Fire Department about the Legislative Digest project 03LEDA0047 grant, amount \$10,000 that will be expiring after June 30, 2006 if not spent.

Ms. Holly told the Commissioners that she was told that the Boomer Volunteer Fire Department is not ready to enter into the structural improvements due to problems acquiring the property.

Ms. Holly told the Commissioners that she is requesting a change in scope to the project to install new gutters and downspouts.

Commissioner Eskew offered a motion to approve change of scope to the Fayette County Courthouse Jail Museum Gutter Replacement and Related Repairs and authorize the adoption of the Resolution.

Commissioner Lopez seconded. Unanimous. Resolution signed.

Ms. Holly presented to the Commissioners twenty-three letter to be signed to the West Virginia Development Office requesting extensions to cover the period from July 1, 2006 through June 30, 2007 for Legislative Digest Grants for Multi-Cap Watch Me Grow, Gauneka-Ruritans, Upper Kanawha Valley Ballfield Lights, Upper Kanawha Valley Chamber of Commerce, Multi-Cap, Inc., Handyman Program, Fayette County Park Horseshoe Pit, Fayette County Park Pool Access Ramp, Oak Hill Rail Trail, Tourism and Recreation, Sportsman Recreation Center Phase II, Fayette Coalfield Housing, Regional Branding Initiative, Southern Appalachian Labor School, Friends of Old Time Music and Dance, FOOTMAD, FOOTMAD, North Sand Branch Baptist Church, Corridor L Regional Tourism Commission, Hometown Mountain Heritage Festival, Fayette County Facilities Accessibility, Historical Society, Upper Kanawha Valley Community Center and Upper Kanawha Valley Little League.

Commissioner Wender proposed to the Commission to set up 2-3 meetings with the Legislators, Fayette County Solid Waste Authority, Allen Ballard, Fayette County Building Inspector, Phil Perone, Fayette County Health Department for questions and inputs meetings.

Commissioner Eskew offered a motion to authorize Commissioner Wender to initiate a series of 2-3 meetings to take public input across the county for the legislators as well as the county officials who work under the County and other elected officials. Commissioner Lopez seconded. Unanimous.

The Commissioners signed a letter to the Fayette County board of

Education asking that they provide the Commission with a written response on the status of the lease agreement.

The Commissioners signed a letter of support of the proposal for Housing Counseling Assistance submitted by the Southern Appalachian Labor School.

The Commissioners signed a letter to the West Virginia Development Office requesting a first drawdown for the Fayette County Sportsman's Recreation Center, amount \$10,919.19.

Commissioner Wender asked that a letter be written to Earl Pauley, Park Superintendent to inform him that the Commission has received inquiries concerning the status and schedule for the shooting range. The Commissioners informed Mr. Pauley that they recognize that this is a busy time for him.

Commissioner Wender asked Mr. Pauley at his earliest convenience if he would provide the Commission with a time line for construction of the Shooting range.

Commissioner Wender suggested to Mr. Pauley that Joe Carelli, Litter Control Officer can make available the regional jail inmates and Charles Bryant can provide inmates from the Day Report Center.

Commissioner Wender asked that a copy of this letter be sent to Jodie Ward.

Brian Neely, Director with Western Greenbrier CoGeneration appeared before the Commission to present a presentation on the Power Plant Project in Rainelle.

Mr. Neely told the Commissioners they have twelve (12) students and one (1) teacher from Meadow Bridge High School interested in the

program. Mr. Neely told the Commissioners the estimate for the project is \$50,000. Mr. Neely told the Commissioners they are asking funding from the Greenbrier Board of Education \$7,000, and asking the Greenbrier County Commission for a match of \$7,000 they will vote on June 5, and asking the Fayette County Commission for a match of \$2,000.00.

Commissioner Eskew offered a motion that the Fayette County Commission commits \$2,000.00 match contingent the Fayette County Board of Education commits a \$2,000.00 match for the 12 students and instructor from the Meadow Bridge High School to participate. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez asked Mr. Neely to make request prior to the budget next year.

Commissioner Wender asked Ms. Holly to e-mail him to remind him to call Ward Laffler with the Division of Highways regarding Pax property for a trail.

Neil Boyd, Assistant Prosecuting Attorney appeared before the Commission to inform the Commission that he has reviewed Attorney John Wooton's request to close the Estate of Dora F. Hiltunen and recommended that the Commission approve Mr. Wooton's request.

Commissioner Eskew offered a motion that the Commission approves that the Estate of Dora F. Hiltunen is closed on advice of Counsel. Commissioner Lopez seconded. Unanimous.

Neil Boyd requested that John Wooton prepare order.

The Commissioners recessed the Commission meeting for five (5) minutes.

The Commission reconvened the Commission meeting at 11:30 a.m.

Commissioner Wender asked W. D. Smith, Executive Director, Region 4 Planning and Development to address the Letter of Condition regarding the process of the USDA issues.

Mr. Smith told the Commissioners that after October 1st a Letter of Condition is delivered to the Danese Public Service District.

Mr. Smith told the Commissioners that without the Letter of Conditions the project won't be quite as strong.

Commissioner Wender asked W. D. to draft a letter to the USDA regarding the Letter of Conditions.

Mr. Smith told the Commissioners he has been in a meeting with the New Haven Public Service District and Stringtown Road and has talked with the engineers, they are in the process of putting a preliminary infrastructure grant or a loan together.

Angie Groves, Region 4 Planning and Development Council appeared before the Commissioners to hold a public meeting to file an application for a Small Cities Block Grant for the Danese Public Service District.

Ms. Groves told the Commissioners that the application is for a 1½ million dollar loan. The total amount of the project is \$4,197,000 million.

Ms. Groves informed the Fayette County Commission is proposing to extend public water and upgrade service in the Danese Public Service District and surrounding communities. The proposed Phase I will include the extension of water service to approximately 200 residence and 15 businesses in the Cliff Top, Raven's Eye, Western Shelton Road,

Hilton Village, Big Bend, and Beelick Knob areas. The Small Cities Block Grant portion of the project will be used to provide the extension to 162 residences and 8 businesses in Cliff Top, Raven's Eye, Western Shelton Road, Hilton Village, and Big Bend. The USDA funds will extend service to Beelick Knob, install fire hydrants throughout the system where adequately sized lines exist but do not have hydrants, repay an existing loan and install a 6-inch line from White Oak Road to Babcock State Park. The Public Service District currently has a 4" line that needs upgraded to a 6" line to supply adequate water to extensions further north.

Ms. Groves asked for comments.

Commissioner Eskew offered a motion to approve and sign application for a Small Cities Block Grant for the Danese Public Service District. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to sign a Resolution Formalizing a Fair Housing Program. Commissioner Eskew seconded. Unanimous. Resolution signed.

Commissioner Eskew offered a motion to sign a Resolution adopting a Citizen Participation Plan for a Small Cities Community Development Block Grant. Commissioner Lopez seconded. Unanimous. Resolution signed.

The public meeting was adjourned.

Ms. Groves presented to the Commissioners a request for a drawdown for Kyle Construction Company, Inc. (\$5,898.00) and Architectural/Engineering J. Dan Snead and Associates, Inc. (\$1,600.00) total amount \$7,498.00 for project #03SCBG0102-

Elevator/SALS Project.

Commissioner Eskew offered a motion to approve drawdown request for \$7,498.00 for Kyle Construction and J. Dan Snead Association. Commissioner Wender seconded. Unanimous.

The Commissioners signed a letter to Earl Pauley, Park Superintendent inquiring about the status and schedule for the shooting range.

Discussion was held regarding the recount of the Primary Election.

The Commissioners approved to pay \$12.50 an hour for anyone working after 4:00 p.m.

The recount will start at 9:00 a.m. would allow forty-five minutes for lunch.

The Commissioners recessed the County Commission meeting at 12:50 p.m.

The Commissioners reconvened the County Commission meeting at 2:30 p.m.

The Commissioners approved to allow Debbie Aliff, Payroll Clerk to include in the employees pay check a brochure from the United Bank informing of the several types of accounts they offer.

The Commissioners received and reviewed an e-mail from Tim Richardson, Zoning Officer informing the Commission that the Board of Zoning Appeals will be having a meeting on June 5, 2006, Mr. Richardson wants to know if he would be allowed to take the minutes of the meeting since the lawsuit.

The Commission asked Ms. Holly to check with Carl Harris,

Prosecuting Attorney.

The Commissioners signed their agreement for salary raises for Fiscal Year 2006-2007.

The Commissioners signed an invoice to the West Virginia Division of Highways, Planning and Research Division for the acquisition of approximately 5.9 miles of railway corridor for conversion and use solely as a pedestrian and bicycle trail for Oak Hill Rail Trail Project, amount \$56,800.00.

Commissioner Lopez offered a motion that subject to the approval of the Assessor, Maxine McGuire be afforded tax relief for tax year 2004 in the total amount of \$255.906 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 Eskew seconded. Unanimous. Order signed.

The Commissioners received and reviewed a letter from The Gorge Connection West Virginia Rural Health Education Partnerships requesting the use of the Fayette County Memorial Building for the purpose of having a community health promotional event.

Commissioner Lopez offered a motion to approve The Gorge Connection WV Rural Health Education Partnership request for the use of the Memorial Building for the purpose of having a community health promotional event. Commissioner Eskew seconded. Unanimous.

The Commissioner signed a letter to Michael Proops, Controller, Family Law Masters requesting reimbursement for the rent in the amount of \$2,025.00 for the month of June 2006.

The Commissioners received and reviewed from the Fayette County

Health Department the Agreement between the Fayette County Commission, The Fayette County Board of Health and Donald C. Newell, Jr., D.O. as the part-time Fayette County Health Officer.

Commissioner Eskew offered a motion to approve salary recommendation from the Fayette County Board of Health for Donald C. Newell, Jr., D. O., amount \$2,316.52 as the part-time Health Officer effective July 1, 2006. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from J. Dan Snead and Associates, Inc. enclosing a Change Order and related documentation for work pertaining to the new elevator installation for the Fayette County Courthouse.

The Commissioners received and reviewed a letter from the Fayette County Volunteers informing they are planning on conducting their 24th version of Camp Kismet July 10, to July 16, 2006 and asking for donations.

Commissioner Wender suggested asking Earl Pauley, Park Superintendent to charge the same amount for camping as they did last year.

The Commissioners received and reviewed a letter from Region 4 Planning and Development Council regarding Fayette County Commission Project 03SCBG0102-Elevator/SALS Project informing they like to get a status on several issues before Southern Appalachian Labor School can start the procurement process to get the required materials on hand and be ready for construction.

The Commissioners received and reviewed a letter from Region 4 Planning and Development Council enclosing a copy of an AIA Document

G701-2001-change Order form that was presented to the Fayette County Commission.

The Commissioners received and reviewed monthly status calls from the 911 Center for January, February, March and April.

The Commissioners received and reviewed a press Release from the Secretary of State informing she filed a complaint against Election Systems and Software.

The Commissioners received and reviewed correspondences from Schumacher, Francis and Nelson regarding Braxton v. Fayette County Commission - Civil Action #5:04-0894 and Charles Canterbury v. William Laird - Civil Action #04-C-293-H lawsuits.

The Commissioners received and reviewed Activity Report, Monthly Revenue Report for the month of April, C-PAC Allotment, amount \$9,964.35 and Weekly Fees Collected from the Fayette County Animal Control Center/NRHS for the week of April 21 to April 27, 2006, amount \$540.00, the week of April 20 to April 30, 2006, amount \$370.00, the week of May 1 to May 4, 2006, amount \$105.00, the week of May 5 to May 11, 2006, amount \$335.00, and the week of May 12 to May 18, 2006, amount \$340.00.

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

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

The Commissioners received and reviewed copy of checks for the

911 Fees from Mountain Communication, LLC, amount \$51.70, Verizon, amount \$32,96.01, Citizens Communications Company, amount \$50.44, and VarTec, amount \$3.88; Jail Fees from the Town of Fayetteville, amount \$242.00 and City of Mount Hope, amount \$388.00; Sailor and Soldiers Fund, amount \$550.00; Rent Fayette County Board of Education, amount \$10,833.32, WV Development Office-Weatherization Program, amount \$3,000.00 and SCBG Elevator Project, amount \$60,021.00.

The Commissioners received and reviewed a letter from the Fayette County Weatherization Program informing of the Weatherization Policy Advisory Council meeting on Monday, May 22, 2006.

The Commissioners received and reviewed a letter from West Virginia Institute of Technology informing that the Community and Technical College at WVU Tech are pleased to announce that the Department of Printing will begin build-out of its National Publishing Innovation Center in late summer.

The Commissioners received and reviewed a letter from the Fayette County Community Corrections Program Day Report Center regarding a request to pay Scott Thompson, Certified Addiction Counsel, amount \$240.00 for group and individual counseling sessions at the day report center.

The Commissioners received and reviewed a Remittance by the Assessor to the State Treasurer for courthouse Facilities Improvement Fund, amount \$79.50.

The Commissioners received and reviewed a copy of a letter to Debbie Aliff, Payroll Clerk from Earl Pauley, Park Superintendent informing that he has hired Phyllis Evans, Angela Vance, Heather

Hubbard and Aaron Legg summer hope at \$5.15 per hour.

The Commissioners received and reviewed a letter from West Virginia American Water informing that American Water filed a petition with the West Virginia Public Service Commission for approval of the sale of shares of common stock of American Water.

The Commissioners received and reviewed a letter from the City of Mount Hope informing that Rivers, Mountains and Winding Roads will be conducting their first meeting on Tuesday, May 23 from 10:00 a.m. to Noon at the Mount Hope Community Center at 518 Main Street.

The Commissioners received and reviewed a letter from David Sayre asking that the Commission reconsider their decision not to take action on his complaint with the Armstrong Public Service District Board Commissioners.

The Commissioners received and reviewed a letter from St. Paul Travelers regarding Elmer White, Claim #GP09312807 09T015.

The Commissioners received and reviewed from the Bank of New York Cash Statement and Asset List for April 30, 2006.

The Commissioners received and reviewed from SunTrust a list of securities pledged as of April 28, 2006.

The Commissioners received and reviewed from Branch Banking and Trust a letter listing securities held as of April 30, 2006 as collateral to secure the deposits of Fayette County Commission.

The Commissioners received and reviewed a letter from the West Virginia Department of Environmental Protection informing this letter serve as Modification #1 of the existing WV/NPDES General Permit Registration #WVR102109-Wolf Creek park, Fayette County. Original

forwarded to Dave Pollard, County Resource Coordinator.

The Commissioners received and reviewed a letter from Chief Deputy Steve Kessler informing that Glen Chapman is no longer assigned to the Trident Drug Task Force; he is currently assigned to the Detective Bureau effective May 1, 2006.

The Commissioners received and reviewed a letter from Detective Sergeant James K. Sizemore thanking the Commission for their financial support to Just For Kids, Inc. and inviting the Commission to their summer kickoff fund-raiser on Wednesday, June 21, 2006.

The Commissioners received and reviewed a letter from Sergeant Robert Godsey requesting a purchase order to purchase two (2) Dell computers from the Sheriff's Concealed Weapons Fund, amount \$2,576.00.

The Commissioners received and reviewed a letter from the West Virginia Division of Culture and History informing they awarded Fayette County a record grant for the Prosecuting Attorney and Circuit Clerk Offices for Fiscal Year 2006-2007.

The Commissioners received and reviewed an invitation from the Retired and Senior Volunteer Program (RSVP) inviting the Commission to attend Down on the Farm Recognition Luncheon being held June 14, 2006 at the Summersville Baptist Church FLC from 9:00 a.m. to 12:30 p.m.

The Commissioners received and reviewed a letter from the West Virginia Development Office informing that a change of scope for the Courtroom Chairs project #03LEDA0053 has been approved.

The Commissioners received and reviewed a letter from the West Virginia Department of Health and Human Resources aa 2006 Mental Hygiene Conference Registration Form.

The Commissioners received and reviewed a copy of a letter from Multi-Cap, Inc. to the Office of Economic Opportunity giving them a time line that covers three phases 1-Pre-Bankruptcy, 2-Bankruptcy 2003 and 3-2003 present (cost allocation plan).

The Commissioners received and reviewed a letter from the U. S. Department of Housing and Urban Development informing that an Annual Report is requested in Housing Notice H 2000-7 (HUD), (extended by Housing Notices H 2001-06, H 2002-02) and H 2003-09) local government agencies that purchase HUD-owned properties as part of the "\$1 Home Sales to Local Government Program."

The Commissioners received and reviewed an Accident Report of Daniel Pauley, Fayette County Park employee.

The Commissioners received and reviewed the Advisory Opinion from the West Virginia Ethics Commission.

The Commissioners received and reviewed a copy of a letter from Dennis Price to Appalachian Power Company regarding their power lines across his property.

The Commissioners received and reviewed from Kelvin Holliday, County Clerk election expenses for the Primary Election, amount \$100.91.

Commissioner Lopez offered a motion to approve the election expense, amount \$100.91. Commissioner Eskew seconded. Unanimous.

The Commissioners received and reviewed a letter from Sheila Withrow regarding installing a public water system on Hawver Road. A copy of the letter was forwarded to Dave Pollard, County Resource Coordinator, W. D. Smith, Executive Director, Region 4 Planning and

Development Council and Kenneth Hayes, Chairman New Haven Public Service District.

The Commissioners received and reviewed from the U. S. Bankruptcy Court for the Southern District a Notice of Motion to Approve Sale of Scott Depot Residential Lot regarding Multi-County Community Action Against Poverty, Inc.

The Commissioners received and reviewed an e-mail from Charlotte Holly informing that David Neal, E911 Coordinator called her this morning to inform her that the Gauley Mountain fire repeater was damaged beyond repair. Mr. Neal informed her that he made an emergency purchase of \$17,000 out of the 9-1-1 Fund to replace.

The Commissioners received and reviewed an e-mail from Angie Groves, Region 4 Planning and Development Council informing that the Governor will be awarding Small Cities Block Grant funds on May 12, 2006.

The Commissioners received and reviewed an e-mail from David Neal regarding the mapping/addressing for Fayette County.

Commissioner Wender offered a motion to approve minutes of March 20, 2006. Commissioner Lopez seconded. Unanimous.

The meeting was adjourned at 3:30 p.m. The next scheduled meeting is May 26, 2006.



FAYETTE COUNTY COMMISSION

REGULAR SESSION

MAY 26, 2006

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 26th day of May 2006.

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

Commissioner Eskew offered a motion to approve and sign exonerations for personal property tax for Lora A. or Michael Adkins (\$496.74), Jerry A. or Robin Humphrey, Jr. (\$132.88), Charles R. Bryant (\$387.98), and Gary W. McGuire (\$66.64). Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve and sign exonerations for real property tax for Charles W. and Barbara Wiley (\$294.36), William McGhee (\$405.04), and David and Theresa Rowe (\$564.30). Commissioner Eskew seconded. Unanimous.

Commissioner Lopez offered a motion to approve and sign refunds for Charles and Barbara Wiley and William McGhee. Commissioner Eskew seconded. Unanimous.

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

Melissa Dragan with the West Virginia Department of Natural Resources Conservation Agency appeared before the Commission to request permission to enter and exit White Oak Creek for stream work to remove a beaver dam and dispose of debris, will restore property

once completed.

Commissioner Eskew offered a motion to enter into an agreement with the West Virginia Department of Natural Resources Conservation Agency to enter across property in the removal of the beaver dam. Commissioner Lopez seconded. Unanimous.

Ms. Dragan told the Commissioners she would like to stockpile 300 yards of the woody debris from the creek and burn. The Commissioners told Ms. Dragan they have no problem with her burning the debris.

The Commissioners signed a letter to the Fayette County Volunteer regarding their request for a discounted rental rate for the Fayette County Park on behalf of Camp Kismet. The Commissioners approved the rental rate to be set at the same rental rate as last year's 2005 Camp Kismet rate.

Ms. Holly presented to the Commissioners Budget Revision #2 for the General County and Coal Severance Fund for fiscal year 2005-2006.

Commissioner Eskew offered a motion to approve Budget Revision #2 for the General County and Coal Severance Fund for fiscal year 2005-2006. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from the White Oak Public Service District informing that John Parrish resigned as a Board member of the White Oak Public Service District on April 12, 2005.

The Board members, Alfred Gannon and Eddie Chornobay would like the Commission to appoint Thomas Dragan to replace John Parrish.

Commissioner Lopez offered a motion that Thomas Dragan be appointed to replace John Parrish as a member of the White Oak Public Service

District. Commissioner Eskew seconded. Unanimous. An appointment letter to serve and Order signed.

The Commissioners signed the West Virginia Renewal Application for Registration Certificate for the Fayette County Park.

Ms. Holly told the Commissioners she met with Fred Armstrong, Director, Archives and History, West Virginia Division of Culture and History on May 23, 2006 for a grant administration workshop.

Ms. Holly presented an Agreement between the Division of Culture and History for and on behalf of Archives and History for and on behalf of Records Management and Preservation Board and the Fayette County Commission to the Commissioners. The total amount \$18,000.00.

Ms. Holly told the Commissioners that the Prosecuting Attorney Office received \$8,000.000 to assist in purchasing moveable track shelving and the Circuit Clerk received \$10,000 to purchase moveable track shelving in the main record room. The County has to provide a 10% match. Commissioner Wender signed the Agreement.

Bill Lanham, Fayetteville Town Superintendent appeared before the Commission to request funding of \$1,000 for the Community Design Team Workshop Grant Application from the West Virginia University. Mr. Lanham is asking the Commission to be a Co-Sponsor and asked that the Commission write a letter of support to be included with the Grant application.

Commissioner Lopez offered a motion to approve the \$1,000 co-sponsor on behalf of the Town of Fayetteville contingent upon full funding of the project for the Community Design Team Workshop Grant Application. Commissioner Eskew seconded. Unanimous.

Sheriff William Laird and Charlie Bryant with Community Correction Day Report Center appeared before the Commission to discuss the Community Corrections transportation.

Sheriff Laird told the Commissioners that Fiscal year 2006 they received a grant in the amount of \$89,000.00, the Community Corrections Day Report Center has been in operation about six (6) months, forty-four offenders have been sentenced to the facility.

Sheriff Laird told the Commissioners that in the renewal application for Fiscal Year 2007 he is requesting \$158,806.00.

Sheriff Laird told the Commissioners they have a surplus balance of \$24,000 they would like to use \$10,000 for equipment to purchase a transportation van, the other \$14,000 for other items.

Sheriff Laird told the Commissioners they have until the end of June to purchase the transportation van.

Sheriff Laird told the Commissioners they have located a 2006-12 passenger van wit 25,000 miles.

Sheriff Laird told the Commissioners that approximately \$3,000 participation fee/program fees, \$10,000 from grant and the other \$4,000 from the home confinement fund. The total cost of the van is \$17,052.00

Ms. Holly told the Commissioners that since this amount exceeds the \$15,000 spending limit the Sheriff would have to advertise for bids.

The Commissioners asked that this be tabled until 1:00 p.m. so that Carl Harris, Prosecuting attorney could review.

Tim Richardson, Zoning Officer appeared before the Commission to

present disposition for case #Z-508-06-1: Request of Teddy G. Gray, owner for a change in land classification from R-R (Rural Residence District) to B-2 (business, Local District) on property legally described as, Surf. 2.276/Mossy Ck., (bottom of Midway T & C Motel) Mossy, Valley District

Mr. Gray informed the Commissioners that he wants to rezone to B-2.

Ms. Holly told the Commissioners that this a polling place for the community but she sees no conflict.

There was no one present in opposition to this request.

Mr. Richardson told the Commissioners that the Planning Commission voted to pass by a vote of 11 for and 1 (one) abstention.

Commissioner Lopez offered a motion to support the Planning Commission recommendation to approve Mr. Gray's request for a change in land classification from R-R (Rural Residence District) to B-2 (Business, Local District). Commissioner Eskew seconded. Unanimous.

Mr. Richardson presented to the Commissioner's recommendations, changes, and addendums to the Unified Development Code by the Fayette County Planning Commission.

The following recommendations presented by the Planning Commission:

U. S. Route 19 Future Land Use: Mr. Richardson told the Commissioners that the Planning Commission approved by a vote of 11 to 1.

Mark Ehrnschwender gave a brief summary of the Plan to the Commissioners.

Mr. Ehrnschwender told the Commissioners that this plan updates business location zoning along Route 19, B-4 Zoning designations.

Commissioner Eskew asked Mr. Ehrnschwender if there will be only one location of B-4 in the land use plan at this time. Mr. Ehrnschwender replied only one plan at this time.

Commissioner Wender asked Mr. Ehrnschwender if any of the municipalities participated with this plan. Mr. Ehrnschwender replied no.

Commissioner Eskew offered a motion to approve the recommendation of the Planning Commission. Commissioner Lopez seconded. Vote passed 3-0.

Wolf Creek Watershed Stormwater and Flood Hazard Mitigation Management Plan: Mr. Richardson told the Commissioners that the Planning Commission recommended approving this amendment as presented by a vote of 11 to 1.

Mr. Ehrnschwender told the Commissioners that this plan addresses concerns of watersheds, stormwater runoff, floodplain management with Wolf Creek as well as other locations.

Dave Pollard, County Resource Coordinator told the Commissioners that this has already been applied to the Wolf Creek project.

Commissioner Eskew asked how would the intersection project impact Wolf Creek? Mr. Ehrnschwender replied that a study will have to be conducted to determine the impact.

Commissioner Eskew asked Mr. Ehrnschwender if wetlands have to be relocated to the Wolf Creek Property. Mr. Ehrnschwender replied this is unknown at this time.

Commissioner Wender asked if this is already being implemented in Wolf Creek. Mr. Pollard replied yes.

Commissioner Eskew offered a motion to approve the recommendation of the Planning Commission. Commissioner Lopez seconded Unanimous. Vote passed 3-0.

Fayette County Wastewater Management Plan: Mr. Richardson told the Commissioners that the recommendation from the Planning Commission, due to insufficient information to review, the Planning Commission forwarded without recommendation to expedite the funding cycle.

Mr. Ehrnswender gave his view of the plan to the Commissioners. Mr. Ehrnswender told the Commissioners that this study was approved and enacted in 2001 to develop a plan for sewage service to all of Fayette County. The funding cycle is in conjunction with the Congressional Plan and is essential in order to meet the deadlines for approval.

Mr. Pollard told the Commissioners that some of our areas are in dire need of septic services.

Mr. Ehrnswender told the Commissioners that this plan is comparable to the regional water plan.

Commissioner Wender informed that this is the result of the public hearings held at Midland Trail High School in February of this year.

After a brief discussion, Commissioner Eskew offered a motion to approve. Commissioner Lopez seconded. Unanimous. Vote passed 3-0.

Section 3, Article 3002, 0-1 Office District, delete II, C, 2, 3.

Mr. Richardson informed the Commissioners that the recommendation of the Planning Commission is to approve this amendment by a vote of 11-0-1.

Mr. Richardson told the Commissioners that this is a cleanup of our ordinance to conform with all other chapters in the Unified Development Code.

Commissioner Eskew offered a motion to approve ordinance to conform with all other chapters in the Unified Development Code. Commissioner Lopez seconded. Unanimous. Vote passed 3-0.

Section 3, Article 3002, 0-1 Office District, III, Special use Permits, B-2 change wording from "tavern" to "bar."

Mr. Richardson told the Commissioners that the recommendation of the Planning Commission was to approve as presented. Vote Passed 11-0-1.

Mr. Richardson explained to the Commissioners that this is a change to bring our guidelines into line with definitions in the ordinance.

Commissioner Lopez offered a motion to approve changing wording from tavern to bar. Commissioner Eskew seconded. Unanimous. Vote passed 3-0.

The zoning meeting was adjourned. (See attached Orders)

Commissioner Wender asked Dave Pollard and Mark Ehrnschwender to put a proposal together for a head tax on rafting.

Commissioner Wender is requesting that the Transition Team make a recommendation back to the Commission on the funding of recreation tax and the funding of that tax.

Commissioner Eskew offered a motion that the Commission goes on the recommendation of the Fayette Transition Team that they initiate a study for recreation tax and a possibility of raising funds for wastewater projects. Commissioner Lopez seconded. Unanimous.

Cynthia Jones with Danese Public Service District and Ray Tilley with L. A. Gates appeared before the Commission for a hearing regarding the enlargement of the Danese Public Service District and the dissolution of the Meadow Bridge Public Service District. No one was present to oppose.

Commissioner Lopez offered a motion that the Meadow Bridge Public Service District is dissolved. Commissioner Eskew seconded. Unanimous.

Commissioner Lopez offered a motion to enlarge the boundaries of the Danese Public Service District. Boundary changes have been advertised and posted. Commissioner Eskew seconded. Unanimous.

The Commissioners signed a letter to the Public Service Commission file for their review and approval a certified copy of our order entered on May 26, 2006, dissolving the Meadow Bridge Public Service District and enlarging Danese Public Service District.

Commissioner Lopez offered a motion to approve and sign petitions to combine or divide and segregate land for Leroy and Barbara Gray, Thomas and Sherry Vance and Grant Montgomery. Commissioner Eskew seconded. Unanimous.

Commissioner Lopez offered a motion to approve James Perdue, Maintenance Supervisor overtime (19½ hrs.). Commissioner Eskew seconded. Unanimous.

Commissioner Lopez offered a motion to approve request from James Perdue, Maintenance Supervisor for a riding lawn mower, lower bid of \$1,999 from Beckley Feed and Hardware. Commissioner Eskew seconded. Unanimous.

Commissioner Lopez offered a motion to approve Call Center computers for the 9-1-1 Center, cost \$3,316.00 to be paid out of the 9-1-1 Fund. Commissioner Eskew seconded. Unanimous.

Ms. Holly informed the Commissioners that back in April they received a letter from Patti Davis asking for assistance in getting gravel for Corliss Road. The Commissioners suggested that Earl Pauley, Park Superintendent look at the road and prepare an estimate for gravel for the Commission to review.

Mr. Pauley informed the Commissioners it would take four (4) 10-ton loads to fix the road. The total cost would be \$600.00.

Mr. Pauley told the Commissioners that Patty Davis has arranged with two people from the area to grate.

Commissioner Eskew offered a motion that Earl Pauley proceeds with the four loads of gravel not to exceed \$600.00. Ms. Davis to get the local residents to spread the gravel. Commissioner Lopez seconded. Unanimous.

The Commissioners asked Ms. Holly to e-mail Mr. Pauley and contact Patty Davis.

The Commissioners received and reviewed a letter from Bellwood requesting a contribution of \$2,000.00 The Commissioners asked Ms. Holly to hold until June 9, 2006.

The Commissioners approved an invoice from Software Systems, Inc.

for upgrade of the AS400 operating systems, amount \$2,691.00.

The Commissioners signed a letter to Charter Communications informing they will be conducting a public hearing on the transfer application to Cebridge Acquisition, LLC on Friday, June 30, 2006.

Ms. Holly told the Commissioners she talked with Carl Harris, Prosecuting Attorney regarding Tim Richardson's request to have someone to record the minutes of the June 5 Board of Zoning Appeals meeting on the Roaring River Project.

Ms. Holly told the Commissioners that Mr. Harris told her it would be okay for Mr. Richardson to record minutes.

Ms. Holly informed the Commissioners that bids for the transport van are due June 9, 2006.

Discussion was held regarding the letter they received from the Fayette County Board of Education regarding the lease for the Fayette County Memorial Building.

The Commission asked that a letter be sent to the Fayette County Board of Education to inform them that their letter is unclear as to their intent to lease the premises on an as needed basis or if they desire to attempt to renegotiate the existing lease agreement.

The Commissioners asked Ms. Holly to schedule on the June 30th agenda the signing of the Sportsman Center lease.

The Commissioners asked Ms. Holly to ask Earl Pauley for an update on the Equitable Gas at the Fayette County Park.

The Commissioners recessed for lunch at 12:45 p.m.

Commissioner Wender reconvened the Commission meeting at 1:40 p.m.

Attorney Gary Ooten appeared before the Commission to present Annexation for the Town of Fayetteville.

Mr. Ooten presented a copy of the Ordinance, map, and a copy of the deeds to the Commissioners.

Present for the hearing were Mayor James Akers, Bill Lanham, Town Superintendent, and Carl Harris, Prosecuting Attorney.

Mr. Ooten told the Commissioners he would present a description of the property to Carl Harris.

Commissioner Eskew offered a motion to approve annexation of the Town of Fayetteville (Akers) with the condition that Mr. Ooten and Mr. Harris work out the description. Commissioner Lopez seconded. Unanimous.

Discussion was held regarding the Fayette County Board of Education lease. Carl Harris, Prosecuting Attorney suggested to the Commission to hold off discussion until June 9, 2006.

Commissioner Eskew offered a motion to advertise for bids for the transportation van for the Community Corrections Day Report Center. Commissioner Lopez seconded. Unanimous.

The Commissioners signed the zoning minutes and Order of the hearing held this morning.

The Commissioners signed invoices for the Town of Fayetteville, amount \$388.00, the City of Mount Hope, amount \$339.50, and the City of Oak Hill, amount \$1,697.50 for the confinement of inmates at the Southern Regional Jail for the month of April.

The Commissioners certified that they have examined the foregoing Real Estate Tax Book and Personal Property Tax Book and have made such

corrections and fixed such valuation as now appear in the foregoing records, and that this record shows the complete valuation and assessments of the land of Fayette County for the year 2006.

The Commissioners received and reviewed a Certificate of Operations notice from the West Virginia Division of Labor for the Courthouse elevator.

The Commissioners received and reviewed a letter from Carl Harris, Prosecuting Attorney informing he has hired Larry Harrah as a summer intern, salary \$1,743.00 per month.

The Commissioners received and reviewed a letter from Central Appalachia Empowerment Zone of West Virginia asking that a community meeting be scheduled to elect a board member for Census Tract 206 for a three (3) year term.

The Commissioners received and reviewed a letter from Region 4 Planning and Development Council regarding (Fayette County Commission-Project #03SCBG0102-Elevator/SALS Project) a follow-up with the other items of their March 31, 2006 letter so they can proceed with construction.

The Commissioners received and reviewed a letter from the West Virginia Division of Culture and History informing the request for an extension of the grant deadline for the Fayette County Courthouse Jail Museum project to June 30, 2007 is approved.

The Commissioners received and reviewed Monthly Progress Report for the Fayette County Community Corrections Day Report Center.

The Commissioners received and reviewed a letter from Region 4 Planning and Development Council enclosing the Southern Appalachian

Labor School Procurement Standards that have been executed.

The Commissioners received and reviewed a letter from St. Paul Travelers informing of the changes affecting the renewal policy or notification of renewal premium.

The Commissioners received and reviewed a letter from the West Virginia Development Office enclosing a copy of the executed grant award for the Fayette County Commission-Sportsman Recreation Center Local Economic Development Assistance Grant program-Project #05LEDA0456ND.

The Commissioners signed the Zoning minutes for May 22, 2006.

The Commissioners received and reviewed a letter from the Supreme Court of Appeals informing that the Court Security Board has approved a Court Security Fund Grant to the Fayette County Commission for \$8,165.00 for the purpose of enhancing the county's court security.

The Commissioners received and reviewed from Steptoe and Johnson correspondences regarding Canterbury v. Laird, et al lawsuit.

The Commissioners received and reviewed several correspondences from BrickStreet regarding Workers Compensation claims.

The Commissioners received and reviewed several checks for 911 Fees from Mountain Communications, LLC, amount \$49.74, Cleartel Telecommunications, Inc., amount \$14.00, Granite Telecommunications, amount \$126.00, IDT Corporation, amount \$58.00 and AT&T Communications of WV, amount \$762.00.

The Commissioners received and reviewed an e-mail from the Office of the State Treasurer informing that the funds for the May Limited Video Lottery are \$5,366.39.

The Commissioners received and reviewed an e-mail from Steve Cruikshank, OES Director regarding a Press Release where the Fayette County Local Emergency Planning Committee sponsored a county drill Saturday, May 20, 2006.

The Commissioners received and reviewed an e-mail from Alice King, Region 4 Planning and Development Council regarding several issues needing to be addressed before the Southern Appalachian Labor School (SALS) Dormitory Annex project can move forward.

The meeting was adjourned at 2:30 p.m. The next scheduled meeting is May 30, 2006.



FAYETTE COUNTY COMMISSION
SPECIAL SESSION
MAY 30, 2006
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 30th day of May 2006 for the recount for the Office of House of Delegates-29th Delegate District.

Commissioner Wender called the meeting to order at 9:21 a.m.

Commissioner Wender informed that today proceedings are a recount of the Primary Election for the Office of House of Delegates-29th Delegate District only.

Commissioner Wender went over the rules and thanked everyone who was present.

Ms. Holly went over all the instructions to conducting the canvass.

Delegate Tom Louisos and counsel Attorney Ralph Young were present.

Delegate John Pino and his counsel Attorney Brian Parsons were present.

Commissioner Wender told both Delegates and Counsel's they can walk among the tables but could not touch any of the elected materials, if someone at the table needs to be excused that table would stop counting and resume counting when the person returns, lunch would be from 12:00 noon to 12:45 p.m., if either candidate needs any input as to what is going on they can ask Charlotte Holly our County Administrator.

Commissioner Eskew offered a motion to start the recount from Precinct 1 to Precinct 39. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to authorize Election Systems and Software (ES&S) to reprint the tabulation from those Ivotronics that had jammed (Precincts 10, 15, 67 and 68) during the Primary Election. Commissioner Eskew seconded. Unanimous.

Attorney Ralph Young asked the Commissioners if they are going to count the ballots that people marked with an "X."

Commissioner Wender informed that would be up to the counting table to decide.

Commissioner Wender offered a motion to use the print-out generated from the Ivotronics as the counters call out the name. Commissioner Lopez seconded. Unanimous.

The Commissioners signed a letter to the Secretary of State enclosing the Board of Canvassers' Certificate of the results of the Primary Election recount for the Office of House of Delegates-29th Delegate District held in Fayette County on the 30th day of May 2006.

The Commissioners signed Abstract by Voting Precincts for the Recount for the Office of House of Delegates 29th Delegate District held in Fayette County on the 30th day of May 2006.

The canvass of the recount was adjourned at 3:00 p.m. The next scheduled meeting is June 9, 2006.



FAYETTE COUNTY COMMISSION
SPECIAL SESSION
NOVEMBER 13, 2006
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 13th day of November 2006.

Commissioner Wender called the meeting to order at 8:10 a.m.

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

Commissioner Wender informed the Commission that he has completed all the paperwork to the Martin Luther King, Jr. West Virginia Holiday Commission nominating John David and e-mail will be sent to Mr. David informing him of the nomination.

Dawn Smith, Brian Cogrove, and Gary L. Greenhalgh with Election System and Software were present for the Canvass of the 2006 General Election.

Commissioner Wender informed the Commission that he had an uncomfortable feeling Election Night. Commissioner Wender requests that Election Systems and Software and Linda Johnson, Chief Deputy County Clerk's Office present something today in writing of what the problems were during election night.

Commissioner Wender asked that they give recommendation to solve the situation for future elections. Commissioner Wender requests they identify what went wrong by the end of the day.

The post tabulation test of the 650 and the Election Records

Management was run five times as required by the Secretary of State; the results of each test provided the same results as in the pre-tabulation test; therefore, the equipment was determined to be tabulating correctly.

Comparison of the hand count and electronic count of precincts 18 and 42 fell within the 1% range.

Upon review of the discrepancies by Precinct of the Statement of Ballots Used and the number of ballots tabulated and discussion with David Bennett early voting poll official the Commission determined that the difference in the number of ballots used and tabulated by Precinct was a result of Optical Scan ballots issued during early voting were not issued according to the voter's precincts; said ballots were issued by the early voting poll officials by random selection with a distinction made only in regard to precincts in the 10th and 11th Senatorial Districts. According to David Bennett the early voting Poll Officials were not instructed by the County Clerk that the Optical Scan ballots were coded by precincts and where to be issued to voters according to the appropriate voter's precinct.

Following a discussion with Carl Harris, Prosecuting Attorney the Commission determined that the discrepancies in the number of ballots voted and tabulated per precinct was the result of the method in which the early voting Optical scan ballots were issued, however the total number of ballots issued and tabulated on a County wide basis was determined to be correct. Therefore, it was determined that a recount of all precincts of the County was not required.

Commissioner Wender signed the Division of Homeland Security and

Emergency Management Sub-Grant Award.

Ms. Holly told the Commissioners that the WVU Extension Office had called to request purchase of a stove before Bridge Day.

Ms. Holly told the Commissioners that James Perdue, Maintenance has been notified.

Commissioner Eskew gave Mr. Perdue permission to purchase the stove from Lowes.

The meeting was adjourned at 6:00 p.m. The next scheduled meeting is November 17, 2006.



FAYETTE COUNTY COMMISSION
REGULAR SESSION
NOVEMBER 17, 2006
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 17th day of November 2006.

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

Mary K. Weatherford from the Assessor's Office presented exonerations for real and personal tax tickets to be approved and signed.

Commissioner Eskew offered a motion to approve and sign personal property tax tickets for David E. Skaggs, Arlie M. or Susan Gwinn, Jr., and Ralph Avon and Edna Farrow. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve and sign real property tax tickets for (see attached). Commissioner Eskew seconded. Unanimous.

Commissioner Wender informed he would like all minutes prior to the Commissioner's next Commission meeting December 15, 2006.

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

Commissioner Lopez offered a motion to approve second half of November's payrolls, as soon as checks can be prepared, release as soon as possible. Commissioner Eskew seconded. Unanimous.

Commissioner Wender informed the Commissioner he had asked for something in writing for the problems election night from Election System and Software.

Kelvin Holliday, County Clerk informed the Commissioners he has not received anything in writing from Election System and Software.

Commissioner Wender suggested withholding payment until received.

Ms. Holly informed the Commissioners that early voting paper ballots out of numerical order not out of precinct order.

Commissioner Wender told MR. Holliday the public should be aware of these problems.

Mr. Holliday urged additional purchase of iVotronics will improve voting process.

Commissioner Wender informed if we can't have confidence in paper ballots, then electronic voting hasn't proven what it should be.

Ms. Holly informed the Commissioners that early voting ballots issued for Precincts 1 and 4 ballots were counted, but recorded in other precincts. Ballots were counted just not in the precinct that the voter's voted.

Commissioner Eskew suggested more help from County Clerk and advised County Clerk to have training in place.

Commissioner Lopez suggested going on record for future election employees who work additional time be compensated for canvass or election, for election night additional pay after 12:00 a.m. and an additional pay for canvass after 2:00 p.m.

Ms. Holly requested to the Commissioners to thank about, do not decide anything today. Ms. Holly asked the Commissioners to consider hours not time.

Ms. Holly presented an Order certifying the 2006 General Election to the Commissioners.

Commissioner Lopez offered a motion to approve certifying the 2006 General Election held November 7, 2006. Commissioner Eskew seconded. Unanimous. Order signed.

The Commissioners signed Abstract by Voting Precincts for the 2006 General Election.

The Commissioner signed a letter to the Secretary of State enclosing the certificates of the results of the General Election held in Fayette County on the 7th of November 2006.

Commissioner Wender asked Kelvin Holliday to provide the Commissioner with a list of the early voters. Commissioner Wender told Mr. Holliday that he needs another copy of the early voter's list. He misplaced his copy.

Commissioner Wender informed the Commissioners it has been identified that most of the early voters where people who lived closest to the Courthouse voted.

Commissioner Lopez suggested looking at Election System and Software cost to determine a discount for problems during election night.

Ms. Holly informed the Commissioners that Election System and Software are under contract.

The Commissioner received and reviewed letters from the Deep Water Public Service District informing that Leon Newman resigned as Commissioners of the Deep Water Public Service District and they recommended nominating Velma Newman to fill the unexpired term as Commissioner of the Deep Water Public Service District.

Commissioner Lopez offered a motion to accept the resignation of Leon Newman as Commissioner of the Deep Water Public Service District and appoint Velema Newman to fill the unexpired term. Commissioner Eskew seconded. Unanimous.

Ms. Holly questioned merger of the Armstrong and Deep Water Public Service Districts.

Commissioner Lopez told Ms. Holly that this was a temporary move.

Ms. Holly informed the Commissioners she feels this has already been approved.

Commissioner Lopez told Ms. Holly not yet.

Ms. Holly asked the Commissioners after the merger should new members of consolidated Public Service District be selected.

Diane Morris appeared before the Commission to give an update on the Pandemic Flu.

Ms. Morris presented information regarding the worldwide deaths to the Commissioners.

Commissioner Lopez asked Ms. Morris if an outbreak occurs in Fayette County, can the physician's determine if there would be enough vaccine.

Ms. Morris replied no vaccine is available. It takes six months to develop, but they are working on now.

Commissioner Wender asked Ms. Morris if they received cooperation from other agencies.

Ms. Morris replied the Division of Highways, the Fayette County Board of Education, the Office of Emergency Service, Law Enforcement and the State Police all have been very cooperative.

Commissioner Wender informed that he was upset with David Neal, E911 Coordinator. Commissioner Wender informed he will light a fire under Mr. Neal to become more involved.

Ms. Morris informed the Commissioners that Fayette County is coming along fine, we know we have to be ready, Phase I funding was received in 2005 and 2006 Phase II funding was received recently, have to be ready by December 2006 has to be tested, have to do a table top exercise.

Ms. Morris told the Commissioner they have an Attorney that works with the State level that is working on plans to attend the meeting.

Attorney Tom Steele, Assistant Prosecuting Attorney told the Commissioners if Fayette County had a pandemic influenza break out they would have to consider closing some offices. Need to think about, would have to lock doors to the Magistrate Court, Law Enforcement, Courthouse, Park etc. Fayette County would be isolated.

Mr. Steele told the Commissioners they need a plan, medicine availability, water, case etc.

Commissioner Wender asked about the time frame.

Ms. Morris there is no time frame.

Ms. Morris told the Commissioners she would like the Fayette County Commission to be on the Committee, meeting is December 12, 2006 at 2:00 p.m.

Ms. Morris told the Commissioners they need to read draft of the plan that went to the State August 31, 2006.

Ms. Morris told the Commissioners she needs their signatures to show that they read and approved the draft plan.

Ms. Morris told the Commissioners that the Plan states what responsibilities are of the Fayette County Commission.

Commissioner Wender asked Ms. Morris to represent interest of the Fayette County Commission to be the link for the Commission.

Ms. Morris requested that the Fayette County Commission and Prosecuting Attorney office be at the Presentation of the Plan. Ms. Morris wants the Fayette County Commission and the Prosecuting Attorney office to be involved.

Ms. Morris told the Commissioners that the Fayette County Health Department will be offering flue shots at the Oak Hill High School on Saturday, December 2, 2006 from 10:00 a.m. to 4:00 p.m.

Joel watts appeared before the Commission to discuss UMWA and ^{Coal} ~~Col~~ Miners.

Mr. Watts told the Commissioners they wants to build grass roots support from Towns and the Commission.

Mr. Watts is asking the Commission if they would help support and sign Resolution supporting the right of coal miners at Peabody

Energy's non-union mines to form a union and bargain collectively in an environment free of interference, intimidation, coercion, harassment, reprisal or delay. Mr. Watts informed the Commission he has individual sheets for them to sign.

Commission Wender suggested acting on the Resolution at the next County Commission meeting, November 30, 2006.

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

The Commissioners reconvened the Commission meeting at 11:30 a.m.

Commissioner Wender informed the Executive Session discussion is on going no decisions made.

Attorney Phil Tissue appeared before the Commission to present a Petition to close the Estate of Richard E. Wingrove.

Mr. Tissue told the Commissioners that during the course of the Administration of said estate, Discover Financial Services filed a claim for \$2,467.47.

Mr. Tissue told the Commissioners attached is a letter from Discover dated September 9, 2004 stating the account has been satisfied, has a balance of zero (-0), and has been closed.

Mr. Tissue told the Commissioners that the County Clerk's office will not accept said Final Settlement because the letter stating nothing is owed is not in the form of a release.

Mr. Tissue told the Commissioners that Discover Financial Services refuses to return a release.

Mr. Tissue presented a copy of the Petition and an Order to close the Estate of Richard E. Wingrove.

Commissioner Lopez offered a motion to accept the Petition and sign Order of the Petition herein seeking to dismiss the claim of Discover Financial Services is and said claim is hereby dismissed, the County Clerk is ordered to permit the presentation of a final settlement to the Commissioners to be dealt within the normal and ordinary procedure for closing the estate. Commissioner Eskew seconded. Unanimous. Order signed.

Nancy Newman and Lois Akers appeared before the Commission to discuss Armstrong Creek Public Service District water situations.

Also present was Paul Frantz, representative for the Armstrong Creek Public Service District, Bernie and Bonnie Yonkosky with Water Development Authority and William Templeton, WV American Water Company Montgomery District.

Mr. Frantz gave a brief history of the Armstrong Creek Public Service District. They hired Chapman Engineering to upgrade.

Mr. Frantz told the Commissioners that the Public Service Commission approved merger, waiting on the certificate.

Mr. Shufflebarker with the Environmental Engineering Office says the test maybe going somewhere else. Mr. Shufflebarker commented that they want affordable clean water to drink.

Mr. Frantz informed the Commission that on August 16, 2006 says acid was at good drinking levels, but the minute states violation, disputes what samples are reading, needs proper flirtation.

Commissioner Lopez commented that the role played by the Fayette County Commission are small they only appoint the Board members. Commissioner Lopez informed that he is not sure what the Commission can do. Commissioner Lopez informed if violations valid the County Health Department must not be aware.

Commissioner Lopez informed the problem is within the Armstrong Creek Public Service District.

Commissioner Lopez informed the merger will probably be finalized within the next few months.

Nancy Newman informed of the health issues and explained could be from water quality.

The Water Development Authority representative informed the Commission that funds being requested cannot be released until an accountant certificate is received. His understanding is that the merger in works has a possibility they can pursue West Virginia Rural Water Association for funding.

Attorney Tom Steele, Assistant Prosecuting Attorney informed the Water Quality issues is not for the Fayette County Commission.

Mr. Frantz informed needs to recommend recommendation from study done several years ago.

Mr. Frantz asked the Fayette County Commission to help suggest the merger of Kanawha Falls Public Service District, Armstrong Creek Public Service District and the Deep Water Public Service District.

Commissioner Wender requested that the group let the Commission know the position they should play after they meet with the Public

Service Commission. Will requests that Dave Pollard, County Resource Coordinator to give input.

Commissioner Wender suggested Mr. Pollard be scheduled for the first meeting in January 2007 to discuss recommendations after the groups meeting with the Public Service Commission.

The Commissioners asked Ms. Newman and Ms. Akers to let the Commission know the results from the Public Service Commission meeting.

The Commissioners signed an Order having been advised of the need to substitute certain securities pledged on behalf of the Fayette County National Bank does hereby order the release of said securities provided that securities will be substituted simultaneously and that Fayette County funds deposited with said banking institution will not be unsecured.

The Commissioners signed a letter to the GFWC Fayetteville Woman's Club informing they received and reviewed their request for assistance in funding the purchase of a replacement marker to be erected in front of the Fayette County Courthouse.

The Commissioners approved funding in the amount of \$1,375.00 for the purchase of a new historical marker.

The Commissioners signed a letter to the Fayetteville Elementary School informing they received their request, requesting the use of the Fayette County Memorial Building for their Emergency Plan.

The Commissioners asked that they contact Okey Skidmore, Memorial Building Manager for scheduling of their events, Emergency Plan practice, and details on building access in the event of an emergency.

Commissioner Lopez offered a motion to approve reappoints of Bill Scott and Elmer Hess, Jr. members to the New River Gorge Bridge Day Commission. Commissioner Eskew seconded. Unanimous. Order and appointment to serve letter signed.

The Commissioners signed a letter approving the days to be observed as legal holidays for 2007 for the County employees.

The Commissioners signed the Federal Excise Tax Ultimate Purchaser Certificate for Appalachian Tire Products, Inc.

The Commissioners signed a letter of support to the Tourism Commissioners in support of the WV Whitewater Rafting Strategic Plan and the Tourism Development Plan for Fayette, Nicholas, Raleigh and Summers Counties being administered by the 4- C Economic Development Authority.

The Commissioners signed Intent-to-Apply for Recreational Trails Program funding for the paving of approximately tow (2) miles of the White Oak Rail Trail to the West Virginia Department of Transportation.

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.

The Commissioners signed drawdown request for Just For Kids Grant, amount \$2,300.00.

The Commissioners received a drawdown request (#5) for the Page-Kincaid Public Service District-Ingram Branch Wastewater project #04SCBG0057, amount \$40,470.00.

Commissioner Eskew offered a motion to approve drawdown request for the Page-Kincaid Public Service District-Ingram Branch Wastewater project, amount \$40,470.00. Commissioner Lopez seconded. Unanimous. Request forms for drawdown signed.

The Commissioners recessed for lunch at 12:45 p.m.

The Commissioner reconvened the Commission meeting at 1:45 p.m.

Ms. Holly informed the Commissioners she received the ADA workstation specs from Jones business Machine, Inc.

Ms. Holly told the Commissioners she forwarded the ADA workstation specs to Dan Snead to review and see whether or not the layout can be incorporated with Dan's proposal for the renovation to the entrance to the Circuit Clerk's office.

Ms. Holly told the Commissioners that the complaint of Terry McQuire has been resolved. He talked with David Neal, E911 Coordinator, Mr. Neal informed the issue has been resolved.

The Commissioners received and reviewed a request of the monies granted to the Mount Hope Community Center by the Fayette County Commission in March 2006 (\$2,000 designated for the Program and \$3,000 for the building) a total of \$5,000. The Commissioners approved to release check, but suggested holding until a letter is received.

Ms. Holly informed the Commissioners that there is a cost overrun on slate for the Fayette County Jail Museum. Ms. Holly told the

Commissioners she sent Dan Snead an e-mail regarding this matter, but she has not heard anything back.

Ms. Holly informed the Commissioners that the Assessor's Certificate of Compliance for completing the Farm Census of 2006 additional compensation check was issued, but the amount issued was incorrect.

Ms. Holly told the Commissioners the check issued was for \$3,657.50 should have been \$4,389.00 a difference of \$731.50.

Ms. Holly informed the Commissioners that the correction check has been prepared, amount \$731.50.

The Commissioners received and reviewed from Kelvin Holliday, County Clerk, a notice from Florence Turner (Poll Worker) informing that while setting up the electronic voting machine, the machine slipped and fell causing injury to her leg and top of her foot. Mr. Holliday approved the bill be paid.

Commissioner Lopez offered a motion to approve and pay the invoice per Kelvin Holliday, amount \$51.50. Commissioner Eskew seconded. Unanimous.

The Commissioners received and reviewed a letter from Debbie Tate, WVU Extension 4-H and Youth Development Agent informing that on Thursday November 2, 2006 a panel interview was conducted to fill the position of secretary. The panel recommended that Terra Basham fill the vacancy of the WVU Extension Service secretary.

Commissioner Eskew offered a motion to follow recommendation to hire Terra Basham to fill the position of secretary at the WVU

Extension Office. Commissioner Lopez seconded. Unanimous. Salary upper limit not to exceed Linda Casey's salary.

Discussion was held regarding hiring Aletha Stolar as Director of the Family Resource Network.

Ms. Holly informed the Commissioners she sent Beth Gardner an e-mail regarding the proposed Agreement with the Division of Highways for the oak Hill Rail Trail, Phase II project.

Ms. Holly told the Commissioners she received an e-mail informing her that a Skate Park Grant was awarded to the Town of Fayetteville.

Ms. Holly told the Commissioners that the Town should administer the grant and not her.

Commissioner Lopez suggested letting the Town of Fayetteville administer the Skate Park Grant. Commissioner Lopez suggested contacting Shirley Love and inform him of this decision.

Commissioner Eskew informed he will contact Bill Lanham, the City Manager for the Town of Fayetteville.

Ms. Holly informed the Commissioners she has talked with Sheriff Bill Laird and Carl Harris, Prosecuting Attorney regarding the Regional Jail cost. Mr. Harris took figures from the Sheriff.

Ms. Holly told the Commissioners she has a question regarding what rate to use against credit, \$48.50, \$41.76 or \$45.00.

Commissioner Wender suggested to Ms. Holly to wait until Sheriff Laird gives her new numbers.

Commissioner Wender informed the person hired to work as director of the Family Resource Network is to be a part-time employee with no benefits.

Skip Jennings informed the Commissioners that there is an issue regarding benefits.

Mr. Jennings informed he has no problem with paying a part-time employee with no insurance benefits.

Commissioner Wender informed that Aletha Stolar wants insurance.

Commissioner Wender informed the Commissioners he feels Bud Hill and Neal Clark deserves a bench.

Ms. Holly informed she agrees with Carl Harris, Prosecuting Attorney she has a problem with using public money to purchase bench.

Ms. Holly told the Commissioners that the County employee donated money to purchase bench for Gloria Bozo and Tom Aiello.

Commissioner Wender suggested holding until next meeting November 30, 2006.

The Commissioners received and reviewed a letter from the Pendleton County Commission asking to arrange a Project Lifesaver demonstration for the community leaders.

The Commissioners asked to call Sue Patalano and invite them to come down to demonstrate the Project Lifesaver. Commissioner Wender asked that Drema Predue be asked to attend.

The Commissioners received and reviewed several correspondences from the WV Association of Counties and the County Commissioners' Association of WV.

The Commissioners received and reviewed Audit Report from the Meadow Bridge Volunteer Fire Department for the Fiscal Year ended June 30, 2003, June 30, 2004, June 30, 2005, and June 30, 2006.

The Commissioners received and reviewed several correspondences from BrickStreet Insurance and Workers' Compensation Office of Judges regarding Workers' Compensation claims.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS, Monthly Revenue Report, Activity Report for the month of October, C-PAC allotment, amount \$11,548.20 for the month of November and Weekly Fees Collected for the week of October 27 to October 31, 2006, amount \$125.00 and the week of November 1 to November 2, 2006, amount \$105.00, and the week of November 3 to November 9, 2006, amount \$155.00.

The Commissioners received and reviewed several checks for 911 Fees from Citizens Communications Co., amount \$54.32, Verizon, amount \$32,428.47, Mountain Communications, LLC, amount \$51.70, Trinsic Communications, Inc., amount \$22.00, and Nos Communications, Inc., amount \$2.00; Franchise Fees from Bradley Communications, Inc., amount \$856.87; Soldiers and Sailors Fund, amount \$25.00; Jail Fees from the Town of Fayetteville, amount \$339.50 and the City of mount Hope, amount \$242.50; Rent Board of Education, amount \$2,916.67; Criminal Justice Services-Community Corrections Grant, amount \$6,508.47, TRIDENT, amount \$2,868.82, Just for Kids, amount \$4,187.85; Reimburse 911 Fund American Electric Power, amount \$567.07.

The Commissioners received and reviewed from the Bank of New York Cash Statement and Asset List for the month of October 31, 2006.

The Commissioners received and reviewed from SunTrust Bank Pledge Statement giving a list of the securities pledged as of October 31, 2006.

The Commissioners received and reviewed from Branch Banking and Trust Company listing that as of October 31, 2006 the securities that were held as collateral to secure the deposits of Fayette County Commission.

The Commissioners received and reviewed from SunTrust Bank new pledge security notifications.

The Commissioners received and reviewed a copy of a letter from RAJCO, LLC (Gene Watkins) to Carl Harris, Prosecuting Attorney informing they are in receipt of the letter to Schrage and Storch Associates regarding the courthouse telephone.

The Commissioners received and reviewed a Remittance by the Assessor to the West Virginia State Treasurer's Office for the Courthouse Facilities Improvement Fund, amount \$161.00 for the month of October.

The Commissioners received and reviewed a letter from the Ford Motor Company informing that the 2005 Crown Victoria-Vehicle ID #2FAFP71W55X120988 has not had the following no charge recall completed.

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

The Commissioners received and reviewed a letter from the Public Service Commission regarding Data Base management Services (DBMS) for E911 Services.

The Commissioners received and reviewed a letter from the West Virginia Economic Development Authority enclosing an Annual Employment Status Report form to be completed which will comply with the employment reporting requirements outlined within the Memorandum of Understanding (MOU).

The Commissioners received and reviewed a letter from the Department of Health and Human Resources regarding Notification of Funds Availability-Planning Grants Community Coalition for Development of Community-Based Twenty-four Hour Behavioral Health Triage and Emergency Services Centers.

The Commissioners received and reviewed Request for Reimbursement to the West Virginia Division of Criminal Justice Services for Project 06-JAG-04.

The Commissioners received and reviewed a copy of the Monthly Progress Report from the West Virginia Community Corrections Grant Program to the West Virginia Division of Criminal Justice Services.

The Commissioners received and reviewed a copy of a letter to John Vernon, a member of the Fayette County Local Emergency Planning Committee from the Department of Military Affairs and Public Safety informing they received his request to attend the upcoming US EPA Region III CEPP0 Conference in Valley Forge, Pennsylvania, December 3-6, 2006.

The SERC has voted to reimburse five (5) Local Emergency Planning Committee/Office of Emergency Services members for this conference. Mr. Vernon has been selected.

The Commissioners received and reviewed a letter from the Division of Criminal Justice Services regarding Gang Resistance Education and Training (G.R.E.A.T) Program.

The Commissioners received and reviewed a copy of a letter to Debbie Aliff, Payroll Clerk from Chief Deputy Steve Kessler informing that on November 16, 2006 Deputy Tillman Mooney has completed his one(1) year probation period. Deputy Mooney's pay will increase \$100.00 dollars on the month or \$1,200.00 on the year.

The Commissioners received and reviewed a copy of a letter from the West Virginia Board of Veterinary Medicine to Anthony Ciliberti, Jr., Assistant Prosecuting Attorney recommending that Fayette County send a fax requesting to their office for a CAET application. The exact dates for the 2007 training/testing have not been determined.

The Commissioners received and reviewed a thank-you card from Amber Jones, Instructor for the WVU Extension Service Nutrition Outreach Program thanking the Commission for purchasing the stove for the office.

The Commissioners received and reviewed from the 911 Center the Status Report of calls made from January to October 2006.

The Commissioners received and reviewed a letter from the State Department certifying that Harvey E. Young, Assessor of Fayette County has substantially complied with the "assessor's additional duties" as

delineated in WV Code 7-7-6a. Substantial completion of the additional duties entitles Mr. Young to the additional compensation of \$15,000.00.

The Commissioners received and reviewed a notice that the Local Government Leadership Academy Spring 2007 Conference is Saturday, April 14, 2007 and Sunday, April 15, 2007.

The Commissioners received and reviewed Accident Report on Law Enforcement vehicles (Mark Webb and Patrick McCutcheon).

The Commissioners received and reviewed a letter from Acordia of WV informing claim #01-119644-00047 has been forwarded to our insurance carrier.

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

The Commissioners received and reviewed notice from the Retired Senior Volunteers Program inviting the Commission to attend their Christmas Social on December 7, 2006 at the Summersville Baptist Church FLC from 1:00 p.m. to 3:00 p.m.

The Commissioners received and reviewed a copy of a memo from Sheriff William Laird to Steve Cruikshank, OES Director requesting reimbursement for Bridge Day Overtime for Bridge Day 2006.

The Commissioners received and reviewed a letter from the Fayette County Weatherization Program informing their regular meeting for November has been cancelled due to conflict in scheduling.

The Commissioners received and reviewed a Public Notice informing that the Governor's Office of Economic Opportunity (GOEO) has been

notified that Multi-Cap's Board of Directors voted to return the Community Services Block Grant (CSBG) to the Governor's Office of Economic Opportunity and close the operations of Multi-Cap. The Governor's Economic Opportunity will be hosting a meeting with the five (5) counties commissioners that will be effected (Putnam, Kanawha, Clay, Boone and Fayette) November 20, 2006 at 9:00 a.m.. to noon.

The Commissioners received and reviewed an e-mail from Commissioner Wender to Kelvin Holliday, County Clerk requesting that he tally the number of early voters by precinct and indicate by precinct how many early voters voted. Commissioner Wender is requesting a list of precincts and the number of early voters for each.

The Commissioners received and reviewed an e-mail from Election Systems and Software to Charlotte Holy thanking Ms. Holly for requesting on-the-ground site support for the upcoming November election.

The Commissioners received and reviewed an e-mail from Allen Ballard informing he would be taking vacation on November 6, 8, and 9, 2006. Mr. Ballard informed that Robbie Stone will check messages and issue any permits if necessary. Mr. Ballard will have his cell phone on if anything happens.

The Commissioners received and reviewed an e-mail from Barbara Painter, Coordinator Fayette County Weatherization Program to

Commissioner Wender giving a list of homes that were weatherized in each of the last 2-3 years.

The Commissioners received and reviewed an e-mail from Dorothy Davila thanking Commissioner Wender for his assistance in the food delivery.

The Commissioners received and reviewed an e-mail from Pete Hobbs, Mayor Town of Ansted to Commissioner Wender inviting him to attend an introductory meeting to discuss the possible development of a new "National Rivers Trail."

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

The meeting was adjourned at 2:30 p.m. The next scheduled meeting is November 30, 2006.



FCC

11/17/06

Joel L. Watts

P.O. Box 828

Cabin Creek, WV 25035

UMWA

Lee Cojar

P.O. Box 773

Oak Hill WV 25901

Armstrong PSD

Issues

Nancy Newman

Lois Akers

Paul Frantz

Water Dev. Authority - Bernie Yonkosky
Bonnie

WVAWC - William Templeton
Mont. District

FAYETTE COUNTY COMMISSION
REGULAR SESSION
NOVEMBER 30, 2006
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 30th day of November 2006.

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

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

Commissioner Eskew offered a motion to change the County Commission meeting from December 15 to December 18, 2006.

Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve first half payrolls for December, to be released on December 8, 2006. Commissioner Eskew seconded. Unanimous.

Commissioner Wender introduced Aletha Stolar to the Commission informing she will be the Resource Coordinator for the Family Resource Network.

Commissioner Eskew offered a motion to approve overtime for James Perdue (7 hrs), Maintenance Supervisor, Jackie Hickman (68½ hrs.) Secretary, Debbie Aliff (31 hrs.), Payroll Clerk, and Debbie Berry (36.45 hrs.), Bookkeeper. Commissioner Lopez seconded. Unanimous.

Ms. Holly informed the Commissioners that Aletha Stolar needs to be signed up for the payroll. Ms. Holly told the Commissioners that

there's not enough money in the Family Resource Network budget to pay her PEIA coverage.

Ms. Holly told the Commissioners that Ms. Stolar is not a full time employee. Benefits are not included for a part time employee.

Commissioner Wender suggested to Ms. Stolar to go back to the Family Resource Network Board members and asked them to change the contract from a part time employee to a full time employee.

Commissioner Wender asked that this be put on the agenda at 9:00 a.m. to consider changing Ms. Stolar from a part time employee to a full time employee.

Ms. Holly informed the Commissioners that in their budget they do have a line item for office supplies, internet, and a copier and etc. this could be used to include PEIA coverage.

The Commissioners asked Ms. Stolar to discuss with the Family Resource Network Board members and get back with them.

Commissioner Lopez informed the Commissioners that Earl Pauley, Park Superintendent has found three (3) vehicles at the West Virginia State Agency for Surplus Property (2001 Dodge EX5 Cab \$6,250, 1999 Dodge 1500 Pick-up \$5,875, and a 1995 Ford E-150 Passenger Van \$2,500) total cost \$14,625.00.

Commissioner Eskew offered a motion to approve Earl Pauley to purchase the three (3) vehicles from the West Virginia State Agency for Surplus Property at a total cost of \$14,625.00. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from the City of Smithers informing they received bids on th storm sewer project for Kanawha Avenue. The City of Smithers is requesting that the Commission contribute the additional \$7,100 for the storm sewer project for Kanawha Avenue. The lowest bid was \$37,100. The City of Smithers has only \$30,000 to do the job.

Commissioner Eskew offered a motion to approve that the Commission contributes \$7,100 toward the completion of the storm sewer project. Commissioner Lopez seconded. Unanimous.

The Commissioner signed Certificate of Title for a 1998 Jeep Cherokee to the City of Smithers donated by the Assessor.

The Commissioners signed Request for Reimbursement to the West Virginia Division of Criminal Justice Services for the Community Corrections Grant, amount \$6,437.37.

The Commissioners signed an invoice to the Fayette County Board of Education for rent of the Fayette County memorial Building, amount \$2,916.67 for the month of January 2007.

The Commissioners signed second drawdown request to the West Virginia Development Office for the Fayette County Sportsman's Recreation Center, amount \$3,836.28.

The Commissioners signed first and final drawdown to the West Virginia Development Office for FOOTMAD, amount \$2,500.00.

Ms. Holly informed the Commissioners that she received a request from Judy Radford, Executive Director 4-C Economic Development Authority requesting that the Commissioners sign and address the same

letter to 4-C that was sent to Betty Carver, Tourism Commission regarding the West Virginia Whitewater Rafting Strategic Plan and the Tourism Development Plan.

The Commissioners received and reviewed a letter from the Fayette County Board of Zoning Appeals informing that Rupert Chuyka and Dean Kincaid terms will expire January 1, 2007. The Chairman of the Fayette County Board of Zoning Appeals recommends that they be reappointed.

Commissioner Eskew offered a motion to accept the recommendation of the Fayette County Board of Zoning Appeals to reappoint Rupert Chuyka and Dean Kincaid to a term of three (3) years members of the Fayette County Board of Zoning Appeals. Commissioner Wender seconded. Unanimous. An appointment to serve letter and Orders were signed.

Ms. Holly asked the Commissioners about the paving of the Oak Hill Trail. Ms. Holly told the Commissioners she doesn't remember the Commission signing a second grant.

Commissioner Wender suggested getting Beth Gardner to join us for the County Commission meeting December 18, 2006 to discuss the grant.

Commissioner Wender asked Ms. Holly to check to see if we got anything from the Legislature Digest on the Oak Hill Trail.

Carl Harris, Prosecuting Attorney told the Commissioners that the Projector Screen has been installed in the Courtroom, cost \$1,400. Mr. Harris suggested that the Commission go up and check it out.

Ms. Holly presented bids for the Skeet/Trap Equipment to the Commissioners.

Ms. Holy told the Commissioners they received only two (2) bids (C. A. C Associates, Inc. and Rhodeside, Inc.).

Commissioner Wender informed the Commissioners received the bids and will refer the bids to the Fayette County Sportsman's Association for their review and recommendation.

Commissioner Lopez offered a motion to table until December 18, 2006 to receive recommendation from the Fayette County Sportsman's Association. Commissioner Eskew seconded. Unanimous.

Joel Watts appeared before the Commission to request that the Commission adopt Resolution requesting that Peabody Energy Corp. allow its employees to choose freely whether to be unionized by remaining neutral and not resorting to the use of pressure tactics.

Commissioner Eskew offered a motion to adopt and sign Resolution. Commissioner Lopez seconded. Unanimous.

Ms. Holly informed the Commissioners she received a note from Okey Skidmore, Manager of the Fayette County Memorial Building informing that he has approved and talked with Phillip Samples Organizer for the WV Hornets/Fayette County AAU he knows Sunday's are the only thing left.

Commissioner Eskew offered a motion to approve the request of the WV Hornets/Fayette County AAU the use of the Fayette County Memorial Building for the AAU practice and instructional sessions for the coming year pending the Board of Education shall be given priority. Commissioner Lopez seconded. Unanimous.

Ms. Holly presented an Order and Notice regarding the boundary adjustment for the Kanawha Falls Public Service District to the Commissioners.

The Commissioners signed the Order and a hearing on the enlargement of the Kanawha Falls Public Service District shall be conducted at the County Commission Courtroom on the 5th day of January 2006 at 10:00 a.m.

The Commissioners signed a letter to the Public Service Commission filing for their reference a copy of the resolution and order entered on November 30, 2006 fixing a date of hearing for the enlargement of the Kanawha Falls Public Service District to be held at 10:00 a.m. on January 5, 2007.

Leon Cooper, Chairman of the Fayette County Planning Commission appeared before the Commission to ask questions regarding the Commissions' request that the Fayette County Planning Commission review the Unified Development Code.

Mr. Cooper presented a letter he received from Dave Pollard, member of the Fayette Transition Team to the Commissioners.

Mr. Cooper told the Commissioners that the Fayette County Planning Commission took action to choose a committee from the Transition team and the Planning Commission to address these issues as presented in the Resolution from the Commission.

Commissioner Wender told Mr. Cooper that the Commission approves of the committee. The Planning Commission has the expertise to address these matters.

Commissioner Wender told Mr. Cooper it was a good idea to get a smaller committee to review the Unified Development Code.

Tim Richardson, Zoning Officer informed the Commissioners that some of the items that need to be reviewed would be mapping.

Commissioner Wender informed the Commission put the ball in the Fayette County Planning Commission corner, very comfortable with the Planning Commission seeking outside assistance.

Debbie Tate, WVU Extension 4-H Agent appeared before the Commission to inform the Commissioners that Diane Meadows has medical problems and she would be out of the office, but she will be working from her home.

Ricky Withrow appeared before the Commission on behalf of Sheila Withrow to present to the Commissioners water samples taken on Hawver Road by the Fayette County Health Department.

Commissioner Wender suggested sending a copy of the samples to Dave Pollard, County Resource Coordinator.

The Commissioners received a letter from the Office of Economic Opportunity informing they have approved funding in the amount of \$15,000 for the Upper Kanawha Valley Community Center.

Commissioner Wender informed the Commission that they would need to invoice the Office of Economic Opportunity office for the funding to be passed through the Commission to the Upper Kanawha Valley Community Center for support with a cook and cook's helper as well as other costs such as food, utilities and operational expense.

Commissioner Eskew offered a motion to authorize Commissioner Wender to enter into an agreement with the Governor's Office of Economic Opportunity for the Community Services Block Grant Program with the Upper Kanawha Valley Community Center on behalf of the Commission to execute Agreement prior to receiving the check. Commissioner Lopez seconded. Unanimous.

The Commissioners signed invoice to the Office of Economic Opportunity regarding the Upper Kanawha Valley Community Center grant to support a cook and cook's helper as well as other costs such as food, utilities and operation expenses, amount \$15,000.00.

The Commissioners recessed the Commission meeting to go into Executive Session.

Upon returning from the Executive Session, Commissioner Wender informed the Executive Session was he discussion of overtime. The Commissioners asked Ms. Holly to report on the hours budgeted on the overtime expenditures for today.

Ms. Holly asked the Commissioners about the first County Commission meeting in January. The Commissioners suggested scheduling the first meeting for January 5, 2007.

The Commissioners recessed for lunch at 12:00 p.m.

The Commissioners reconvened the Commission meeting at 1:25 p.m.

The Commissioners received and reviewed a letter from the Fayette County Beautification Committee requesting funding in the amount of \$1,200 to be used for travel expenses and training to attend the WV

University Safety and Health Extension/National Resource Center for OSHA Training (Asbestos Training).

The Commissioners asked Ms. Holly to hold until they talk with Dave Pollard, County Resource Coordinator.

Commissioner Wender asked to put Dave Pollard, County Resource Coordinator on the agenda for December 18, 2006 to talk about the Dilapidated Building Program.

The Commissioners received and reviewed a letter from J. Dan Snead and Associates, Inc. regarding the recent proposal from Tri-State Roofing relating to the replacement of an additional slate roof tile at the Fayette County Jail Museum. Mr. Snead told the Commissioners it is his opinion that the Commission should give some consideration to this request.

The Commissioners suggested that Ms. Holly e-mail Mr. Snead and ask if he would consider half of the invoice amount of the proposal, and asks him to please answer yes or no.

The Commissioners received and reviewed a letter from J. Dan Snead Associates, Inc. informing that he has been contacted by Mark Talbott of Talbott Glass that the windows will be delivered around December 7, 2006 and he intends to begin installation immediately thereafter.

The Commissioners received and reviewed a letter from Thomas R. Bowen, member of the Armstrong Public Service District informing that as of December 31, 2006 he is resigning as a commissioner of the district.

The Commissioners received and reviewed an invitation from the Town of Fayetteville inviting the Commission to ride in their Annual Christmas Parade, being held December 9, 2006 at 5:00 p.m. Commissioner Eskew informed he will participate.

The Commissioners received and reviewed a notice from the Office of the Insurance Commissioners informing that the WV Code 33-2-15a requires the WV Insurance Commission to make governmental and non-profit entities aware of the 1988 amendments to the Robert T. Stafford Emergency Assistance and Disaster Relief Act that impose penalties in the form of reductions in Federal Emergency Management Agency (FEMA) relief funds for entities that fail to purchase adequate flood insurance.

Ms. Holly informed the Commissioners that she had sent a copy of the letter to Jim Lively Insurance and asked them to advise her on any flood insurance coverage under the County's policy.

Ms. Holly told the Commissioners that there is no flood insurance on county properties.

Ms. Holly told the Commissioners that Jim Lively Insurance did send quotes for the Animal Shelter.

The Commissioners approve to accept coverage on the dog building, cat building, and wash building at the Animal Shelter. The Commissioners asked to omit coverage of the main building.

The Commissioners asked Ms. Holly to contact Georgia Griffith with ING to come down and make presentation regarding 401K.

The Commissioners asked Ms. Hickman to contact Drema Perdue and inform her that she is welcome to attend the demonstration on Project Lifesaver with the Pendleton County Commission scheduled for December 18, 2006.

The Commissioners received and reviewed copies of the Fayette County Planning Commission minutes held November 27, 2006, Fayette County Planning Commission By-Laws, and a copy of a letter from IQ Media, and Tim Richardson, Zoning Officer informing that Brandon Holmes and George Rogers, partners in IQ Media, LLC in Fayette County is withdrawing their request for a zoning change to Lot 50 Parcel 4.

The Commissioners received and reviewed a letter from the West Virginia Development Office inviting the Commissioners to submit a Fiscal Year 2007 Land and Water Conservation Fund application.

The Commissioners received and reviewed an invitation from the Greenbrier County Commission inviting the Commission to attend the Regional Meeting of the County Commission Association being held December 13, 2006.

The Commissioners received and reviewed from the Bank of New York Cash Statement and Asset List for November 22, 2006.

The Commissioners received and reviewed from the Bank of New York regarding changes of 24 Co/Wheeling 1983 Defeasance Escrow.

The Commissioners received and reviewed minutes of the Tower Access Assistance Fund Review Committee (TAARC) held September 26, 2006.

The Commissioners received and reviewed a letter from Carl Harris, Prosecuting Attorney asking that a check be issued out of the investigation and detection of the crime line item of his budget payable to James Sizemore of the Fayette County Sheriff's Department in the amount of \$150.00 for the extradition of Christopher Fredricks.

The Commissioners received and reviewed a letter from the City of Oak Hill regarding the Annexation of Wolf Creek Park Sanitary Sewer Service.

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

The Commissioner received and reviewed a letter from the West Virginia Department of Environmental Protection congratulating the Fayette County Solid Waste Authority on being a recipient of a 2007 Recycling Assistance Grant. The Fayette County Solid Waste Authority has been awarded a grant in the amount of \$87,354.

The Commissioners received and reviewed a letter from the Department of Military Affairs and Public Safety informing the 2006 Supplemental SERC Grant request was approved. Funding is awarded to the Local Emergency Planning Committee in the amount of \$380.00. Original forwarded to Steve Cruikkshank, OES Director.

The Commissioners received and reviewed from Travelers Insurance Claim of accidents on Deputy Patrick McCutcheon (99 Jeep Cherokee0, and Deputy Mark Webb (2007 Ford) vehicles.

The Commissioners received and reviewed an Insurance claim check from Travelers for Mark Webb's cruiser (2FAFP71W47X102176), amount \$469.71.

The Commissioners received and reviewed a letter from the Division of Criminal Justice Services regarding on-site visit of the Justice Assistance Grant project.

The Commissioners received and reviewed a letter from the Department of Military Affairs and Public Safety informing that the West Virginia Floodplain Management Program will offer the Emergency Management Institute training course "Managing Floodplain Development through the National Flood Insurance Program (NFIP)" at the Flatwood Days Inn, January 29 thru February 1, 2007. Original forwarded to Tim Richardson, Zoning Officer, and a copy to Steve Cruikshank, OES Director.

The Commissioners received and reviewed Official Oath of Office from Velma Newman member of the Deepwater Public Service District.

The Commissioners received and reviewed a letter from the New Haven Public Service District regarding New Haven Public Service-Edmond road residents.

The Commissioners received and reviewed a copy of the 2005-2006 Audit Report for White Oak Public Service District.

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

The Commissioners received and reviewed several correspondences from BrickStreet Insurance and the Workers' Compensation Office regarding workers' compensation claims.

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

The Commissioners received and reviewed several checks for 911 Fees from Granite Telecommunications, LLC, amount \$152.00, Mountaineer Telecommunications, amount \$1,959.40, AT&T Communications of WV, amount \$1,064.00, Cleartel Telecommunications, amount \$14.00, IDT Corporation, amount \$58.00; Alarm Fees, amount \$1,180.00; Soldiers and Sailors Fund, amount \$775.00; Rent Board of Education Memorial Building, amount \$2,916.67; Reimbursement, amount \$189.00.

The Commission received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of November 10 to November 16, 2006, amount \$45.00, the week of November 17 to November 23, 2006, amount \$135.00.

The Commissioners received and reviewed an e-mail from the Office of the State Treasurer informing that the November Limited Video will be directly deposit on November 27, 2006, amount \$6,129.65.

The Commissioners received and reviewed an e-mail from the Fayette County Chamber of Commerce asking for volunteers to help with the Fayette County Health Department Influenza Vaccine Clinic at the Oak Hill High School on Saturday, December 2, 2006.

The Commissioners received and reviewed an e-mail from John David informing they were awarded a HUD Youth Build Grant.

The Commissioners received and reviewed several e-mails from Scott Thompson, Project Director of the SPF SIG Prevention Planning Grant.

The meeting was adjourned at 2:30 p.m. The next scheduled meeting is December 18, 2006.



FAYETTE COUNTY COMMISSION

REGULAR SESSION

OCTOBER 11, 2006

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 11th day of October 2006.

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

The Commissioners recessed the Commission meeting at 9:10 a.m. to test iVotronics for early voting.

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

Eddie Young, Assessor presented exonerations to be approved and signed.

Commissioner Eskew offered a motion to approve and sign real property tax exonerations for Kermit and Leslie Foster, James Kincaid, Ray L. and Dora Sizemore, Sarah M. Jacobs, Garrett and Deborah Richmond, Robert W. Williams etux, Robert F and J. E. Moss etal, Kathleen Bragg, Carolyn and Romage Kuhn etal, Kimberly Recreational, and Bernard J. Burford. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve and sign property tax exonerations for General Electric Capital Corp. and Robert and Catherine Sears. Commissioner Eskew seconded. Unanimous.

Commissioner Wender offered a motion to approve minutes of July 14, and July 28, 20056. Commissioner Eskew seconded. Unanimous.

Commissioner Lopez offered a motion to approve vouchers and payrolls and to release checks and payrolls today. Commissioner Eskew seconded. Unanimous.

Sheriff William Laird appeared before the Commission to inform them that he would like to apply for the SPF-SIG Implementation Planning Grant.

Sheriff Laird told the Commissioners that Fayette County is among 15 counties that can apply.

Sheriff Laird told the Commissioners that there's a minimum of \$107,000 total funds provided for the purpose of preventing substance abuse in Fayette County. No matching fund is required.

Based on the Preliminary Planning there are a variety of different programs including Meadow Bridge Wellness Center, Mount Hope All Star Program after school program, New River Family Health Plan overseeing two (2) programs in Beards Fork and Scarbro, My Help Program, Maternal Infant Worker Project, SALS, Parenting Program available \$10,600 through the Dailey Report Center asked for Drug Abuse Prevention Program.

Sheriff Laird told the Commissioners that the contract employer is to handle the Administering of the Grant.

Sheriff Laird told the Commissioners that the application is due before the end of th month.

Commissioner Lopez offered a motion to agree to make application and be the fiscal agent for the SPF-SIG Implementation Grant.

Commissioner Eskew seconded. Unanimous.

Dianne Morris appeared before the Commissioners to give an update on the Fayette County Pandemic Influenza.

Commissioner Wender asked Ms. Morris if she would reschedule this for November 17, 2006 at 10:00 a.m.

Bill LairdCharlotte Holly

From: "Matthew D. Wender" <mwender@cwv.net>
To: "Bill Laird" <wrlairdiv@charter.net>; "Bill Laird" <wrlairdiv@fayettesheriff.net>; "Charlotte Holly" <cholly@zoomnet.net>
Cc: "Ken Eskew" <kennethsq@charter.net>; "Rebecca Dean" <rebeccadean41@yahoo.com>
Sent: Wednesday, October 04, 2006 2:35 PM
Subject: SPF SIG Implementation Plan

Charlotte,

I have had a brief discussion with Bill about this, perhaps as much as a month ago. It is something he is in support of.

I am copying Bill on this email. To be on the safe side please send a copy to his office. We need to schedule Bill on the Agenda for Wednesday's meeting to present this. This grant has an Oct. 20 deadline! Once a time is set please copy Rebecca Dean. Thanks

Matt

----- Original Message -----

From: rebecca dean
To: Matthew D. Wender
Sent: Tuesday, October 03, 2006 5:58 AM
Subject:

Matt,

In regards to the SPF SIG matter - You may know some or all of the following: Scott Thompson (from New River Health Agency) has been the Planning Grant Director for a Tentative SPF SIG Implementation Plan. Fayette County is one of 15 counties invited to submit an application for a four year SPF SIG Implementation Grant with a range from \$107,000 to \$200,000. **It must be submitted no later than Oct. 20th and still needs a fiscal agent.** Scott has been working with Sheriff Laird and was under the impression he would be bringing it before the Fayette County Commission this last Friday for their vote and endorsement to become the fiscal agent for this project. Scott told the committee that is developing various programs for their nonprofits appropriate to this area that we could/would probably hear a result this Friday. Seems it was not even brought up on Friday.

I guess my question is - has Sheriff Laird spoken to you and or any of the other Commissioners about the need for this sponsorship? If he has, what is the timing on it coming before the Commission?

10/5/06

Bill

Please call Debbie B.
 (ext. 214) to schedule an
 appointment on the
 Commission's 10/11/06
 agenda.

Thanks
 Charlotte

10/5/2006

Charlotte Holly

From: <fcswa@zoomnet.net>
To: <rebeccadean41@yahoo.com>; <mwender@cwv.net>; <cholly@zoomnet.net>;
<wrlairdiv@fayettesheriff.net>
Sent: Friday, October 06, 2006 10:29 AM
Subject: Sheriff Laird Appt. with Fayette County Commission 10/11/06 10:15 a.m.

Sheriff William R. Laird is scheduled before the Fayette County Commission on Wed., 10/11/06 at 10:15 a.m. concerning SPF SIG Implementation Grant.
Debbie Berry/Fayette County Commission - 304-574-4214

Charlotte Holly

From: "Charlotte Holly" <cholly@zoomnet.net>
To: "Matthew D. Wender" <mwender@cwv.net>
Sent: Tuesday, October 03, 2006 1:02 PM
Subject: Re: Friday County Commission Meeting

Matt—
I don't know what this is.
Charlotte

----- Original Message -----

From: Matthew D. Wender
To: rebecca dean
Cc: Charlotte Holly
Sent: Sunday, October 01, 2006 7:35 PM
Subject: Re: Friday County Commission Meeting

Rebecca,
There was no mention at Friday's Commission meeting of a vote on sponsoring a SPIF SIG project.

Is this related to the letter of support we wrote? Was this something I was to follow up on?

Matt

----- Original Message -----

From: rebecca dean
To: Matthew D. Wender
Sent: Saturday, September 30, 2006 6:47 AM
Subject: re: Friday County Commission Meeting

Matt,

a vote was to be taken in regards to sponsoring a SPIF SIG project yesterday. Did it receive the sponsorship requested? There are a number of us (Debbie Tate may have already called you) waiting to find out the results because it will affect our going forward in writing proposals that are due in Scott Thompson's office by Oct. 6th.

Just a short note letting me know the results would be great.
tks. rebecca -

Talk is cheap. Use Yahoo! Messenger to make PC-to-Phone calls. Great rates starting at 1¢/min.

Commissioner Lopez offered a motion to approve the 2nd half payrolls for the month of October, payrolls to be released on October 27, 2006.

Attorney Brian Parsons, Tom Oxley, City Manager City of Oak Hill, Woody Duba, Tom Powell, Danita Johnson appeared before the Commission to present a Petition regarding the Annexation of White Oak Country Club to be annexed into the City of Oak Hill and be zoned R-2 (Residential District).

Mr. Parsons told the Commissioners that the petition was received and voted on by the Oak Hill City Council.

Mr. Parsons presented the original Petition, a copy of the certified vote of the City of Oak Hill, a copy of the minutes, Exhibit A-a copy of the letter requesting annexation, Exhibit B-description of the property, and Exhibit C-Plat map to the Commissioners.

The Commissioners asked if this included the golf course. Mr. Duba replied no.

Commissioner Lopez offered a motion to approve the Annexation of the residual Country club Properties currently belonging to the White Oak Country Club and be zoned R-2 (Residential District). Commissioner Eskew seconded. Unanimous.

Jim Lively, Sr. presented their Insurance Policy Renewal for 2006-2007 to the Commissioners.

The Commissioners received and reviewed a letter from Jim Lively Insurance suggesting that an appraisal should be done to arrive at a Functional Replacement Cost.

Discussion was held regarding the limited insurance coverage on

the Courthouse and the actual replacement cost value.

The Commissioners suggested calling in an appraiser to get a functional replacement cost to check all the areas main square feet of each office that is in use, hallways, rest rooms etc.

The Commissioners talked about increasing insurance coverage from \$3.5 million to \$10.5 million for the Courthouse, \$3 million for the Courthouse Annex, \$600,000 for Courthouse contents, and \$600,000 for the Courthouse Annex contents, \$10,000 to \$25,000 optional deduction.

The Commissioners signed Sales Tax Report for (Jul-Aug-Sep) for the Fayette County Park, amount \$1,337.72.

The Commissioners signed invoices to the Fayette County Board of Education for rent for the Fayette County Memorial Building for the months of November and December, amount \$5,833.34.

The Commissioner received and reviewed a fax from Jim Lively Insurance regarding his response to a county-owned vehicle operated by a non-county employee.

Commissioner Wender informed the New River Humane society is not insured under the County's insurance.

The Commissioners asked Ms. Holly to get a list of the New River Humane Society employees and volunteers and any employee that drive would have to get permission from the Commission. Their Board members need to get their own liability insurance.

Ms. Holly informed the Commissioners that she is preparing the Courthouse Facilities Improvement fund Grant. Ms. Holly told the Commissioners that they would have to enter a Resolution authorizing Commissioner Wender to receive and administer funds. Ms. Holly told

the Commissioners that the grant has two (2) signatures pages, once all the information is received she will stamp their names to the letter. The Commissioners approved.

Commissioner Eskew offered a motion to authorize Matt Wender, President of the Fayette County Commission to act on its behalf to enter into a contractual agreement with the Courthouse Facilities Improvement Authority to receive and administer funds. Commissioner Lopez seconded. Unanimous. Resolution signed.

The Commissioners signed Request for Reimbursements to the West Virginia Division of Criminal Justice for Just For Kids, Inc., amount \$2,105.05 and TRIDENT, amount \$2,868.82.

The Commissioners signed the application for the West Virginia County Records Management and Preservation Grants Program, total cash amount requested from Records Management and Preservation Board, \$13,199.99 total of match \$1,466.66, total project cost \$14,666.65.

Ms. Holly told the Commissioners that back in March they had the Asset Forfeiture Account in the Commissioners funds transferred to the Prosecuting Attorney's Asset Forfeiture Fund.

Ms. Holly informed the Commissioners that she received a letter from Carl Harris, Prosecuting Attorney asking that \$1,145.86 be transferred from the old Asset Forfeiture Account in the Commissioners funds to the new Asset Forfeiture Checking Account. The Commissioners approved.

Commissioners Wender offered a motion that the County Commission approves for James Perdue and Dickey Smith in maintenance to carry keys to open ballot room. Commissioner Eskew seconded. Unanimous.

The Commissioners asked Ms. Holly to get clarification on how many locks' needs to be put on the door. The Commissioners approved to add two (2) locks if needed.

The Commissioner received and reviewed a letter from the Department of Agriculture informing that Harvey Young, Assessor has completed the Farm Census of 2006 and has satisfactorily complied with the requirement of the Farm statistics Law. Mr. Young is eligible to receive compensation, amount \$3,657.50. The Commissioners approved.

The Commissioner received and reviewed a letter from St. Paul Travelers regarding Lara M. Ranson claim.

The Commissioner received and reviewed a letter from the West Virginia Office of the Insurance Commission informing of the 1988 amendments to the Robert T. Stafford Emergency Assistance and Disaster Relief Act that impose penalties in the form of reductions in Federal Emergency Management Agency (FEMA) relief funds for entities that fail to purchase adequate flood insurance.

Ms. Holly told the Commissioners a copy of this letter has been forwarded to Jim Lively Insurance and she requested that he check the County's flood insurance coverage.

The Commissioner received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of September 22 to September 28, 2006, amount \$105.00, the week of September 29, to September 30, 2006, amount \$85.00, the week of October 1, to October 5, 2006, amount \$125.00; Activity Report, Monthly Revenue Report for the month of September and C-PAC reimbursement for the month of October, amount \$13,520.97.

The Commissioner received and reviewed from the Work Force West Virginia Reimbursement Employers Quarterly Statement of Benefits Paid to Former Employers.

The Commissioner received and reviewed several correspondences from the Unemployment Compensation Division.

The Commissioner received and reviewed an introduction letter from Billy Rhodes a Retail Wireless Consultant for U. S. Cellular.

The Commissioner received and reviewed a notice informing of a free premier screening of the documentary film "Kilowatt Ours" being held Tuesday, October 10 at the Historic Fayette Theater.

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

The Commissioner received and reviewed from the Bank of New York Cash Statement and Asset List as of September 22, 2006 and September 30, 2006.

The Commissioner received and reviewed Account Statement from J. P. Morgan Worldwide Securities Services for the period July 1, 2006 through September 30, 2006.

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

The Commissioners received and reviewed several checks for 911 Fees from Trinsic Communications, Inc., amount 22.00, Nos. Communications, Inc., amount \$2.00, Mountain Communications LLC, amount \$51.70; Fayette County Board of Education rent, amount \$11,666.64; Criminal Justice Services TRIDENT, amount \$1,097.32 and

Soldiers and Sailors Wall of Honor, amount \$125.00.

The Commissioner received and reviewed a letter from the West Virginia Division of Culture and History informing that all expenses through September 30, 2006 on the Fayette County Jail Museum must be sent to their office by November 10, 2006.

The Commissioner received and reviewed a letter from Accordia informing that Elmer White claim was closed on October 2, 2006.

The Commissioner received and reviewed a letter from BrickStreet Insurance inviting the Commission to attend the Annual Meeting of members of West Virginia Employers' Mutual Insurance Company dba BrickStreet Mutual Insurance Company on October 30, 2006 at 8:30 a.m.

The Commissioner received and reviewed a copy of a news article from Jamie McDaniel and Eula Ewing regarding the testing of the water in Hico.

The Commissioner received and reviewed from the Federal Energy Regulatory Commission approving transfer of license for Hawks Nest-Glen Ferris Project #2512 from Alloy Power to Hawks Nest.

The Commissioner received and reviewed a letter from Sheriff William Laird regarding the Homeland Security Grant informing that the Fayette County Sheriff's Department currently meets or exceeds the Federal Fiscal Year 2005 NIMS Compliance Activities for local jurisdiction.

The Commissioner received and reviewed an e-mail from Charlotte Holly to Dan Snead regarding the window contract.

The Commissioner received and reviewed an e-mail from Election System and Software regarding their Product Procedure Manuals.

The Commissioner received and reviewed an e-mail from the Public Service Commission regarding the Wireless Tower Fund information update.

The Commissioner received and reviewed an e-mail from Matthew Wender to Angie Groves, Region 4 Planning and Development Council requesting an update on the Danese water extension project.

The Commissioner received and reviewed an e-mail from Stephen Barley, WV Housing Development Fund to W. D. Smith and Angie Groves, Region 4 Planning and Development Council regarding the Wolf Creek Loan Disbursements and the Wolf Creek Park Residential Market Study Requirements.

The meeting was adjourned at 1:15 p.m. The next scheduled meeting is October 23, 2006.



FAYETTE COUNTY COMMISSION
SPECIAL SESSION
OCTOBER 23, 2006
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 23rd day of October for an information meeting regarding the River Ridge Project in Kanawha Falls, West Virginia.

Present for the meeting was Tim Richardson, Zoning Officer, Dave Pollard, County Resource Coordinator, Allen Ballard, Building Code Inspector, Phil Perone, Sanitarian, II, Fayette County Health Department, John Campbell, Consultant to John Hosch, Billy Preast, General Manager Kanawha Falls Public Service District, Eddie Young, Assessor, Tom Wagner, Project Manager Roaring Rivers, David S. James, Vice President and Susan Ingram, Loan Administration United Bank.

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

Commissioner Wender asked Tim Richardson to give an update on the project.

Mr. Richardson informed that by the request of the Commission he is here today to bring everyone up to speed regarding the development guidelines.

Mr. Richardson told Mr. Campbell that Section 700 of the Unified Development Code (Subdivision Regulations), subsection III (Procedures), C-1-7 requires that the final subdivision plat be submitted to the Zoning Enforcement Officer for final seal and approval before being recorded.

Mr. Richardson told Mr. Campbell that the plat was recorded in

the County Clerk's Office with the engineer's seal attached to the plat, but it was never signed off on by the Zoning Enforcement Office. The recording of the plat is invalid.

Mr. Richardson asked how did this come about.

Mr. Richardson told the Commissioners that River Ridge has not met the requirements for Subsection IV (Design Standards) which requires that street designs be submitted to the office of the Zoning Enforcement Office for approval and Subsection B which requires that street names be submitted to the Zoning Enforcement Office and the Office of Emergency Services.

They have not received Subsection V (Required Improvements) which calls for monument designs to be submitted for review; Subsection V, Section B 1, A (Utility Improvements) requires that a list of fire hydrant locations be submitted, B-1, b (Sanitary Service Facilities) requires that a final determination be made for sewage services; Subsection VIII (Enforcement, Remedies and Penalties) A, 1-(Building Permits) which states that "no permit for the erection of any building shall be issued unless a street or highway giving access to such proposed structure is an existing public street or highway, or unless such street appears on a recorded plat approved by the Zoning Enforcement Office."

Mr. Richardson told the Commissioners again, the only seal on record is that of River Ridge Engineer.

John Campbell informed the Commissioners they have been working and have a construction crew on the sight. They have their permit for water and sewage.

Billy Preast presented and reviewed several letters to the Commission regarding the River Ridge Project. (See attached)

Attached is a letter to Centri Equities, Inc. Expressing the continued support of the Fayette County Zoning Office of the River Ridge project providing insight and clarification of some of the submittals, the Zoning Office needs to keep things moving forward.

Commissioner Wender asked what process they used to get the approval of Phase I.

Mr. Campbell told the Commissioners that he will provide documents for a sewer for the individual lots.

Mr. Campbell told the Commissioners that the project will be completed by the end of 2007.

Mr. Campbell told the Commissioners that Phase 1 will have individual septic system and Phase 2 will have central public sewage community system.

Mr. Richardson informed he would like to emphasize that Chapter 7 development guidelines and the Division of Highways guidelines must be completed.

Mr. Campbell informed that right now they have engineers working on it.

Eddie Young asked Mr. Campbell if there was a deadline for services. Mr. Young told Mr. Campbell that tax tickets for these properties will be sent out in July.

Mr. Campbell told Mr. Young they would trade lots out.

Commissioner Wender asked Phil Perone to put his concerns on paper.

Commissioner Wender asked Ms. Hickman to attach Mr. Richardson's letter and Mr. Perone's letters to the minutes and mail copies to everyone that was present for the hearing. (See attachments)

Commissioner Wender informed the Commission wants to see this project happen, hope you have success with this project.

The meeting was adjourned at 11:45 a.m. The next scheduled meeting is October 31, 2006.

This is an excerpt from the minutes of October 23, 2006.



KANAWHA FALLS PUBLIC SERVICE DISTRICT

BOX 448

GAULEY BRIDGE, WEST VIRGINIA 25085

TELEPHONE: (304) 632-1633

FAX (304) 632-2342

October 23, 2006

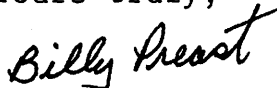
Fayette County Commission
Fayetteville
West Virginia 25840 0307

Gentlemen:

Please be advised that Kanawha Falls PSD's wastewater treatment facility has the capacity to treat the sewage from the River Ridge Development.

However, we are concerned that septic sewage from that development will worsen the existing odor problem in our Charlton Heights and Falls View areas.

Yours truly,



Billy Preast
General Manager

KANAWHA FALLS PUBLIC SERVICE DISTRICT

BOX 448

GAULEY BRIDGE, WEST VIRGINIA 25085

TELEPHONE: (304) 632-1633

FAX (304) 632-2342

March 11, 2005

Tim Richardson
Fayette County Zoning Commission
Courthouse Annex
Box 307
Fayetteville, WV 25840

Dear Mr. Richardson:

This is to confirm our telephone conversation regarding the availability of water for the proposed development of the Cotton Hill area by Centre Equities, Inc. for the River Ridge at Kanawha Falls Development.

Kanawha Falls PSD has the capacity to provide water for the present and future needs of the proposed development without making any improvements to our existing system. The developer has proposed connecting to our system on the Rt. 60 side of the Kanawha River in the vicinity of the Department of Highways maintenance facility. Again, the District has adequate capacity to meet the present and projected future needs of the developer.

The proposed development, if successful, will be an enhancement to our system by expanding our customer base, which has been declining in the past few years.

Should you have any questions or comments, please do not hesitate to contact us.

Sincerely,

Billy Preast

Billy Preast
General Manager

KANAWHA FALLS PUBLIC SERVICE DISTRICT

BOX 448

GAULEY BRIDGE, WEST VIRGINIA 25085

TELEPHONE: (304) 632-1633

FAX (304) 632-2342

August 18, 2006

Fayette County Commission
Post Office Box 307
Fayetteville, WV 25840

Re: Kanawha Falls PSD/River Ridge Subdivision

Dear Commissioners:

The Kanawha Falls PSD recently received plans and specifications for the extension of water service into the River Ridge Subdivision on the ridges above the communities of Kanawha Falls and Boonesborough.

As a follow-up to that submission, we have had a meeting with the Public Service Commission to establish the proper path for this development to insure things run smoothly. As a result of that meeting, we are preparing an alternate main line extension agreement setting out those details.

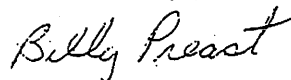
To insure that our proposed RUS project to provide water service to Kanawha Falls and Boonesborough is not delayed any further, we need to start the process to extend our District boundaries to include these areas. We are requesting the County's assistance in this boundary adjustment. Kanawha Falls PSD does not have the financial resources to cover the costs. The District can provide a description of the area to be incorporated in the District and we are requesting that the County provide the necessary legal assistance.

The options of providing sanitary sewer service are currently being evaluated by the developer and District.

Pursuing and encouraging development in Fayette County is important to the stability and future of our county. Kanawha Falls PSD stands ready as a willing partner to help achieve this goal.

With the Fayette County Commission's vision and leadership, Fayette County has a bright future.

Sincerely,



Billy Preast
General Manager

EW-100

Office Use Only

03/08/2005

Date Received _____
 Date Approved _____
 Approved by _____
 Permit Number _____

WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES

Bureau for Public Health
 Office of Environmental Health Services
 Capitol and Washington Streets
 1 Davis Square, Suite 200
 Charleston, West Virginia 25301-1798
 Telephone: 304-558-2981 Fax: 304-558-0691

**PUBLIC WATER SUPPLY SYSTEM APPLICATION
 FOR A PERMIT TO CONSTRUCT, ALTER, OR RENOVATE**

(Please Prepare in 4 Copies)

APPLICANT Kanwaha Falls PSD DATE August 11, 2006
 STREET OR PO BOX PO Box 448 TELEPHONE (304) 632-1633
 CITY Gauley Bridge, WV COUNTY Fayette ZIP 25085
 ENGINEERING FIRM TERRADON Corporation
 STREET OR PO BOX PO Box 519 TELEPHONE (304) 729-9128
 CITY Nitro STATE West Virginia ZIP 25143

LOCATION OF PLANT		LOCATION OF SOURCE WATER	
Latitude	_____ ° _____ ' _____ "	Latitude	_____ ° _____ ' _____ "
Longitude	_____ ° _____ ' _____ "	Longitude	_____ ° _____ ' _____ "

(If applying for water plant or water well permit)

IN ACCORDANCE WITH TITLE 64, SERIES 3, PUBLIC WATER SUPPLY REGULATIONS OF THE WEST VIRGINIA DIVISION OF HEALTH, WE HEREBY MAKE APPLICATION TO CONSTRUCT, ALTER, OR RENOVATE AS FOLLOWS:

71,300 LF of water main, two (2) water storage tanks (60,000 gallons & 132,000 gallons), two (2) water booster stations, 37 fire hydrants, and all necessary valves & appurtenances.

Billy Preast

Signature of Applicant or Authorized Agent

NOTE: A \$300 application fee must accompany a permit application (\$150 application fee for a water well permit application). Make check or money order payable to "West Virginia Department of Health and Human Resources". Cash not accepted. Permit applications which include both water and sewer systems require only a single \$300 fee.

Three River Companies, LLC
1800 Lake Park Drive, Smyrna GA 30080

August 10, 2006

Board of Commissioners
Kanawha Falls Public Service District
362 Main Street
Gauley Bridge WV 25085

Re: River Ridge at Kanawha Falls
Three Rivers Companies, LLC

Gentlemen:

Three Rivers Companies, LLC hereby requests Kanawha Falls PSD to enter into an alternate main extension agreement to extend public water and sewer to Phase One, Section One of the subdivision of River Ridge at Kanawha Falls.

Three River Companies, LLC agrees to pay all costs associated with planning, design, permitting, plan review, construction, construction inspection and legal fees necessary to complete this project. Legal fees include the cost to prepare the alternate extension agreement and approval of said agreement by the WV Public Service Commission.

Additionally, Kanawha Falls PSD is requested to apply for all permits including WV Bureau for Public Health, WV Division of Highways and CSX/Norfolk Southern Railroad.

Very Truly Yours,


E. John Hosch

KANAWHA FALLS PUBLIC SERVICE DISTRICT

BOX 448

GAULEY BRIDGE, WEST VIRGINIA 25085

TELEPHONE: (304) 632-1633

FAX (304) 632-2342

August 18, 2004

E. John Hosch
Three Rivers Companies
1800 Lake Park Drive
Smyrna, GA 30080

Dear Mr. Hosch:

We have completed a preliminary review of the proposed sanitary sewer system for your development. The system, as proposed, is not acceptable to Kanawha Falls PSD; hence, we offer the following:

1. There is approximately 46,500 LF of sewer forcemains proposed in the system. The system will hold approximately 25,000 gallons of sewage.
2. The system, as proposed, will have a grinder pump station for each dwelling. The development is being promoted as second homes, which means that there will be sporadic occupancy. Sewage will be sitting in the bulk of these units for a week or more at a time.
3. Based on items 1 and 2 above, the sewage in your system will be septic when it enters our system. It will have to travel by gravity through Charlton Heights and Falls View where we currently have odor complaints due to septic sewage coming from Glen Ferris. Your flow will worsen the existing problems.
4. The septic sewage in your system will cause odor complaints within your development and cause rapid deterioration of the pumps, valves, and other metal components of the new system.

We have numerous other concerns but these are our major issues.

We strongly recommend that you contact the Fayette County Sanitarian and set up a meeting to discuss the possibility of enhanced on-site treatment options. It is our understanding your development is laid

out as 2 to 13 acre lots. This type of development is better suited to on-site systems. The Small Flows Clearinghouse in Morgantown, WV may want to work with you and Fayette County on this project to showcase the effectiveness of on-site systems and how they can be effective in this State.

The District, while it would love to have the additional users, cannot approve the plans as presented.

We will be glad to work with you and the County Sanitarian to develop a practical solution to the sanitary sewer needs of your development. Again, we feel enhanced on-site treatment is the best alternative for your development and the existing Kanawha Falls PSD system, and the users that would have to bare the brunt of the problems created by such a vast limited use rural system.

Please advise us of possible meeting dates so we can coordinate it with our representatives.

Sincerely,

Billy Preast

Billy Preast
General Manager



Fayette County Health Department

202 Church St,
Fayetteville, WV 25840

304-574-1617 - Toll free in WV 1-800-479-8090 - Fax 304-574-1370

Robert F. Thaw, PS
Terradon Corporation
401 Jacobson Drive
Poca, WV 25159

Dear Mr. Thaw,

After having made a pre-site visit to the proposed River Ridge Subdivision, either individual on-site septic, small cluster systems, or public sewage will be acceptable. However, each lot or group of lots (depending upon grade of land, soil conditions, available suitable soils, ability to obtain DEP permits, etc.) may be evaluated on a case by case basis prior to issuance of a septic system permit.

Sincerely,

A handwritten signature in cursive script, appearing to read "Philip Perone".

Philip Perone

Ghosh Engineers Inc.

CONSULTING ENGINEERS

October 4, 2006

Lora A. Lamarre, Senior Archaeologist
WV Division of Culture & History
1900 Kanawha Boulevard, East
Charleston, WV 25305-0300

RE: Kanawha Falls and Boonesboro Waterline Extension Project
FR No. 98-855-FA-2

Dear Ms. Lamarre:

Kanawha Falls PSD has had a project in the planning phase for several years, which has been held up due to required archaeological studies in the area for a proposed river crossing and its proximity to a former ferry landing. The proposed directional bore concept has been abandoned and the new water main will be attached to the existing bridge crossing the river. Based on these project changes, the new water mains will be laid in existing rights-of-way/roadways adjacent to existing undersized mains.

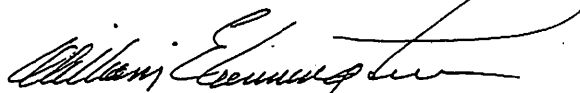
The main thrust of this project is to provide a safe and reliable source of potable water to the communities so the existing unfiltered water supply can be abandoned as ordered by the WV Bureau of Public Health.

We are therefore requesting a letter releasing the proposed project from further archaeological studies so the District can request authorization for funding from USDA-RD (RUS).

Should you have any questions or comments, please do not hesitate to contact us.

Sincerely,

GHOSH ENGINEERS, INC.



William E. Cunningham
Project Manager

WEC/lw

cc: Kanawha Falls PSD

Jennifer Miller

From: William Herold [wherold@wvdhhr.org]
Sent: Wednesday, October 11, 2006 10:50 AM
To: Jennifer Miller
Cc: Arnold Keaton; Christopher Farrish; Gary Wilson; John Shufflebarger
Subject: River Ridge Subdivision, Section I-Permit #17,241, FayetteCounty

Jennifer,

Reference is made to your letter dated October 5, 2006 requesting permission to use Class 200 SDR21 PVC water pipe in lieu of Class 200, AWWA C900 water pipe for the River Ridge Subdivision, Section I.

Our office has no objections to the use of the Class 200 SDR21 PVC pipe, provided the pressure rating of the pipe will not be exceeded. Generally, you would apply the "2/3's Rule" to determine if the pressure limits will not be exceeded for Class 200 SDR21 pipe since the factor of safety is 2, while for Class 200 AWWA C900 pipe the factor of safety is 4. The distribution line pressures for Class 200 SDR21 PVC pipe should not exceed $2/3 \times 200 \text{ psi} = 134 \text{ psi}$.

Bill Herold

William Herold, P.E., Assistant Manager
WV Dept. of Health & Human Resources
BPH-OEHS-EED-I&CD
Capitol & Washington Streets
1 Davis Square, Suite 200
Charleston, WV 25301-1798
Phone: (304) 558-6760

Confidentiality Notice: This message, including any attachments, is for the sole use of the individual or entity named above. The message may contain confidential health and/or legally privileged information. If you are not the above-named recipient, you are hereby notified that any disclosure, copying, distribution, or action taken in reliance on the contents of this message is strictly prohibited. If you have received this message in error, please notify the sender immediately and destroy all copies of the original message.



APPLICATION FOR PIPELINE CROSSING OR PARALLELING
PROPERTIES AND TRACK

Submit one original and one copy of both the application and drawing along with a \$750.00 **nonrefundable** Application Fee to CSX Transportation, Property Services J180, 500 Water Street, Jacksonville, FL 32202.

Application and plans must be approved and written authority received from the Railroad before construction is begun. Your proposal and construction must be in accordance with CSXT's Specifications and any current governing laws or regulations. Note: Specifications furnished in the Application Package are to be used as a guideline only. CSXT reserves the right to approve or decline any application.

PLEASE SIGN BEFORE COMPLETING:

Agreement No.: _____

I affirm the information I am furnishing in this application will comply with the current CSX Standards, governing laws or regulations, and accurately reflects the proposed construction plans:

Signature: Billy Preast - Manager

Application Date: 10/12/06

Project Owner Information:	<input checked="" type="checkbox"/> Check here if agreement should be mailed to this address
1. Complete <u>Legal Name</u> of applicant as it would appear in a legal document (inaccurate information will delay your request): <u>Kanawha Falls Public Service District</u>	
2. Company Contact Name: <u>Billy Preast</u> Title: <u>Manager</u>	
3. Telephone: <u>(304) 632-1633</u> Fax: <u>(304) 632-2342</u> E-Mail: <u>N/A</u> Company Emergency Contact Number (in case of derailment, pipe failure, etc.): <u>304-632-1633</u>	
4. Street Address: <u>PO Box 448</u> City: <u>Gauley Bridge</u> State: <u>WV</u> Zip: <u>25085</u>	
5. Type of business: <input type="checkbox"/> Corporation (State of incorporation _____) <input type="checkbox"/> Partnership (Type and State of Partnership _____) <input type="checkbox"/> Individual <input type="checkbox"/> Developer <input type="checkbox"/> Municipality <input type="checkbox"/> Other <u>public service district</u>	

Engineer/Consultant Information:	<input type="checkbox"/> Check here if agreement should be mailed to this address
6. Company Name: <u>Terradon Corporation</u>	
7. Company Contact Name: <u>Gary Facemyer</u> Title: <u>Project Engineer</u>	
8. Telephone: <u>(304) 729-9311</u> Fax: <u>(304) 755-2636</u> E-Mail: <u>gary.facemyer@terradon.com</u>	
9. Street Address: <u>PO Box 519</u> City: <u>Nitro</u> State: <u>WV</u> Zip: <u>25143</u>	

Project Information:	(Note: Metric Information will NOT be accepted.)
10. Is this installation: <input checked="" type="checkbox"/> New <input type="checkbox"/> Revision to existing <input type="checkbox"/> Attachment to existing <input type="checkbox"/> Upgrade to existing	
11. If not a new installation, furnish existing Agreement Number: _____	
12. If this installation is to be a supplement to your master (general) agreement, furnish: Agreement Number: <u>n/a</u> Date: <u>n/a</u>	
13. Your Reference Number: <u>n/a</u>	
14. Work to be performed by: <input type="checkbox"/> Applicant's employees Is Applicant an Aegis member? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/> Contractor Contractor Name: _____	
15. Town Location: <u>Glen Ferris</u> County: <u>Fayette</u> State/Province: <u>WV</u>	

Project Information Cont'd:

16. Product to be Conveyed: Water Flammable: Yes No
 Temperature: 40 degrees F
17. Maximum Working Pressure: 127psi Field Test Pressure: 190psi Type Test: _____
18. Location of Shut-Off Valves: Before connection to main on Rt. 60 side of Kan. River
19. Number: Manholes n/a Other (describe) n/a
 to be located within Railroad corridor. Manholes shall be flush with top of ground and dimensions of ancillary structures are required on drawing.
20. Distance from manholes/other to nearest track: n/a
21. Angle of Crossing: 83 degrees Number of Tracks to be crossed: 1
22. PIPE SPECIFICATIONS:
- | | CARRIER PIPE: | CASING PIPE: |
|--|--|--------------|
| Material | <u>Ductile Iron</u> | _____ |
| Material Specifications & Grade | <u>ANSI/AWWA C150/A21-50</u> | _____ |
| Minimum Yield Strength of Material PSI | <u>42,000</u> | _____ |
| Inside Diameter | <u>6.4"</u> | _____ |
| Wall Thickness | <u>0.25"</u> | _____ |
| Outside Diameter | <u>6.9"</u> | _____ |
| Type of Seam | _____ | _____ |
| Kind of Joints | <u>Mechanical Joints</u> | _____ |
| Total Length Within Railroad R/W | <u>58'</u> | _____ |
| Tunneling (Liner Plates) | <i>Note: Attach manufacturer's shop detail and computations that include plate thickness and gage.</i> | |
- Vents: Number n/a Size n/a Height above ground n/a
- Seals: One End Both Ends
- Bury depth: Base of rail to top of casing: n/a feet n/a inches
 Not beneath tracks: n/a feet n/a inches
 (Below ditches) n/a feet, n/a inches
- Cathodic Protection: Yes No Protective Coating: Yes (Kind) Aluminum Jacket No
23. Method of installation: Suspended from bridge (Note: Directional boring is prohibited. See specs)
24. Location of boring pits from adjacent track @ 90°: Launching Pit: n/a ft., Receiving Pit: n/a ft.
25. Temporary track support or riprapping required? Yes No (Describe and Detail on Drawing)
26. Wires, poles, obstructions to be relocated? Yes No (Describe and Detail on Drawing)
27. Is this both a Crossing and Parallelism? Yes No
28. Crossing location: 2613 feet SW (direction) from Railroad Milepost: 418
 If known: Valuation Station: 3182 + 46 Valuation Map Number: V13590
 If known: Latitude/Longitude: n/a
 If known: Street Address of Crossing/Parallelism: n/a
29. Parallelism location: Beginning: n/a feet n/a (direction) from RR Milepost: _____
 and Ending: n/a feet n/a (direction) from RR Milepost: _____
30. Total length on Railroad R/W: 58' Length Crossing: 58' Length Paralleling: 0'
31. Will line be entirely within a public road R/W? Yes No DOT/AAR Crossing No.: n/a
 ** If you answered yes, road name, number, and width of public right-of-way are required on drawing
32. a) Will this occupancy connect to an existing facility within Railroad corridor? Yes No
 b) If Yes, name facility owner(s): _____

Railroad Use Only:

Division _____ Subdivision _____ No. of Crossings: _____
 Absolute No.: _____ Valuation Section/Map No.: _____
 Valuation Station: _____
 Milepost: _____
 Roadmaster No.: _____ Contr. Type: _____ Fiber? _____

Project Information Cont'd:

6. Product to be Conveyed: Sewage Flammable: Yes No
 Temperature: 40 degrees F
17. Maximum Working Pressure: 127 psi Field Test Pressure: 190 psi Type Test: _____
18. Location of Shut-Off Valves: _____
19. Number: Manholes n/a Other (describe) n/a
 to be located within Railroad corridor. **Manholes shall be flush with top of ground and dimensions of ancillary structures are required on drawing.**
20. Distance from manholes/other to nearest track: n/a
21. Angle of Crossing: 83 degrees Number of Tracks to be crossed: 1
22. **PIPE SPECIFICATIONS:**
- | | CARRIER PIPE: | CASING PIPE: |
|--|---|---------------------|
| Material | <u>Ductile Iron</u> | _____ |
| Material Specifications & Grade | <u>ANSI/AWWA C150/A21-50</u> | _____ |
| Minimum Yield Strength of Material PSI | <u>42,000 psi</u> | _____ |
| Inside Diameter | <u>4.3"</u> | _____ |
| Wall Thickness | <u>0.25"</u> | _____ |
| Outside Diameter | <u>4.8"</u> | _____ |
| Type of Seam | _____ | _____ |
| Kind of Joints | <u>Mechanical Joints</u> | _____ |
| Total Length Within Railroad R/W | <u>58'</u> | _____ |
| Tunneling (Liner Plates) | Note: <u>Attach manufacturer's shop detail and computations that include plate thickness and gage.</u> | |
- Vents: Number n/a Size n/a Height above ground n/a
- Seals: One End Both Ends
- Bury depth: Base of rail to top of casing: n/a feet n/a inches
 Not beneath tracks: n/a feet n/a inches
 (Below ditches) n/a feet, n/a inches
- Cathodic Protection: Yes No Protective Coating: Yes (Kind) Aluminum Jacket No
23. Method of installation: Suspended From Bridge (Note: Directional boring is prohibited. See specs)
24. Location of boring pits from adjacent track @ 90°: Launching Pit: n/a ft., Receiving Pit: n/a ft.
25. Temporary track support or riprapping required? Yes No (Describe and Detail on Drawing)
26. Wires, poles, obstructions to be relocated? Yes No (Describe and Detail on Drawing)
27. Is this both a Crossing and Parallelism? Yes No
28. Crossing location: 2613 feet SW (direction) from Railroad Milepost: 418
 If known: Valuation Station: 3182+46 Valuation Map Number: V13590
 If known: Latitude/Longitude: n/a
 If known: Street Address of Crossing/Parallelism: n/a
29. Parallelism location: Beginning: n/a feet n/a (direction) from RR Milepost: _____
 and Ending: n/a feet n/a (direction) from RR Milepost: _____
30. Total length on Railroad R/W: 58' Length Crossing: 58' Length Paralleling: 0'
31. Will line be entirely within a public road R/W? Yes No DOT/AAR Crossing No.: n/a
 ** If you answered yes, road name, number, and width of public right-of-way are required on drawing
32. a) Will this occupancy connect to an existing facility within Railroad corridor? Yes No
 b) If Yes, name facility owner(s): _____

Railroad Use Only:

Division _____ Subdivision _____ No. of Crossings: _____
 Absolute No.: _____ Valuation Section/Map No.: _____
 Valuation Station: _____
 Milepost: _____
 Admaster No.: _____ Contr. Type: _____ Fiber? _____

MILEPOST 418

KANAWHA RIVER

CSX TRANSPORTATION
CORSSING ID NUMBER 225 349W
LOCATED AT CA 418.45 MILE POST

CSX TRACKS

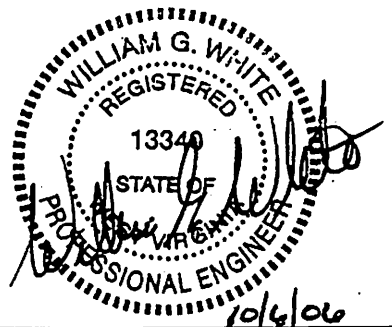
VALUATION STATION OBTAINED FROM
RIGHT OF WAY AND TRACK MAP
THE CHESAPEAKE AND OHIO RAILWAY COMPANY
STATION 3101+13.5 TO STATION 3209+24.5
V13590

2.613'

27' 31'

106+00 107+00 108+00 109+00 110+00 111+00

BRIDGE @ VALUATION STATION 3182+46



TERRADON CORPORATION
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Engineering • Surveying • Landscape Architecture
P.O. Box 519
Nitro, West Virginia 25143
(304) 755-8291 FAX 755-2636
www.terradon.com

THE SUBDIVISION OF RIVER RIDGE
AT KANAWHA FALLS

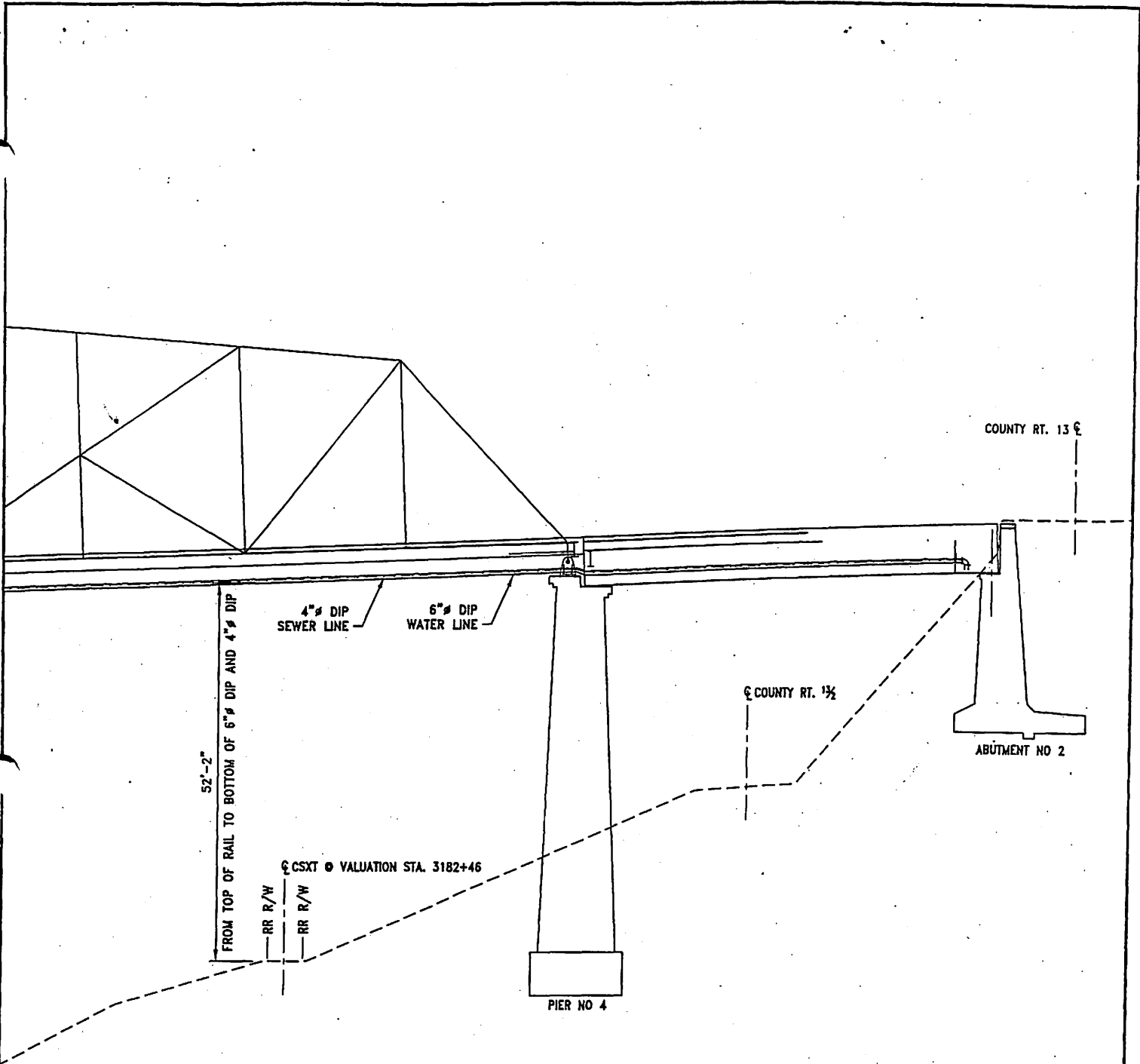
PLAN VIEW @ RAILROAD

Project No. 05885-004

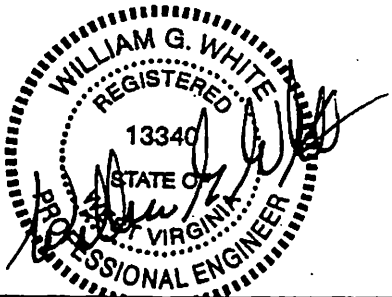
Scale: 1" = 100'

Date:

CAD File # Railroad_sit



VALUATION STATION OBTAINED FROM
 RIGHT OF WAY AND TRACK MAP
 THE CHESAPEAKE AND OHIO RAILWAY COMPANY
 STATION 3101+13.5 TO STATION 3209+24.5
 V13580



THE SUBDIVISION OF RIVER RIDGE
 AT KANAWHA FALLS

CROSS SECTION @ RAILROAD

Project No.	05885-004
Scale:	1"=20'
Date:	
CAD File #	Railroad_sit_Elev
	2

TERRADON CORPORATION
TERRADON
 Engineering - Surveying - Landscape Architecture
 P.O. Box 519
 Nitro, West Virginia 25143
 (304) 755-8291 FAX 755-2636
 www.terradon.com

PERMIT NO. _____

PERMIT TO ENTER UPON, UNDER, OVER OR ACROSS THE STATE ROADS OF THE STATE OF WEST VIRGINIA, AS PROVIDED FOR IN SECTION 6, ARTICLE 16, CHAPTER 17; SECTION 9, ARTICLE 16, CHAPTER 17; SECTION 8, ARTICLE 4, CHAPTER 17, WEST VIRGINIA CODE, 1931, AS AMENDED.

THIS PERMIT, Made this 10th day of October 20 06, between the WEST VIRGINIA DEPARTMENT OF TRANSPORTATION, DIVISION OF HIGHWAYS, a statutory corporation hereinafter called DIVISION and Kanawha Falls P.S.D.

Address: 362 Main St. Box 448, Gualey Bridge WV, 25085 Phone No: 304-632-1633

hereinafter called APPLICANT.

WITNESSETH

In consideration of the hereinafter set out covenants and in accordance with Section 6, Article 16, Chapter 17; or Section 9, Article 16, Chapter 17; or Section 8, Article 4, Chapter 17, of the Official Code of West Virginia, 1931, as amended, and the rules and regulations promulgated thereunder, APPLICANT does hereby apply to enter

Route No. & Type Co Rte 13, DOH Project No. N/A (if applicable);

at Kanawha Falls Mile Post _____

in Fayette County, for the purposes hereinafter set forth and in accordance with the

plans and specifications which are attached hereto and made a part hereof: Construction of approximately

6,140 linear feet of 6" PVC and 2" PVC water main and associated appurtenances inside the WV DOH Right of Way

along Co. Rte 13, and placing 900 lf of 6" DIP water main and 900 lf of 4" DIP sanitary force main onto Kanawha Falls

Bridge #10-13-0.01 , and also including 2 road crossings.

APPLICANT further agrees to accept the conditions hereinafter set forth:

1. APPLICANT shall deposit with DIVISION the sum of \$ _____ in the form of a certified check, money order, or executed bond with surety satisfactory to DIVISION to cover any damage and inspection costs DIVISION may sustain by reason of the granting of this permit, including any expense incurred in restoring said highway to its original condition or the proper repair of any and all damages that may result within one (1) year from the date of the completion of said work.
2. APPLICANT agrees to reimburse DIVISION for inspection costs as follows:
 - A For any inspection costs incurred under this permit.

FAYETTE COUNTY ZONING OFFICE

COURT HOUSE ANNEX
FAYETTEVILLE, WEST VIRGINIA 25840

TIM RICHARDSON
Zoning Officer
574-4273

DAVE POLLARD
Resource Coordinator
574-4258

October 18, 2006

Centre Equities, Inc.
River Ridge
Attn: John Hosch

1800 Lake Park Drive, Suite 100
Atlanta, Georgia 30080

Dear Mr. Hosch:

The purpose of this letter is to express the continued support of the Fayette County Zoning Office of your River Ridge project while also providing insight and clarification of some of the submittals we will need from you or your representatives to keep things moving forward.

By this time, you should have received a letter detailing what is needed in your Phase II application, including not only staff reviews of what is needed to comply with Section 7 of the Fayette County Unified Development Code, but also an outside review conducted by Sirk, Ford Initiatives who helped us with the initial drafts of the ordinance. In review of the documents received in our office, much of the same information must be submitted for Phase I in order for it to move beyond the Preliminary Approval stage and for those investing in the project to get the sanitary and building permits they will need to create home sites. Some, though not all of those requirements include the following:

- Section 7001 of the Unified Development Code (Subdivision Regulations), Subsection III (Procedures), C,1-7 requires that the final subdivision plat be submitted to the ZEO for final seal and approval before being recorded. While your engineer's seal is attached to the plat recorded in the Office of the Fayette County Clerk, it was never signed off on by this office.
- Subsection IV (Design Standards) requires that street designs be submitted to the office of the ZEO for approval, which to date, is an unmet requirement. In addition, Subsection B of this section requires that street names be submitted to the ZEO and Office of Emergency Services and we have not yet received these.
- Subsection V (Required Improvements) calls for monument designs to be submitted for review and as yet we have not received these.
- Subsection V, Section B 1,A (Utility Improvements) requires that a list of fire hydrant locations be submitted and we have not yet received them.

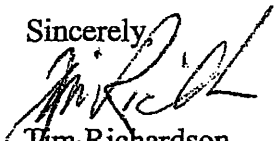
- B.1,b (Sanitary Service Facilities) requires that a final determination be made for sewage services and this has not yet been submitted.
- Subsection VIII (Enforcement, Remedies & Penalties) A.1. (Building Permits) states that "no permit for the erection of any building shall be issued unless a street or highway giving access to such proposed structure is an existing public street or highway, or unless such street appears on a recorded plat approved by the ZEO. Again, the only seal on record is that of your engineer.


In our view, perhaps the biggest thing you can do to move forward is to continue your work on providing sanitary service to the project. In 2005, Sanitarian Phil Perone asked your representatives to fill out a required ES-76 form and it has not yet been returned. Phil stands ready to work with your staff in regard to the type of sanitary service provided and has in fact, worked with the Canaan Valley Institute to obtain a design that may work well on the slopes of your property. You must understand, that even before the 2002 adoption of the Unified Development Code and its Subdivision regulations, it was a requirement that a sanitary permit be obtained before any building permit could be issued.

It is not our intention to be negative or harsh in this communication, as we all are interested in seeing this project move forward. However, from a review of documents on file and of our communications with engineers and other representatives for River Ridge we feel that the level of that communication from those representatives back to you may have been lacking in clarity. We certainly hope that this letter and the letter you received in regard to Phase II helps you to better understand the process.


We look forward to continuing our work for the successful delivery and completion of your project.

Sincerely,


Jim Richardson
Zoning Enforcement Officer


Allen Ballard
Building Official


David Pollard
Resource Coordinator


Philip Perone
Sanitarian

Fayette County Health Department

202 Church Street
Fayetteville, WV 25840

PH: (304) 574-1617 Toll Free: 1-800-479-8090 Fax: (304) 574-1370

October 23, 2006

Dear Mr. Campbell,

Please find enclosed a copy of the letter I sent to Mr. Hosch on October 17, 2006. Also please find enclosed a copy of the ES-76 Subdivision Application Form and a subdivision application approval fact sheet.

Just to reiterate issues that were raised at the meeting at the Fayette County Commission Office today, please note the following items:

1. ES-76 should have been completed in the initial planning stages. This could have eliminated lots that do not have proper soil depth, excessive slopes, percolation rates greater than 120 minutes/inch, or other factors that would preclude onsite systems right from the start. Perc rates greater than 60 min/in may require use of dual absorption fields with area available for replacement of dual absorption fields
2. 10,000 ft² reserve area must be available for installation of the absorption system on each lot, provided that the 10,000 ft² is useable area. This means that there must be 3 foot of soil available under the trenches for conventional drain systems, or 2 feet of soil available under the trenches when secondary treatment of effluent is provided. Please do not cut benches on any lots.
3. Greater communication is needed between all parties involved throughout the permitting process. Whenever questions arise, please feel free to contact me either by phone (304-574-1617), email (philipperone@wvdhhr.org), or regular mail (202 Church Street, Fayetteville, West Virginia 25840). Also I would appreciate your contact information as well as others that are involved on your end of this project. In regards to Canaan Valley Institute I would like to work with Ed Winant and his associates. However, lines of communication must be kept open, and all propositions must be based not on topography maps primarily, but by on-site evaluations, lot by lot (ES-76).
4. Lots of excessive slope are subject to more critical review. Please keep in mind that a prime concern on steep slopes is soil slippage. Generally speaking,

very steep slopes usually do not have much soil depth on them. Before performing perc tests, I would recommend checking for soil depth first. There is no reason to perc a lot that does not have the soil to support the system.

5. I have also briefly discussed with Mr. Billy Preast of Kanawha Falls PSD the possibility of utilizing individual sewage plants to clean the effluent, going to forced mains, cross Kanawha Falls Bridge to the public sewage lines. This may be another option to maximize lot potentials.

I hope all the information included here will help you throughout the planning stages of this project.

Sincerely,



Philip Perone, Sanitarian II
Cc: Tim Richardson, ZEO
Cc: Fayette County Commission

Fayette County Health Department

202 Church Street
Fayetteville, WV 25840

PH: (304) 574-1617 Toll Free: 1-800-479-8090 Fax: (304) 574-1370

October 17, 2006

Mr. John Hosch
1800 Lake Park Drive
Smyrna, Georgia 30080

Dear Mr. Hosch,

Please find enclosed the ES-76 Subdivision Application Form. If individual on-site systems are still to be considered, a certified septic installer must conduct the soil percolation tests and excavation of the six foot holes. Please understand that "benching" of the area in order to get a backhoe onto the test site will probably result in loss of all useable soil, rendering the site un-useable.

Please find also included with the subdivision application the subdivision approval fact sheet. Keep this for future reference. The fact sheet tells you the basic procedure to be followed. Since it is already known that many, if not most of the lots will not qualify for a standard septic system, the next option is for alternative type sewage system(s) or public sewage.

Alternative system basic requirements are, but not limited to:

1. Lots are to be 2 acres or greater in size.
2. 10,000 square feet of area reserved for installation of soil absorption system on each lot. All of the 10,000 ft² must be useable area. Areas of seasonal flooding may not be considered as part of the reserve area. The State of West Virginia currently does not allow a reduction in drain field size for alternative sewer systems.
3. Shallow absorption systems may not be installed on slopes in excess of 15%. Slope limitations do not apply to low pressure systems.
4. The separation distance to impermeable rock or seasonal water table may be reduced from 3 feet to 2 feet when secondary treatment of septic effluent is provided, or, when low pressure distribution (LPP) is employed. Since trench

depth for LPP installation is generally at least 12 inches, there must be at least 3 feet of soil available in the 10,000 square feet reserve area.

5. Lots with excessive slope will be closely evaluated due to the possibility of over loading soils, leading to soil slippage.

For additional information you can visit the following websites.

www.wvsos.com/csrdocs/worddocs/64-47.doc

www.wvdhhr.org/phs/sewage/index.asp

www.wvdhhr.org/oehs/eed/c&e/regulations.asp

- Please feel free to call me if you have additional questions.

Sincerely,

Philip Perone, Sanitarian II

Cc Rick Hertges, R.S., Onsite Sewage Program Coordinator

Cc Clarence Christian, R.S., District Sanitarian

Cc Steve Hinerman, R.S., District Sanitarian

Tim Richardson, ZEO

ES-76

Rev 11/04

**STATE OF WEST VIRGINIA
SUBDIVISION APPROVAL APPLICATION FORM
HEALTH DEPARTMENT**

I. General Information

Name of Applicant: _____ County: _____

Mailing Address: _____ Phone: _____

Property Owner (Name & Address): _____

Deed Recorded in Book _____ Page _____ County of _____

Location of Property (be specific - map may be attached): _____

Total Acreage of Tract _____ Total Acreage to be Developed _____

Number of Lots to be Developed _____ Drinking Water Source _____

Type of Structure to be Constructed _____

Have any previous subdivision approvals or declaratory rulings been issued on this tract or adjacent tracts? Yes No

If yes, give details _____

Signature of Applicant _____ Date _____

II. Check List

Four (4) copies each of the following must accompany this application form.

Plat plan of property (show lot layout, lot dimensions, lot numbers, streets, location of percolation test holes and six foot test holes, location of wells and public water lines, location of 10,000 square foot reserve area).

Percolation tests and six foot hole tests report sheet.

Soil Conservation Service report (contact your local SCS office).

* In addition, a site visit of the proposed subdivision must be made by the appropriate Health Department representative prior to permit issuance.

III. For Health Department Use Only

Approval Issued Yes No Date: _____

By: _____ Approval Number: _____

STATE OF WEST VIRGINIA
SUBDIVISION APPROVAL FACT SHEET
(Retain this sheet - do not submit with application form)

1. To ensure there is adequate area for the installation and repair of individual sewage systems, the Bureau for Public Health, through the sewage system rules, has established a requirement that each dwelling or establishment which proposes onsite sewage disposal, is required to have a 10,000 square foot onsite disposal area. This requirement insures sufficient area is available to install the initial system and have space available for any needed future repairs.
2. 64CSR9 Sewer System rules effective May 1, 1998 defines a subdivision as a tract of land which has been divided into two (2) or more lots, tracts, parcels, plats, sites, areas, units, interests, or other division for the purpose of dwelling or establishment development, and includes the division of land by deed, metes and bounds description, lease, map, plat or other instrument, or by any act of construction.

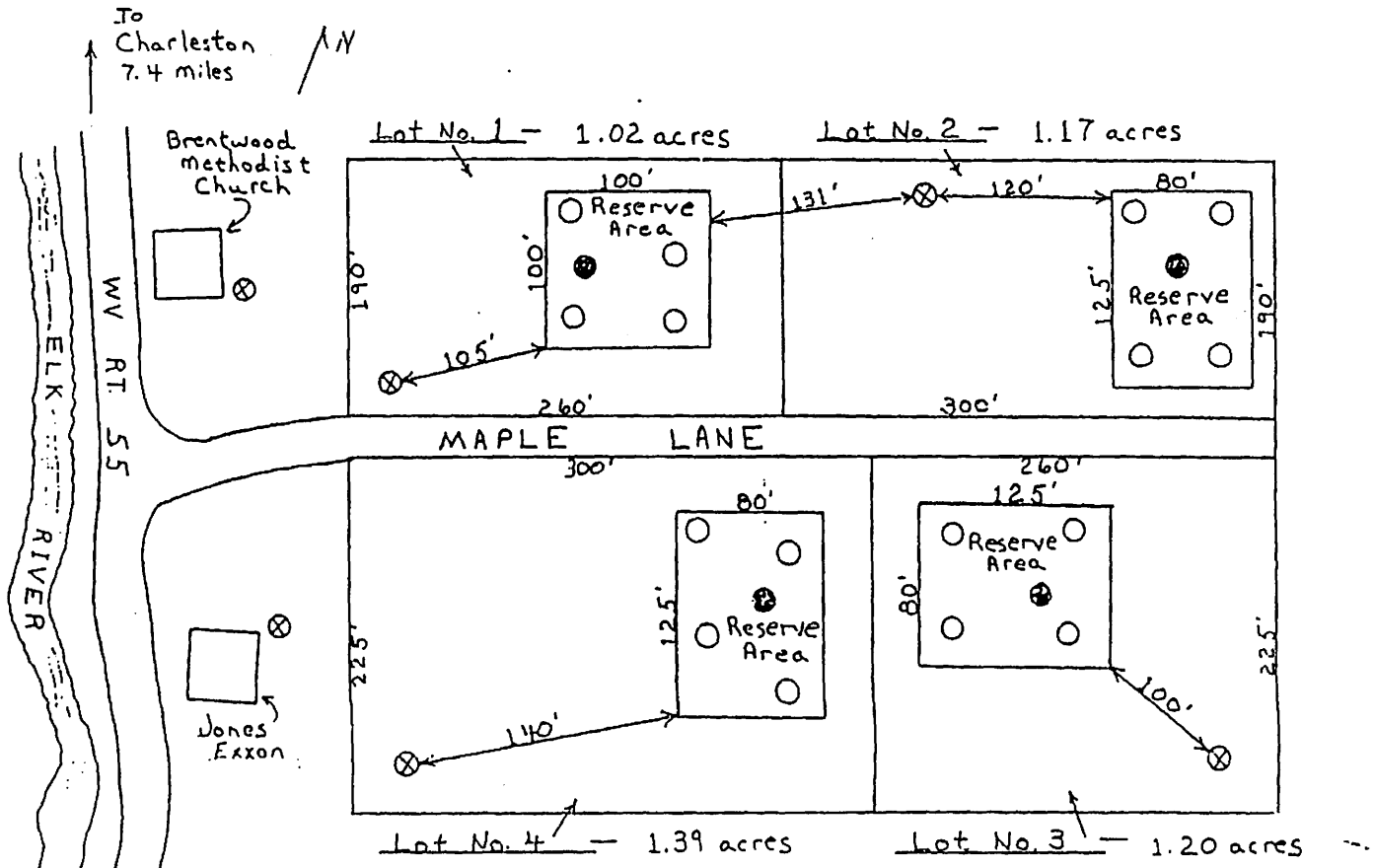
This definition includes adding additional dwelling(s) to a tract of land which may or may not already have an existing dwelling on it; regardless of whether a "new" lot is created by the act of surveying.
3. Anyone proposing to establish a subdivision including adding additional dwelling(s) to a tract of land which proposes individual sewer system(s) must obtain health department approval before any improvements, construction, installation or development is initiated and before any water or sewage installation permits can be issued.
4. Form ES-76 and the required accompanying information must be submitted in order to obtain approval.
5. Any proposed changes after health department approval has been given, must be re-evaluated and approved by the health department.
6. After approval is granted, the developer or each individual lot owner must obtain an individual sewer system permit from the local health department before installing an onsite disposal system.
7. Each existing or proposed dwelling or establishment must establish a minimum 10,000 square foot onsite sewage disposal area. This onsite sewage disposal area includes the area for the original soil absorption system plus replacement area for any future repairs.

On lots less than two (2) acres in size, the 10,000 square foot disposal area for each dwelling and/or establishment must qualify for the installation of a standard drainfield. To qualify there must be a minimum of three (3) feet of suitable soil under any portion

of the soil absorption system and have an average percolation test between 5-90 min/inch.

For each dwelling and/or establishment located on individual lots which are two (2) acres and over, the 10,000 square foot disposal area can be qualified for standard or alternative soil absorption systems. Soil and site requirements for alternative systems need an average percolation rate less than 120/min/inch; require a minimum of three (3) feet of soil between the absorption system and limestone rock strata, require two (2) feet of soil between the absorption system and non-limestone bedrock if additional treatment precedes system or designed as a low pressure system.

8. Where multiple disposal areas are proposed, each individual area shall not be less than 3,000 square feet.
9. All disposal areas shall be staked in the field and shown on the submitted plat.
10. A minimum of four (4) percolation tests and one (1) six foot soils excavation trench must be done for each area. All testing must be done in the designated disposal area, and must be done by a State certified sewer system installer. Six foot deep slit trenches may be required in limestone geology to determine soil depth over underground limestone rock strata.
11. A health department representative must visit the site prior to approval issuance and must view all test holes prior to backfilling.
12. Developers should be aware of any additional local requirements which may apply to land development.
13. Minimum distances must be maintained between sewer system components and drinking water supplies and lines. Refer to the State Health Department Water Well Design Standards and State Health Department Publication ES-52.



Subdivision Plat Plan

SAMPLE

TWIN MAPLES SUBDIVISION
 Elk District
 Kanawha County
 Prepared by John Smith - July 1985
 (not to scale)

- ⊗ well
- ⊙ 6' test hole
- percolation test hole

FAYETTE COUNTY COMMISSION
SPECIAL SESSION--Excerpt from minutes
OCTOBER 23, 2006
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 23rd day of October for an information meeting regarding the River Ridge Project in Kanawha Falls, West Virginia.

Present for the meeting was Tim Richardson, Zoning Officer, Dave Pollard, County Resource Coordinator, Allen Ballard, Building Code Inspector, Phil Perone, Sanitarian, II, Fayette County Health Department, John Campbell, Consultant to John Hosch, Billy Preast, General Manager Kanawha Falls Public Service District, Eddie Young, Assessor, Tom Wagner, Project Manager Roaring Rivers, David S. James, Vice President and Susan Ingram, Loan Administration United Bank.

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

Commissioner Wender asked Tim Richardson to give an update on the project.

Mr. Richardson informed that by the request of the Commission he is here today to bring everyone up to speed regarding the development guidelines.

Mr. Richardson told Mr. Campbell that Section 700 of the Unified Development Code (Subdivision Regulations), subsection III (Procedures), C-1-7 requires that the final subdivision plat be submitted to the Zoning Enforcement Officer for final seal and approval before being recorded.

Mr. Richardson told Mr. Campbell that the plat was recorded in

the County Clerk's Office with the engineer's seal attached to the plat, but it was never signed off on by the Zoning Enforcement Office. The recording of the plat is invalid.

Mr. Richardson asked how did this come about.

Mr. Richardson told the Commissioners that River Ridge has not met the requirements for Subsection IV (Design Standards) which requires that street designs be submitted to the office of the Zoning Enforcement Office for approval and Subsection B which requires that street names be submitted to the Zoning Enforcement Office and the Office of Emergency Services.

They have not received Subsection V (Required Improvements) which calls for monument designs to be submitted for review; Subsection V, Section B 1, A (Utility Improvements) requires that a list of fire hydrant locations be submitted, B-1, b (Sanitary Service Facilities) requires that a final determination be made for sewage services; Subsection VIII (Enforcement, Remedies and Penalties) A, 1-(Building Permits) which states that "no permit for the erection of any building shall be issued unless a street or highway giving access to such proposed structure is an existing public street or highway, or unless such street appears on a recorded plat approved by the Zoning Enforcement Office."

Mr. Richardson told the Commissioners again, the only seal on record is that of River Ridge Engineer.

John Campbell informed the Commissioners they have been working and have a construction crew on the sight. They have their permit for water and sewage.

Billy Preast presented and reviewed several letters to the Commission regarding the River Ridge Project. (See attached)

Attached is a letter to Centri Equities, Inc. Expressing the continued support of the Fayette County Zoning Office of the River Ridge project providing insight and clarification of some of the submittals, the Zoning Office needs to keep things moving forward.

Commissioner Wender asked what process they used to get the approval of Phase I.

Mr. Campbell told the Commissioners that he will provide documents for a sewer for the individual lots.

Mr. Campbell told the Commissioners that the project will be completed by the end of 2007.

Mr. Campbell told the Commissioners that Phase 1 will have individual septic system and Phase 2 will have central public sewage community system.

Mr. Richardson informed he would like to emphasize that Chapter 7 development guidelines and the Division of Highways guidelines must be completed.

Mr. Campbell informed that right now they have engineers working on it.

Eddie Young asked Mr. Campbell if there was a deadline for services. Mr. Young told Mr. Campbell that tax tickets for these properties will be sent out in July.

Mr. Campbell told Mr. Young they would trade lots out.

Commissioner Wender asked Phil Perone to put his concerns on paper.

Commissioner Wender asked Ms. Hickman to attach Mr. Richardson's letter and Mr. Perone's letters to the minutes and mail copies to everyone that was present for the hearing.

Commissioner Wender informed the Commission wants to see this project happen, hope you have success with this project.

Ms. Holly informed the Commissioners she received from the Office of Economic Opportunity the forms to apply for a Community Services Block Grant for Judson Wallace.

Ms. Holly asked the Commissioners if they wanted her to complete the forms for Judson Wallace.

The Commissioners asked Ms. Holly to forward forms to Judson Wallace to complete.

The Commissioners signed a Request for Reimbursement to the West Virginia Division of Criminal Justice Services for the Community Corrections Grant, amount \$6,508.47.

The Commissioners signed a Fire Levy Pumper Replacement Agreement for the Danese Volunteer Fire Department for the period July 1, 2006 to June 30, 2007.

The Commissioners signed the approved Annexation of White Oak Country Club order.

The Commissioners received and reviewed from Earl Pauley, Park Superintendent, an update on the skeet and trap range for the Fayette County Park. Copy sent to Jodie Ward.

The Commissioners received and reviewed a letter from the Fayette County Board of Education requesting approval for Fayetteville High School to rent the memorial Building on Friday, December 15, 2006 for

a Boys' Junior Varsity and Varsity game against Oak Hill.

The Commissioners approved if available. The Commissioners asked Ms. Holly to have Okey Skidmore review, schedule, and invoice the Fayette County Board of Education.

The Commissioners received and reviewed a letter from Kelvin Holliday, County Clerk informing that the public test on the M650 and iVotronic Touch Screen machines is scheduled for Tuesday, October 31, 2006.

The Commissioners received and reviewed a letter from the American Legion recommending to the Commission to consider cutting down the pine tree on the left side of the Memorial Building.

Commissioner Wender offered a motion to approve based upon the request of the American Legion. Commissioner Eskew seconded.

Unanimous.

Ms. Holly told the Commissioners she has received a report from Dan Snead regarding the miscellaneous repairs for the Courthouse.

Ms. Holly told the Commissioners she has started preparing grant application.

The Commissioners received and reviewed a Certificate of Liability Insurance from the Town of Fayetteville.

The Commissioners received and reviewed a Certificate of Liability Insurance from Fayette County Chapter American Red Cross.

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

The Commissioners received and reviewed several correspondences

from BrickStreet Insurance regarding Workers' Compensation claims.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly fees Collected for the week of October 6 to October 12, 2006, amount \$200.00 and the week of October 13 to October 19, 2006, amount \$130.00.

The Commissioners received and reviewed checks for 911 Fees for Cleartel Telecommunications, Inc., amount \$14.00, Spectrotel, Inc., amount \$40.00, IDT Corporation, amount \$60.00, Verizon, amount \$32,630.55, Citizens Communications Co., amount \$52.38, Public Service Commission, amount \$124,021.13; Supreme Court-Rent, amount \$2,025.00; Criminal Justice Service-Community Corrections, amount \$6,206.16; WV Development Office-Watch Me Grow/Museum, amount \$10,500.80; WV Development Office-UKV Little League, amount \$4,000.00 and Soldiers and Sailors, amount \$25.00.

The Commissioners received and reviewed an invitation from the Hospice of Southern West Virginia, Inc. to attend the Grand Opening of the Bowers House on Friday, November 3, 2006.

The Commissioners received and reviewed an invitation from the Joint Community Water Committee inviting the Commission to a Potluck Dinner on Monday, October 23, 2006 at the Hilton Village Baptist Church.

The Commissioners received and reviewed telephone messages from Terry McGuire complaint regarding the 911 Workplace.

The Commissioners received and reviewed a telephone message from J. C. Smith with M. H. Equipment regarding selling equipment to the County (backhoes, bull dozers etc.)

The Commissioners received and reviewed an invitation from the Community and Technical College at WV Institute of technology inviting the Commission to attend a Special Grant Announcement by Congressman Nick J. Rahall on Tuesday, October 24, at 11:00 a.m. at the upper Kanawha Valley Technology Center in Montgomery.

The Commissioners received and reviewed a letter from the Martin Luther King, Jr. West Virginia Holiday Commission regarding nominees for the "Living the Dream" award to be presented as part of the annual national Martin Luther King, Jr. holiday observance.

The Commissioners received and reviewed a letter from the Department of Administration Board of Risk and Insurance Management regarding adequate Insurance coverage for the Courthouse.

The Commissioners received and reviewed a remittance by the Assessor to the State Treasurer's Office for the Courthouse Facilities Improvement Fund, amount \$165.00 for the month of September.

The Commissioners received and reviewed a letter from the Division of Criminal Justice Services regarding their on-site visit of the 06-JAG-04 Grant.

The Commissioners received and reviewed a letter from Branch Banking and Trust Company informing as of September 30, 2006 the securities were held as collateral to secure the deposits of the Fayette County Commission.

The Commissioners received and reviewed a letter from the United States Bankruptcy Court regarding Multi-County Community Action Against Poverty, Inc. bankruptcy.

The Commissioners received and reviewed a letter from Region 4

Planning and Development Council informing that the West Virginia Department of Military Affairs and Public Safety in partnership with the Region 1 and 4 Planning and Development Councils is sponsoring a West Virginia Urban-Rural Evacuation Regional Briefing scheduled at Pipestem Resort State Park in Pipestem, WV on November 1 and 2, 2006.

The Commissioners received and reviewed from the SunTrust Bank a list of securities pledged as of September 29, 2006.

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 dated September 15, 2006 between the Fayette County Board of Education and the Fayette County Commission regarding the Memorial Building.

The Commissioners received and reviewed a Status Report from the 911 Center of calls received from January to September 2006.

The Commissioners received and reviewed a letter from Senator Robert Byrd informing he has received a status report from officials of the U. S. Department of Agriculture-Rural Development (USDA-RD) regarding the grant application that would fund a project to provide broadband service in Fayette and Raleigh Counties.

The Commissioners received and reviewed a letter from the Public Employees Insurance Agency informing that the insurance premium for the month of September has not been remitted, amount \$1,450.61.

The Commissioners received and reviewed a memorandum from the Public Employees Insurance Agency informing that the Minnesota Life Insurance Company has approved life insurance coverage for Buren Renick.

The Commissioners received and reviewed a letter from the West Virginia Development Office enclosing an executed grant for the Fayette County Commission-FOOTMAD Local Economic Development Assistance Grant Program, Project Number 06LEDA0137.

The Commissioners received and reviewed an e-mail from Election Systems and Software informing of the websites the media can use regarding the new equipment and the changes resulting from HAVA implementation.

The Commissioners received and reviewed an e-mail from the Office of the State Treasurer informing that the 75% of the coal severance tax will be directly deposited on October 23, 2006, amount \$92,300.23.

The Commissioners received and reviewed an e-mail from the Office of the State Treasurer informing that the Distribution of Wine, Liquor, and Private Club Taxes will be directly deposited on October 13, 2006, amount \$3,068.50.

The Commissioners received and reviewed a certificate from the West Virginia Association of Counties recognizing Fayette County as a member in good standing, entitled to all the rights and privileges of membership and promoting "State Strength through County Cooperation" 2006-2007.

The meeting was adjourned at 11:45 a.m. The next scheduled meeting is October 31, 2006.



FAYETTE COUNTY COMMISSION
REGULAR SESSION
OCTOBER 31, 2006
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 31st day of October 2006.

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

Eddie Young, Assessor presented exonerations to be approved and signed to the Commissioners.

Commissioner Eskew offered a motion to approve and sign real property tax (See attached list). Commissioner Lopez seconded.

Unanimous.

Commissioner Eskew offered a motion to approve and sign personal property tax for Yavonne M. Pack, and Johnson Valley Elderly Care. Commissioner Lopez seconded. Unanimous.

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

Commissioner Eskew offered a motion to approve minutes of October 23, 2006. Commissioner Lopez seconded. Unanimous.

Commissioner Wender informed he would like a correction made to the Special meeting minutes of October 23, 2006.

Commissioner Wender asked to insert that the recording of the plat is invalid. Commissioner Wender asked that two copies be given to Tim Richardson, Zoning Officer and the other copy for John Campbell, Consultant for John Hosch. Minutes signed.

REAL PROPERTY TAX TICKETS CANCELLED OR EXONERATED
MONTH OF October 31, 2006

PAGE 1 of 2

ACCOUNT NUMBER	TICKET NUMBER	NAME OF TAXPAYER	DATE CANCELED	REASON FOR CANCELLATION	STRAIGHT CANCEL	CORRECTED TICKET CREATED	RE-ISSUED SUPPLEMENTAL	CANCELED LEVY	TAX DISTRICT
	*19638	SMITH, DARRELL L ETUX	10/12/2006	DOES NOT EXIST	X			\$1.96	2
6298302	*19390	SETTLE, THOMAS MARK	10/12/2006	S/B HOMESTEAD		X		\$89.88	2
6298302	19403	SETTLE, THOMAS MARK	10/12/2006	S/B HOMESTEAD		X		\$107.92	2
6235736	16144	HUMPHREYS, CLIFFORD LEE	10/18/2006	S/B CLASS 2		X		\$112.58	2
*06079959	*1429	BRANT, DELBERT	10/20/2006	S/B HOMESTEAD		X		\$142.42	2
*06095254	*28935	BARTON, ROBERT CHARLES	10/20/2006	S/B HOMESTEAD		X		\$241.28	4
	*29222	MINTER, FRED	10/20/2006	DOUBLE ASSESSMENT	X			\$270.16	4
6059837	4876	HILEY, KETTINA E	10/23/2006	ERRONEOUS VALUE		X		\$97.84	1
*06337207	*31312	DENT, WALTER M EST	10/23/2006	S/B EXEMPT	X			\$728.76	7
*06098732	*29395	KIDD, MALCOLM & BEVERLY	10/24/2006	S/B HOMESTEAD		X		\$177.94	4
6129218	37789	THOMAS, CHARLES W & LLANA	10/24/2006	CANCEL SAME AS 10-09-37-56	X			\$901.40	9
6001319	7143	MORTON, MARVIN & ANNA	10/27/2006	S/B CLASS 2		X		\$519.40	1
*06304260	*21459	WILLIAMS, ROBERT W ETUX	10/27/2006	S/B HOMESTEAD		X		\$143.16	2
*06026837	*5970	LAWHORN, JEFFREY A & SHERRI L	10/27/2006	HOUSE REMOVED		X		\$153.18	1
*09001928	*5971	LAWHORN, JEFFREY A & SHERRI L	10/27/2006	DOES NOT EXIST		X		\$39.08	1
*09002137	*5972	LAWHORN, JEFFREY A & SHERRI L	10/27/2006	HOUSE ON WRONG PARCEL		X		\$565.84	1
*06328752	*39265	BROUILLARD, ARMAND & PENNY	10/27/2006	S/B CLASS 2		X		\$189.98	13

Commissioner Wender offered a motion to approve minutes of August 11 and August 25, 2006. Commissioner Eskew seconded. Unanimous. Minutes signed.

Ms. Holly presented the grant application, that's due today for the Records Management and Preservation Board County Records Management and Preservation Grant Program to the Commissioners. Resolution and grant application signed.

The Commissioners recessed the County Commission meeting at 9:15 a.m. to test the tabulator and iVotronics for the upcoming General Election.

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

The Commissioners had an Executive Session with Carl Harris, Prosecuting Attorney at 9:30 a.m. No decisions were made.

The Commissioners signed a letter to Dallas Duncan informing they have been advised of his resignation from employment as a Fayette County Deputy Sheriff effective November 1, 2006. The Commission offered their sincere appreciation for his 2 years 3 months of service to Fayette County and their citizens.

Ms. Holly presented a drawdown to the West Virginia Division of Culture and History for the installation of new gutters, associated slate repair, and architectural fees for the Fayette County Courthouse Jail Museum to the Commissioners.

Ms. Holly told the Commissioners that the total actual cost is \$25,950.20, the total matching hare is \$13,450.20, the total request for reimbursement is \$12,500.00. Ms. Holly told the Commissioners she

has prepared the final report. The Commissioners approved and signed.

Ms. Holly informed the Commissioners she received a proposal from Dan Snead regarding additional work from Tri-State Roofing and Sheet Metal Company relating to the old jail gutter project, amount \$6,533.00.

The Commissioners received and reviewed a letter from Page-Kincaid Public Service District asking that the Commission support Phase II of their wastewater expansion, which will serve the Robson area of West Virginia in obtaining a \$1,400,000 grant from Appalachian Regional Commission.

The Commissioners signed letter to extend its support to Page-Kincaid Public Service District in their efforts to obtain an Appalachian Regional Commission Grant in order to move forward with their Phase II wastewater project in the Robson area.

Commissioner Wender requests that the Commission consider sponsoring John David as a nominee for one of the categories of the Martin Luther King, Jr. "Living the Dream" awards. The Commissioners approved. Commissioner Wender will prepare the letter.

Commissioner Lopez offered a motion to approve overtime for James Perdue, Maintenance (11 hrs.). 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 November.

Commissioner Lopez offered a motion to approve and sign Petitions to Combine or Divide and Segregate Land for Marvin and Ann Morton,

William C. and Frances Keel, Daniel L. Davis, William D. and Sherry Green, Joyce Ann and William C. Craft, Timothy Fernet, Jesse H. Scruggs and Gerald and Betty Campbell. Commissioner Eskew seconded. Unanimous.

Ms. Holly informed the Commissioners that the Courthouse Facilities Authority Grant has been completed.

Ms. Holly presented an invoice from the County Commissioners' Association of West Virginia for special assessment for reimbursement of legal fees incurred by the Cabell County Commission in the suite regarding regional jail expense to the Commissioners.

Commissioner Lopez offered a motion to pay the \$511.00 invoice to the County Commissioners' Association of West Virginia for legal fees incurred by the Cabell County Commission in the site regarding regional jail expenses. Commissioner Eskew seconded. Unanimous.

The Commissioner received and reviewed a letter from Earl Pauley, Park Superintendent informing he would like to hire Susan Bryant as a full-time person in his office. Ms. Bryant will replace Cindy Bennett effective November 1, 2006 starting salary is \$7.03 per hour with benefits. The Commission approved.

Discussion was held regarding the shooting range

Commissioner Wender asked Ms. Holly to advertise for the original machines.

Commissioner Eskew informed the Commissioners he received a request from the GFWC Fayetteville Woman's Club asking for financial support in funding the purchase of a replacement marker to be erected in front of the Fayette County Courthouse, cost approximately

\$1,375.00.

Commissioner Eskew offered a motion to support the request of the GFWC Fayetteville Woman's Club and approve \$1,375.00 to pay for the sign. Commissioner Lopez seconded. Unanimous.

Commissioner Eskew offered a motion to sign Resolution informing that the Fayette County Commission shall be legally authorized to enter into an agreement with the Office of Economic Opportunity, for the Discretionary part of the Community Services Block Grant Program for programs year 2006. Commissioner Lopez seconded. Unanimous.

Tom Oxley, City Manager and Bill Hannabass, Council for the City of Oak Hill appeared before the Commission to request that the Fayette County Commission sponsor a 80/20 Recreational Trails Grant for paving of the White Oak Trail.

Commissioner Wender informed the Commission would sponsor a 80/20 Rail/Trail Grant Application for \$100,000 for paving of the White Oak Trail.

Commissioner Wender informed the Commission would match \$10,000 for Fiscal Year 2006-2007 and \$10,000 for Fiscal Year 2007-2008 from the Coal Severance Fund.

Commissioner Eskew offered a motion that the Fayette County Commission sponsor a 80/2 grant for paving of the Oak Hill Rail/Trail, \$10,000 match for current Fiscal Year 2006-2007 and \$10,000 match for the next Fiscal Year 2007-2008 to be paid out of the Coal Severance Fund. Commissioner Lopez seconded. Unanimous.

Tom Oxley informed the Commissioners the City of Oak Hill will prepare an Intergovernmental Agreement regarding the paving.

Mr. Oxley told the Commissioners he would prepare all the paperwork.

Commissioner Wender informed the Fayette County Commission adopted the Unified Development Code (UDC) to provide for zoning and development of Fayette County as part of the comprehensive plan of 2002.

Commissioner Wender informed since the adoption of the Unified Development Code (UDC) there has been many real estate and economic developments in the County. Commissioner Wender informed that there are areas of the UDC which needs clarification, amendments and/or additions. The Commission is asking that the Fayette County Planning Commission should review and revise the unified Development Code.

Commissioner Wender informed the Commission that Brian Parsons, Assistant Prosecuting Attorney has prepared a Resolution requesting that the Fayette County Planning Commission review and revise the Unified Development Code.

Commissioner Wender asked Mr. Parsons to read Resolution.

Commissioner Eskew offered a motion to adopt Resolution as prepared by Brain Parsons, Assistant Prosecuting Attorney requesting that the Fayette County Planning Commission review the Unified Development Code. Commissioner Lopez seconded. Unanimous. (Attached is a copy of the Resolution)

Cal Hite with the National Parks Service informed he appreciates the Commission in taking a look at the unified Development Code.

Eric Pories informed he appreciated the Commission asking the Fayette County Planning Commission to review and revise the Unified

RESOLUTION

WHEREAS, the Fayette County Commission has adopted a Unified Development Code to provide for zoning and development in Fayette County, and,

WHEREAS, since the adoption of said Unified Development Code, hereinafter referred to as "UDC", there have been many real estate and economic developments in the County, and,

WHEREAS, there are areas of the UDC which need clarification, amendments and/or additions,
and

WHEREAS, this Commission believes that the UDC should be reviewed and revised, and

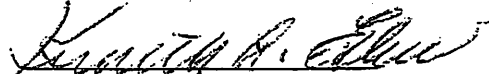
WHEREAS, this Commission believes the process of change should begin with the Fayette County Planning Commission.

NOW, THEREFORE, BE IT RESOLVED that the Commission requests the Planning Commission in reviewing the UDC consider the following, which is not intended to limit the review in any way:

1. Making the UDC consistent with the provisions of West Virginia Code Chapter 8A.
2. Correct any errors, in particular language in Section 8 of the UDC which provides for a PRD application to be treated as a zoning issue
3. Provide for decisions that are the subject of a possible appeal to contain findings of fact and conclusions of law in regard to those decisions.
4. Clarify and expound on the protection of "viewsheds" around county, state and national park areas.
5. Provide for consulting with those managing the county, state and national park areas when considering "viewsheds".
6. Clearly define Land Conservation designation and review areas where this designation should be applied.
7. Such other matters as may come to the attention of the Planning Commission upon review of the current UDC.

Entered this 31st day October, 2006.


MATTHEW WENDER


KENNETH ESKEW


JOHN LOPEZ

Development Code.

Debbie Tate, Agent with the WVU Extension Office told the Commissioners that she reviewed applications for the secretary position for her office.

Ms. Tate thanked the Commissioners for installing patch cable.

Ms. Tate told the Commissioners they need an additional phone line for the vista worker, need an additional day for maintenance to clean office, need motion lights installed around the building.

Ms. Holly told Ms. Tate that she needs to check with James Perdue, Maintenance Supervisor regarding the internet connection for the vista worker and she also needs to talk with Mr. Perdue regarding the additional day to clean the office.

Commissioner Eskew offered a motion to install a telephone line and two (2) motion lights for security and safety reasons at the WVU Extension Office. Commissioner Lopez seconded. Unanimous.

Patty Angus appeared before the Commission to discuss her tax ticket. Ms. Angus informed the Commission she had talked with Eddie Young, Assessor regarding her ticket and met with Steve Young.

Eddie Young, Assessor told the Commissioners that this is a classification problem and he would correct ticket for 2007.

Commissioner Wender read the West Virginia Code to Ms. Angus and told Ms. Angus the County Commission has no jurisdiction to consider any questions involving the classifications.

David Jarrell, President Nicholas Community Action Partnership, Inc. appeared before the Commission.

Mr. Jarrell told the Commissioners that Multi-Cap, Inc. who

currently operates the County Community Service Block Grant programs in Fayette County filed Chapter 7 Bankruptcy forcing them to relinquish their contract at the end of the year.

Mr. Jarrell told the Commissioners he has submitted to the Governors Office of Economic Opportunity Office requesting the Community Service Block Grant funding for Fayette and Clay Counties be forwarded to the Nicholas Community Action Partnership, Inc.

Commissioner Wender asked Mr. Jarrell if they are funding any community centers. Mr. Jarrell replied no they run three (3) senior centers and supply a cook at the Craigsville Center, funding will come out of the OCS to keep all services running.

Mr. Jarrell told the Commissioners he hope that this would be in place temporary or permanently by January 2007.

Commissioner Wender informed the Commissioners he received a message from Terry McGuire regarding a complaint at the 911 Workplace.

Commissioner Wender asked Ms. Holly to check to see if he has confronted David Neal, E911 Coordinator regarding compliant.

The Commissioners received and reviewed a letter from the Department of Military Affairs and Public Safety informing that a Law Enforcement Terrorism Prevention Homeland Security Sub-Grant has been awarded to the Fayette County Commission for \$38,400.

The Commissioners signed Blanket Exemption Certificate for Sunoco Credit Card Services.

The Commissioners received and reviewed Certificate of Liability Insurance from Empire Salvage and Recycling, Inc.

The Commissioners received and reviewed an invoice from the

Fayette County Soldiers and Sailors Memorial Building to the Fayette County Board of Education for the extended use of the building at the hourly rate of \$100.00, amount \$250,000.

The Commissioners received and reviewed from the Natural Resources Conservation Service a copy of the Draft Watershed Plan-Draft Environmental Impact Statement (DEIS) for Dunloup Creek Watershed.

The Commissioners received and reviewed a fax from the West Virginia Association of Counties informing that at a press conference, Secretary of Tax and Revenue John Musgrave presented a bound copy of the report from the West Virginia Tax Modernization Project to Governor Joe Manchin. Governor Manchin officially called for a special session of the Legislature to begin November 9, 2006.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly fees Collected for the week of October 20, to October 26, 2006, amount \$140.00.

The Commissioners received and reviewed a letter from Chesapeake Energy informing they are now the most active driller of new wells and the third-largest independent producer of natural gas in America.

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

The Commissioners received and reviewed a letter from the West Virginia Infrastructure and Job Development Council asking that the Fayette County Urban Renewal Authority complete the Annual Employment Status Report regarding the Wolf Creek Industrial Park-2004E089 Loan to be returned no later than December 1, 2006.

The Commissioners received and reviewed a letter from the West Virginia Infrastructure and Job Development Council regarding the Revised Loan Commitment Letter Project 2004E-089 Revision #2 action required by November 27, 2006.

The Commissioners received and reviewed a letter from the Secretary of State regarding reimbursement for the months of June, July and August 2006 has been transferred, amount \$44.50.

The Commissioners received and reviewed from the Bank of New York Cash Statement and Asset List for October 20, 2006 and October 23, 2006.

The Commissioners received and reviewed several correspondences from Workers' Compensation Office of Judges and BrickStreet Insurance regarding Workers' Compensation claims.

The Commissioners received and reviewed checks for 911 Fees- Granite Telecommunications, LLC, amount \$152.00, AT&T Communications of WV, amount \$694.00, Mountaineer Telecommunications, amount \$1,941.94; Refunds-Gasoline Excise Tax, amount \$31,421.73; Refund-worker Compensation Premium, amount \$8.817.00; Reimbursement- Department of Transportation, amount \$21.00; Soldiers and Sailors Memorial Fund, amount \$375.00; Criminal Justice Service-Community Corrections Grant, amount \$6,163.83; Criminal Justice Services- TRIDENT, amount \$2,223.45; New River Health Association to reimburse Memorial Building, amount \$119.35; Alarm Fees, amount \$360.00.

The Commissioners received and reviewed from Carolyn Becker information regarding the AML Review Application for Danese Public Service District.

The Commissioners received and reviewed an e-mail from the Election Systems and Software informing they are looking forward to a successful election.

The Commissioners received and reviewed an e-mail from Dorothy Davila regarding a contribution of food, needed someone to help pick up the balance of food and deliver to Armstrong Creek Community Center and the Falls View Community Center.

The Commissioners received and reviewed an e-mail from Kelvin Holliday, County Clerk asking to get all election ballots from ballot room Tuesday morning when the Commission arrives for the test and need to access the Circuit Clerk's room to test the M650.

The Commissioners received and reviewed from Debbie Tate, Agent for the WVU Extension Office a list of items available at the WVU Extension -College of Agriculture in Morgantown.

The Commissioners received and reviewed an e-mail from the Office of the State Treasurer informing that the September Limited Video Lottery proceeds will be directly deposited on October 26, 2006, amount \$6,503.25.

The Commissioners received and reviewed an e-mail from the Office of the State Treasurer informing that the 25% of the coal severance tax will be directly deposited October 27, 2006, amount \$26,308.12.

The meeting was adjourned at 12:58 p.m. The next scheduled meeting is November 13, 2006.



FAYETTE COUNTY COMMISSION
SPECIAL SESSION
SEPTEMBER 5, 2006
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 5th day of September 2006.

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

There were no exonerations presented.

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

Discussion was held regarding the use of the Memorial Building and the lease of the building to the Fayette County Board of Education.

Carl Harris, Prosecuting Attorney presented Lease Agreement for the Fayette County Board of Education for the use of the Fayette County Memorial Building to the Commissioners.

Commissioner Wender suggested writing a letter notifying the appropriate Board personnel of the following:

Commissioner Wender suggested that from November 15, 2006 through March 9, 2007 the building will be open for use at 3:00 p.m. for the Fayetteville High School and shall be vacated by 7:00 p.m.; Usage by the Fayetteville Elementary School is for 10 days not to exceed eight (8) hours on any one of the ten (10) days; the ten (10) days to be scheduled with two week notices to the Memorial Building Manager; usage of the building in excess of these times by the Board

of Education shall be at the additional rent of one hundred dollars (\$100) per hour and shall be scheduled by the board-designated employer with the Memorial Building Manager in writing at least two (2) weeks before the event or use; keys to the building will be reissued by the Memorial Building Manager; Fayetteville High School graduation is scheduled for May 25, 2007.

Sheriff William Laird introduced the two (2) new deputies Keith McGraw and Kevin Willis to the Commissioners. Employment is effective September 1, 2006.

Commissioner Wender informed the Commissioners that the County has acquired 9 miles of the White Oak Rail-Trail in Oak Hill.

Commissioner Wender told the Commissioners that the City of Oak Hill has an Ordinance regarding no ATV's within the City Limits.

Carl Harris, Prosecuting Attorney informed th Commissioners that the County has the ability to control the use of the trail not for ATV use or dirt bikes.

Commissioner Wender asked if the Commission needs to pass some kind of rule.

Mr. Harris told the Commissioners this is county-owned property, the County can post and designate for purposes acquire limited to hiking etc.

Ms. Holly presented a copy of the agreement for the grant, solely for pedestrians and bicycle trail.

Commissioner Eskew offered a motion to be consistent with the Town of Oak Hill and authorize the posting of signs on the White Oak Rail Trail property. Commissioner Lopez seconded. Unanimous.

Discussion was held to include in the motion for use solely for pedestrians and as a bicycle trail.

Commissioner Eskew offered a motion to amend the motion to include for use solely for pedestrians and as a bicycle trail. Commissioner Lopez seconded. Unanimous.

The Commissioners asked Mr. Harris to prepare language for the signs.

Sheriff William Laird appeared before the Commission to discuss the Regional Jail overcharges.

Sheriff Laird told the Commissioners that we did not have the Statewide blended per diem rate.

Statewide blended, rates are \$41.76 v. \$48.50 rates a total of \$236,268.22 a difference of use blended rate \$123,210.50 should deduct \$3.50 per diem already taken \$113,058.00 balance credit.

Commissioner Wender asked whether or not the Commission has standings to take additional credit.

Carl Harris, Prosecuting Attorney told the Commissioners they are within limits of the Judge Order in Cabell County, but Fayette County at risk would have to put money in escrow until the County receives the Supreme Court orders.

Commissioner Lopez offered a motion to approve additional roll back of the Regional Jail Fees to \$41.76 State's blend and escrow charge back \$113,058.00 States rates for fiscal 2005 and 2006. Commissioner Eskew seconded. Unanimous.

Carl Harris told the Commissioners that this will send a message that the Fayette County Commission will continue to revisit the

expenses over the next year to be in compliance.

Commissioner Eskew offered a motion to recast the June, July, August and September rate of \$45.00 with the notification to the Regional Jail that this will be the rate until the state take some action. Commissioner Wender seconded. Unanimous.

The Commissioners asked Carl Harris to write the letter.

Commissioner Wender asked the Commission if they were going to bill the municipalities \$45.00 or \$48.50.

Ms. Holly informed the Commissioners that at their last meeting they decided to bill the municipalities \$48.50 rate and reimburse the difference.

Eric Pories with the WV Professional Rivers Outfitters appeared before the Commission to give a Trail Destination Study.

Mr. Pories told the Commissioners that Phase 1 and Phase 2 would be a Whitewater Industry Study and Destination Case Studies of four (4) counties (Fayette, Nicholas, Raleigh and Summers). Funding sources will be the Division of Tourism/State-\$25,000.00, Whitewater Commission-\$35,000.00, and the Benedum Foundation-\$50,000.00 a total of \$110,000.00.

Mr. Pories told the Commissioners that Phase 3 would be Tourism Development Assessment and Plan of (4 County Destination Plan). Funding sources will be the Benedum Foundation-\$40,000.00, WVPRO-\$5,000.00 and the four (4) Counties and Tourism Industry-\$55,000.00 a total of \$100,000.

Commissioner Wender informed the Commission will go along with this \$5,000.00 provided that other funding is in place.

Commissioner Lopez asked if they would charge head taxes. Mr. Pories replied they have talked about it.

Commissioner Eskew offered a motion to commit to the \$5,000 contingent to participate as a partnership in funding provided that other counties and other sources come through with additional funding in actual or in kind matches. Commissioner Lopez seconded. Unanimous. (See attachment)

Bill Preast, General Manager Kanawha Falls Public Service District appeared before the Commission to inform them that they recently received plans and specifications for the extension of water service into the River Ridge Subdivision on the ridges above the communities of Kanawha Falls and Boonesborough.

Mr. Preast told the Commissioners they have met with the Public Service Commission to establish the proper path for this development. They are preparing an alternate main line extension agreement setting out the details.

Mr. Preast told the Commissioners that he is here today requesting the County's assistance in extending the boundary adjustment.

Mr. Preast told the Commissioners that the District can provide a description of the area to be incorporated in the District and requesting that the County provide the necessary legal assistance.

Ms. Holly informed the Commissioners they would have to have an Order setting forth the date the extension will be held, they would need the metes and bounds description before they take any action.

Commissioner Wender asked Billy Preast to get back with the

WV Whitewater Industry Strategy Four-County Tourism Development Strategy

The first phase, which is industry-specific to the Whitewater Industry and Phase 2, background information for the 4-county tourism development strategy, shall begin at the same time.

Phases 2 and 3, while shown separately, together address the broader issue of destination building in the Fayette, Nicholas, Raleigh, and Summers Counties region of Southern West Virginia.

- **Phase 1: Whitewater Industry Strategy** **\$85,000**
 - a. Analysis of Current Conditions
 - b. Qualitative Market Research
 - c. Industry Strategy

- **Phase 2: Destination Case Studies – Benchmarking** **\$25,000**

- **Phase 3: Tourism Development Assessment & Strategy** **\$100,000**
 - a. Analysis of Current Conditions
 - b. Tourism Development Strategies
 - c. Implementation Action Plan

Total Project Fee \$210,000

Project Funding Strategy:

Phase	Cost	Funding Sources	Amount
Phase 1 and Phase 2			
Whitewater Industry Study	\$ 85,000	Division of Tourism/State	\$ 25,000
Destination Case Studies (4 County Destination Plan)	\$ 25,000	Whitewater Commission	\$ 35,000
		Benedum Foundation	\$ 50,000
	\$ 110,000		\$ 110,000
Phase 3			
Tourism Development Assessment & Plan (4 County Destination Plan)	\$ 100,000	Benedum	\$ 40,000
		WVPRO	\$ 5,000
		4 Counties & Tourism Industry	\$ 55,000
	\$ 100,000		\$ 100,000
Total	\$ 210,000		\$210,000

- Total Benedum Foundation Challenge Grant of \$90,000 awarded. Funds secured and Administered by 4-C Economic Development Authority
- Second meeting with Chief of Staff Larry Puccio on Sept. 19 to secure source of state funding
- Sept. 20th meeting with Whitewater Commission to secure \$35,000

Phase 1 & 2 to Begin in November

engineer to see who will be doing metes and bounds.

Diane Meadows appeared before the Commission to inform them that Linda Casey, secretary for the WVU Extension Office has resigned her position.

Ms. Meadows told the Commissioners they need to advertise for this position and decide who to select.

Commissioner Wender informed they need to run an advertisement and get a committee to interview and make recommendation, final decision would be up to the Fayette County Commission.

The Commissioners approved to advertise for the secretary position. The Commissioners asked Ms. Meadows to draft job description in same format as County's format, bring draft of job description to Charlotte Holly to review and bring draft of the newspaper advertisement to Carl Harris, Prosecuting Attorney and Ms. Holly to review.

Ms. Meadows told the Commissioners that Terra Basham is the temporary secretary.

Felicia McKinney of the New River Humane Society, Inc. informed the Commissioners that she found out that it is possible for the New River Humane Society to have a Euthanization Tech come to their shelter to euthanize animals.

Ms. McKinney told the Commissioners that the Euth Tech that is coming from another shelter has to be put on their payroll, do a contract stating that they are a temporary employer and paid per animal not paid by the hour.

Ms. McKinney told the Commissioners that Susan Gee, the Director

is to have the DEA number and the Board of Pharmacy number transferred from Patti Payne's name into the new Euth Tech that is on the payroll.

The Commissioners asked Ms. McKinney to draft a letter from the Commission thanking Nicholas County for the use of their Euth Tech.

Ms. McKinney presented to the Commissioners the cost to installing a Euthanasia Chamber Model A630 from AA1 Manufacturing, LLC, at the New River Humane Society, Inc., cost \$15,995.00, shipping \$950.00.

Commissioner Wender asked Ms. Holly to call Jim Lively Insurance and ask how much it would cost for non-county employees to drive the County truck.

Dan Snead appeared before the Commission to discuss the Courthouse Facilities Improvement Grant.

Ms. Holly informed the Commissioners that the Courthouse Facilities Improvement Fund application is due the end of this month.

Commissioner Eskew offered a motion to go ahead and make application with the Courthouse Facilities Improvement Grant one umbrella for water issues priority and include porches, tuck-point masonry, cracks in the old jail building, treat sandstone columns of courthouse with a siliconize penetrating water repellent, and re-caulk or point exterior stone stairs and portico floor slabs of the courthouse.

The Commissioners asked Ms. Holly to have Dan Snead to get with James Perdue, Maintenance Supervisor to go over the building.

Dave Pollard, County Resource Coordinator appeared before the Commission to request that the Commission commit to a \$10,000 match

for consultant services for the dilapidated structures grant (Flex-E-Grant).

Commissioner Eskew offered a motion to allocate \$10,000 as a match for the Flex-E-Grant for consulting services for the dilapidated structures contingent on receiving the grant. Commissioner Lopez seconded. Unanimous.

The Commissioners signed the letter to the West Virginia Development Office informing formally of their commitment of \$10,000 for consultant services for the dilapidated structure grant submitted on our behalf by Region 4 Planning and Development Council.

Ms. Holly informed the Commissioners she received the West Virginia County Records Management and Preservation Grant Program. A copy of the grant has been forwarded to the elected officials.

The Commissioners received and reviewed a letter from the Fayette County Local Emergency Planning Committee requesting funding in the amount of \$1,000 for travel expenses and training for the State Emergency Response Commission/Local Emergency Planning Committee Conference scheduled for September.

Commissioner Lopez offered a motion to approve \$1,000 for the Fayette County Local Emergency Planning Committee for travel expenses and training for the State Emergency Response Commission/Local Emergency Planning Committee conference. Commissioner Eskew seconded. Unanimous.

Commissioner Wender asked for an update on the gas lines at the Fayette County Park. Carl Harris, Prosecuting Attorney told the Commissioners he would find out something today.

The Commissioners suggested calling Kathryn South regarding getting the application for the Family Resource Network into this office.

The Commissioners signed a letter to Walter Casey informing they have been advised of his resignation from employment as a Fayette County deputy effective September 1, 2006 and offered their sincere appreciation for his 13 years of services to Fayette County and our citizens.

The Commissioners received and reviewed a letter from David Neal, E911 Coordinator giving an update of the Mapping and Addressing project.

The Commissioners received and reviewed an e-mail and a letter regarding the status of the Transfer Panel Valley Tower.

Ms. Holly informed the Commissioners that she did not receive any response on an update from Allen Ballard regarding the HAVA Accessibility Grant and from Steve Cruikshank regarding the status of FEMA 2004 Bridge Day reimbursement.

The Commissioners received and reviewed a letter from Kelvin Holliday, County Clerk regarding part-time employment for the General Election.

Ms. Holly informed the Commissioners she received a letter from the Central Appalachia Empowerment Zone (CAEZ) requesting appointing members to Census Tract 205 and Census Tract 206.

Ms. Holly told the Commissioners she had called to get information regarding the appointments but no one has returned her calls.

Commissioner Wender offered a motion to advertise a public notice announcing the public hearing to elect two (2) Board Members in Census Tract 205 and one (1) Board Member in Census Tract 206. Commissioner Eskew will facilitate and hold these elections in the Census Tract. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a copy of a letter to Tim Richardson, Zoning Officer, from the Page-Kincaid Public Service District asking that he clarify why a variance for a commercial operation to privately pump, sell, and distribute water on a residential lot near Ingram Branch is not needed.

The Commissioners signed a letter to the West Virginia Housing Development Fund on behalf of the Fayette County Commission and the Fayette County Urban Renewal Authority thanking the West Virginia Housing Development Fund for participation in the Wolf Creek Park project.

The Commissioner signed a letter to the New Haven Public Service District informing that after reviewing the information submitted by Dave Pollard, County Resource Coordinator, they hereby grant permission for New Haven Public Service District to use the unexpended use fee dollar for the purpose of engineering fees.

The Commissioners received and reviewed a letter from the Division of Homeland Security informing that the USEPA Region III has requested the West Virginia State Emergency Response Commission encourage all Local Emergency Planning Committee (LEPC) adopt the "All Hazard Planning" approach to planning and preparedness.

The Commissioners received and reviewed a letter from the Office

of the State Treasurer regarding distribution of Regional Jail Operation Tax, amount \$66,718.66.

The Commissioners received and reviewed a letter from the West Virginia Courthouse Facilities Improvement Authority, announcing the acceptance of application, for Phase III its most recent cycle of courthouse improvements.

The Commissioners received and reviewed an e-mail from Ms. Holly to Kris Richmond, Executive Director of the West Virginia Courthouse Facilities Improvement Authority asking to advise her on whether or not the Fayette County Soldiers and Sailors Memorial Building is considered a "courthouse facility."

The Commissioners received and reviewed a letter from the Department of Revenue State Tax Department informing that the off-highway refund application has been adjusted, amount of refund \$164.31.

The Commissioners received and reviewed a letter from Daniel Wright, Circuit Clerk recommending that the bid for additional track shelving be granted to Better Business Systems, Inc., amount of bid \$10,907.04.

The Commissioners received and reviewed a letter from the National Parks Conservation Association inviting the Commission to attend a seminar that the National Park Conservation Association is co-hosting with the Shenandoah Valley Travel Association, September 26, 2006.

The Commissioners received and reviewed a letter from the Upper Kanawha Valley Chamber of Commerce inviting the Commission to the 21st

annual Chamber of Commerce Banquet being held September 26, 2006.

The Commissioners received and reviewed letters from the State Tax Department asking not to release the final payments due on the contracts for Kyle Construction Company, Inc., Dravenstotts Roofing/Building, and Tri-State Roofing and Sheet Metal Company the taxpayers have not filed returns and/or has not paid applicable taxes due the State of West Virginia, or his liability is not satisfied.

The Commissioners received and reviewed a Safety Recall Notice from GMC informing that a defect that relates to motor vehicles safety exists in certain 2004 model year GMC Sierra vehicles equipped with an 8.1LV8 engine.

The Commissioners received and reviewed from Page-Kincaid Public Service Districts minutes of their July meeting.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Monthly Revenue Report, Activity Report for the month of August, C-PAC allotment for the month of September, amount \$8,941.30 and Weekly Fees Collected for the week of August 18 to August 24, 2006, amount \$180.00 and the week of August 25 to August 31, 2006, amount \$190.00.

The Commissioners received and reviewed correspondence from Steptoe and Johnson regarding Canterbury v. Laird, etal lawsuit.

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

The Commissioners received and reviewed several correspondences from BrickStreet Insurance regarding Workers' Compensation claims.

The Commissioners received and reviewed a letter from the New River Health Association inviting the Commission to attend their Fayette County Prevention Meeting Tuesday, August 29, 2006 at the Mount Hope Community Center.

The Commissioners received and reviewed a brochure from the USDA Rural Development Telecommunications Program inviting the Commission to join the Agriculture Under Secretary Thomas C. Dorr for a FREE One-Day "Hand On" and "How to Apply" Workshop scheduled for October 2, 2006.

The Commissioners received and reviewed a letter from the Division of Criminal Justice enclosing a copy of the West Virginia Community Corrections Grant agreement.

The Commissioners received and reviewed a letter from the National Park Service inviting the Commission to attend a special televised broadcast entitled "How to Start a Sustainable Tourism Program" on September 21, 2006 from 2:00 p.m. to 4:00 p.m.

The Commissioners received and reviewed checks for 911 Fees from Nos. Communications, Inc., amount \$2.00, Mountaineer Telecommunications, amount \$2,364.86, Trinsic Communications, Inc., amount \$26.00, Mountain Communications, amount \$51.71; Alarm Fees from New River Health Association, amount \$300.00; Franchise Fees from Bradley Communications, amount \$865.80; WV Development Office-HUD/SCBG-Page Kincaid PSD, amount \$13,157.84; Criminal Justice Service-TRIDENT, amount \$33,480.44 and Criminal Justice Service-Just For Kids, amount \$1,384.79.

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

reminding Commissioner Wender to bring a check on September 5 for the American Diabetes Association.

The Commissioners received and reviewed an e-mail from the Office of the State Treasurer informing that the funds for the July Limited Video Lottery will be directly deposited on August 28, 2006, amount \$5,962.84.

The meeting was adjourned at 1:35 p.m. The next scheduled meeting is September 15, 2006.



FAYETTE COUNTY COMMISSION
REGULAR SESSION
SEPTEMBER 15, 2006
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 15th day of September 2006.

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

Commissioner Eskew informed Commissioner Wender will be here later he had another meeting this morning.

The Commissioners recessed the Commission meeting to open the Tabulator Room for Kelvin Holliday, County Clerk.

The Commissioners reconvened the Commission meeting at 9:30 a.m.

Eddie Young, Assessor presented exonerations to be approved and signed to the Commissioners.

Commissioner Lopez offered a motion to approve exonerations for personal property tax for Bandy's, Inc., Nancy Griffith, Ronald B. and Helen G. Milam, Bernard Gunnoe, and Alice Virginia and Eugene Campbell. Commissioner Eskew seconded. Unanimous.

Commissioner Eskew offered a motion to approve exonerations for real property tax (See attached). Commissioner Lopez seconded. Unanimous.

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

Commissioner Eskew offered a motion to approve refunds as presented by the Assessor. Commissioner Lopez seconded. Unanimous.

REAL PROPERTY TAX TICKETS CANCELLED OR EXONERATED
MONTH OF SEPTEMBER 15, 2006

PAGE 1 of 2

ACCOUNT NUMBER	TICKET NUMBER	NAME OF TAXPAYER	DATE CANCELED	REASON FOR CANCELLATION	STRAIGHT CANCEL	CORRECTED TICKET CREATED	RE-ISSUED SUPPLEMENTAL	CANCELED LEVY	TAX DISTRICT
6177923	8807	SAMPLES, PHILLIP J & SANDRA K	8/25/2006	S/B CLASS 2		X		\$1,656.84	1
6190365	*37342	SHELTON, NATHAN F	8/25/2006	DWMH GONE 6/7/04		X		\$478.20	9
6201870	16981	LIGHT PROPERTIES	8/28/2006	DOUBLE ASSESSMENT	X			\$1.30	2
8034726	36621	MURDOCK, RICHARD A JR	8/30/2006	TAKEN BY DOH	X			\$825.58	9
6175505	36742	NUTTER, LARRY A & PATRICIA	8/30/2006	S/B CLASS 2		X		\$826.35	9
6216515	70	ADKINS, DEBRA JUNE & DEANE	8/30/2006	S/B CLASS 2 & ERRONEOUS VALUE		X		\$297.36	1
6082696	3988	GILKESON, STOUGHTON	8/30/2006	ERRONEOUS VALUE		X		\$309.00	1
6017098	24708	HOLCOMB, RENA G	9/1/2006	ERRONEOUS MINERAL VALUE		X		\$181.70	3
*06325791	23904	EARLS, DEBORAH LYNN	9/6/2006	S/B CLASS 2		X		\$329.82	3
6325791	3867	EARLS, DEBORAH LYNN	9/6/2006	S/B CLASS 2		X		\$333.86	3
8013516	24710	COBB, MICHAEL W & JOYCE	9/13/2006	S/B HOMESTEAD		X		\$308.80	9
6133926	36653	MURRAY, TALMADGE O	9/13/2006	ERRONEOUS VALUE		X		\$48.18	9
6086736	6372	MARTIN, JENNINGS & RANDY	9/13/2006	ERRONEOUS VALUE		X		\$110.24	1
*06086736	6388	MARTIN, JENNINGS & RANDY	9/13/2006	ERRONEOUS VALUE		X		\$115.70	1
6001710	1357	BRACKENS, WOODROW W	9/14/2006	S/B CLASS 2		X		\$417.72	1
6172241	38891	JONES, ELIZABETH Z	9/14/2006	S/B HOMESTEAD		X		\$207.30	11
6128166	35226	FRAGALA, DEBRA	9/14/2006	ERRONEOUS VALUE		X		\$68.56	9

ACCOUNT NUMBER	TICKET NUMBER	NAME OF TAXPAYER	DATE CANCELED	REASON FOR CANCELLATION	STRAIGHT CANCEL	CORRECTED TICKET CREATED	RE-ISSUED SUPPLEMENTAL	CANCELED LEVY	TAX DISTRICT
6156116	8394	REDDEN, WILLIAM M	9/14/2006	S/B HOMESTEAD		X		\$448.76	1
*06105804	38482	THORNQUEST, CINDY	9/14/2006	ERRONEOUS VALUE		X		\$488.14	10
6105804	38541	THORNQUEST, CINDY	9/14/2006	ERRONEOUS VALUE		X		\$489.92	10
8036109	10071	TINCHER, GARY & DIANNA LYNN	9/14/2006	ERRONEOUS VALUE		X		\$1,046.50	1
6220779	17163	LONG, JANET FRANCES & AMICK	9/14/2006	S/B CLASS 2		X		\$174.70	2
6027943	4741	HAYNES, SAMUEL T ETUX	9/14/2006	S/B HOMESTEAD		X		\$258.80	1
6057429	3816	FOX, ROY D	9/14/2006	S/B CLASS 2		X		\$207.30	1
9000313	17802	MOORE, JAMES T JR & MARY ALICE	9/14/2006	S/B HOMESTEAD		X		\$258.80	2
6045166	30562	ELLISON, CURTIS H & SHARON F	9/14/2006	ERRONEOUS VALUE		X		\$14.76	5
6229271	31392	NICKOLAS, MARA BETH	9/14/2006	S/B CLASS 2		X		\$328.20	5
6051443	93	ADKINS, JEANETTE	9/14/2006	S/B HOMESTEAD		X		\$258.80	1
*06086736	6388	MARTIN, JENNINGS & RANDY	9/14/2006	ERRONEOUS VALUE		X		\$115.68	1
6086736	6372	MARTIN, JENNINGS & RANDY	9/14/2006	ERRONEOUS VALUE		X		\$110.26	1
8004517	38632	BENNETT, DARRELL & EDITH	9/14/2006	S/B CLASS 2		X		\$169.24	11
6258346	19817	SOWDER, CLYDE ALVIN & LOIS G	9/14/2006	S/B HOMESTEAD		X		\$258.80	2
6231393	18105	NEWSOM, LILLIAN R	9/14/2006	S/B HOMESTEAD		X		\$258.80	2
6129931	38113	WATTERS, CAROLYN	9/15/2006	ERRONEOUS VALUE		X		\$120.44	9

Ms. Holly told the Commissioner she received all the lists of poll workers from the Executive Committee except for the democrat list of poll workers from the Valley.

Commissioner Lopez offered a motion to approve election officials pending receipt of the updated Valley democrat list by Tuesday, if not received will approve the list that was approved from the Primary 2006. Commissioner Eskew seconded. Unanimous.

The Commissioners signed a Request for Reimbursement to the West Virginia Division of Criminal Justice Service for the TRIDENT Grant, amount \$2,223.45.

The Commissioner signed a letter to the Fayette County Board of Education highlighting points in the lease agreement.

The Commissioners approved overtime for Jackie Hickman.

The Commissioners received and reviewed a letter from Sheriff William Laird informing that effective September 1, 2006 the Sheriff intends to make rank promotions within the department for Carl Dancy from Lieutenant to Captain, Gary Reed from Sergeant to Lieutenant, Steve Kessler from Sergeant to Lieutenant, Deanna Saxton from Corporal to Sergeant, James Fitzwater from Corporal to Sergeant, Steve Gray, Mark Webb, James Dempsey, and Eddie Gilkerson from Deputy to Corporals. The difference in the rank is \$125.00 per month.

The Commissioners received and reviewed a memo from Sheriff William Laird informing that Denny Bennett has turned in his resignation and his last day will be September 15, 2006.

The Commissioners signed Fire Levy Pumper Replacement Agreement for the Fayetteville Volunteer Fire Department for the period of July

1, 2006 to June 30, 2007.

The Commissioners signed Fire Levy Protection Agreement for Pax Volunteer Fire Department, Inc. for the period July 1, 2006 to June 30, 2007.

Discussion was held regarding insurance coverage of the Courthouse.

Commissioner Wender informed the County has \$3.5 million on the building and \$454,500 for personal property.

Commissioner Wender asked Ms. Holly to ask Jim Lively Insurance the value plus inflation factor for Fiscal Year 2007.

Commissioner Wender also asked Ms. Holly to check with Mr. Lively regarding insurance coverage for the County Clerk and Circuit Clerk vaults.

The Commissioners received and reviewed a letter from Kelvin Holliday, County Clerk informing that Staff training on the HAVA equipment has been moved from September 21 to October 5, 2006 on the 3rd floor of the Courthouse.

The Commissioners received and reviewed a letter from the New Mountain Guides requesting permission to use the outdoor front entrance of the Courthouse to register participants for an event on the morning of Saturday, October 28 and Sunday, October 29, 2006.

The Commissioners asked Ms. Holly to hold until she find out the name of the event and put on the agenda for September 29, 2006.

Ms. Holly told the Commissioners she received only one (1) bid from Talbott (\$102,575) and an Addendum No. 1 for the Courthouse Windows Phase III.

Commissioner Lopez offered a motion to accept bid from Talbott (\$102,575) pending final approval by Dan Snead and ask Dan Snead to proceed with preparing the contract if bid meets specs. Commissioner Eskew seconded. Unanimous.

Kathryn South and Skip Jennings appeared before the Commission to discuss Family Resource Network (FRN) fiscal agent responsibilities.

Mr. Jennings told the Commissioners the grant is paid quarterly in advance. Mr. Jennings told the Commissioners they would like to advertise and hire an employer by the end of the month.

Mr. Jennings told the Commissioners that some Family Resource Network do not provide insurance for FRN employer, Upshur County pays Family Resource Network PEIA. Mr. Jennings told the Commissioners that the employer would work 32 hours a week.

Commissioner Eskew offered a motion that the Fayette County Commission will employ a Director for the Family Resource Network, to approve 32 hours a week as a County part-time regular employee, no benefits, office space on 3rd floor and the Fayette County Commission will be the fiscal agent and administer. Commissioner Lopez seconded. Unanimous.

Attorney James Blankenship appeared before the Commission to move to continue the Petition of Stephanie A. Dravenstott Gouge to abandon an unnamed and unused street. Mr. Blankenship will prepare order for signatures.

Ms. Holly presented an invoice from Sisk/Ford Initiative, LLC (SFI) for Professional Services, amount \$750.00. The Commissioners asked Ms. Holly to ask Tim Richardson, Zoning Officer, to explain why

the Commission has to pay this invoice.

The Commissioners received and reviewed a letter from the Department of Military Affairs and Public Safety informing that a Law Enforcement Terrorism Prevention Homeland Security Sub-grant has been awarded to the Fayette County Commission for \$38,400.00.

Ms. Holly told the Commissioners this grant is for Radio equipment for the Sheriff Department.

The Commissioners signed Request for Reimbursement to the West Virginia Division of Criminal Justice Services for Just For Kids, Inc., amount \$2,077.61 for the month of August.

Ms. Holly reminded the Commissioners that a CAEZ meeting has been scheduled for Tuesday, September 19, 2006 at the Mount Hope Community Center to elect two (2) Board Members in Census Tract 205 and Thursday, September 2, 2006 at the Page-Kincaid Public Service District to elect a Board Member in Census Tract 206.

The Commissioners received and reviewed a letter from SS Peter and Paul Catholic School requesting the use of the Memorial Building for their basketball games.

The Commissioners asked to hold and discuss on September 29, 2006. The Commissioners asked Ms. Holly to get the dates, the number of hours to be used and find out how many games would be played for SS Peter and Paul, the Ben Argento League and the Fayetteville Midget League cheerleaders to determine if a flat fee or hourly fee would be charged.

Carl Harris, Prosecuting Attorney told the Commissioners they need to get a policy for the Memorial Building usage.

Fred Hypes, Nancy Humphries and Robert Zimmerman appeared before the Commission to inform the Commission that Arbuckle Public Service District is requesting \$50,0000 emergency assistance from the State (Delegate David Perry).

Fred Hypes told the Commissioners that Arbuckle Public Service District is requesting legal council regarding the two (2) invoices they received.

Commissioner Wender asked Mr. Hypes to write down the strategy for the future of the Arbuckle Public Service District.

Attorney Larry Losch appeared before the Commission to present a motion to increase the bond to conform with the amended appraisal filed in the Estate of Gary W. Johnson.

Attorney Fred Jesser told the Commissioners that the originals and appraisal were filed in March 2005 and the bond posted was \$20,0000 for Eliza Kathryn Johnson.

Mr. Jesser told the Commissioners that an additional bond of \$165,000 has been added to the Estate of Gary W. Johnson.

Commissioner Eskew offered a motion to approve the additional bond of \$165,000 in the Estate of Gary W. Johnson for Eliza Kathryn Johnson. Commissioner Lopez seconded. Unanimous.

Commissioner Wender asked that Earl Pauley and Allen Ballard attend the next meeting to discuss the Help America Vote Act (HAVA) in house work at the polling places.

Commissioner Wender asked to discuss at the next meeting the New River Humane Society insurance coverage and also the status of the contract with Nicholas County.

Sheriff William Laird presented to the Commissioners the Community Corrections Renewal Lease prepared by Attorney James Blankenship.

Sheriff Laird told the Commissioners they have reduced the lease rent but is asking that the Fayette County Commission pay utilities.

Sheriff Laird asked Ms. Holly to send over to Carl Harris, Prosecuting Attorney to review.

Sheriff Laird informed the Commissioners he received \$38,400 Homeland Security Grant to replace in car mobile radios.

Sheriff Laird to check with Earl Pauley, Park Superintendent regarding the three (3) vehicles he purchased and ask Mr. Pauley if there are any vehicle that needs to be taken off the county's insurance.

Commissioner Wender asked that the following list be included at the bottom of the September 29, 2006 agenda as old business: Bridge Day expenses from Steve Cruikshank, OES Director, Gas line at the Fayette County Park, Mapping, schedule Tom Williams at the next meeting, Don Plumley replacement on the SWA (appointed by the Southern Soil Conservation-Allen Wickline), Kelvin Holliday to discuss Secretary of State estimate of extra costs for the Primary Election (\$2,061.00), Records Management Grant deadline November 1, 2006, 911-transfer panel, Tower Access Assistance Fund for Counties to put up cell towers, Bench Memory of Larry Parsons (Bud Hill and Neal Clark), Gauley Mountain Tower Road, Right of Way Oak Hill Senior Center.

Commissioner Wender introduced Butch Evans, President of Wide Area Rapid Notification (W.A.R.N.).

Also present were Diane Morris, Linda Shieler, David Neal, Steve Cruikshank, Sheriff William Laird.

Attached is a copy of the presentation Mr. Evans presented to the Commissioners.

Mr. Evans told the Commissioners they are the only providers in the United States with five (5) separate powerful call applications and networks.

Mr. Evans told the Commissioners start-up fee would cost \$15,000 annual cost approximately \$7,000 to \$10,000 this include database and maintenance will receive updates from Verizon monthly.

Commissioner Wender asked if this could be paid through the 911 Fees. Mr. Evans replied yes.

David Neal, E911 Coordinator had several questions.

Steve Cruikshank, OES Director asked about the database maintenance and the updates once a month.

Howard Hughes commented that this not necessary for Fayette County.

Commissioner Wender informed that he had asked Mr. Evans to come in and school us on this technology.

Commissioner Wender informed he would like for the Commission to explore this more.

Steve Cruikshank suggested to the Commissioners to appoint a committee to look at the system, costs, etc. and make recommendations.

Commissioner Eskew offered a motion to appoint a committee of four (4) individuals (Steve Cruikshank, Sheriff William Laird, David Neal and Dianne Morris) to do a feasibility study on the W.A.R.N.

Software Computer Group

confidential
fax

agenda
9/15/06
~~*10 AM*~~
1 PM

To: Jackie Hickman
Fax Number: 1-304-574-4255

From: Butch Evans
Fax Number:
Business Phone:
Home Phone:

Pages: 3
Date/Time: 8/6/2006 7:09:26 PM
Subject: Requested information

Jackie,

As we discussed I am faxing you the information that I will be discussing at the September 15th 2006 commissioners meeting. Feel free to call me if you need additional information or you are not sure about the content.

butch evans

copy David Neal
✓



"Existing U.S.-based 911 emergency systems, and the majority of agency systems for emergency communication protocol, were simply not built for rapid cross-agency communication or wide area public notification."

www.warncalling.com

W.A.R.N.

REPRESENTED BY:

Software Computer Group, Inc.
P.O. Box 3042
Charleston, WV 25331-3042
From the WV Charleston area:
304.343.6480
From outside the Charleston
area: 800.795.8543
Fax: 304.343.6489

info@swcg-inc.com



W.A.R.N. Calling is the powerful, quick and cost-efficient way to call 6,000 phones per minute (or more if needed) for one fixed calling rate – regardless of how many calls you make.

"Wide Area Rapid Notification" for public and private use:

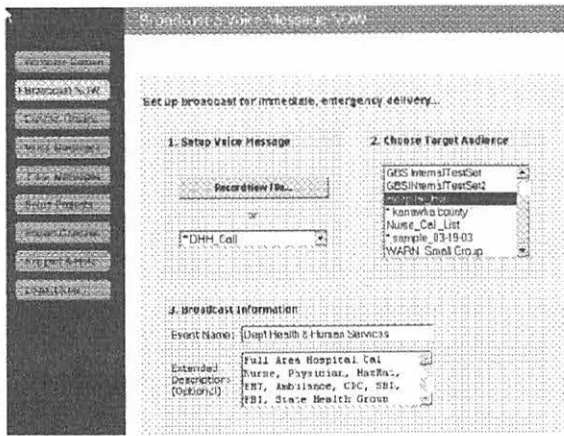
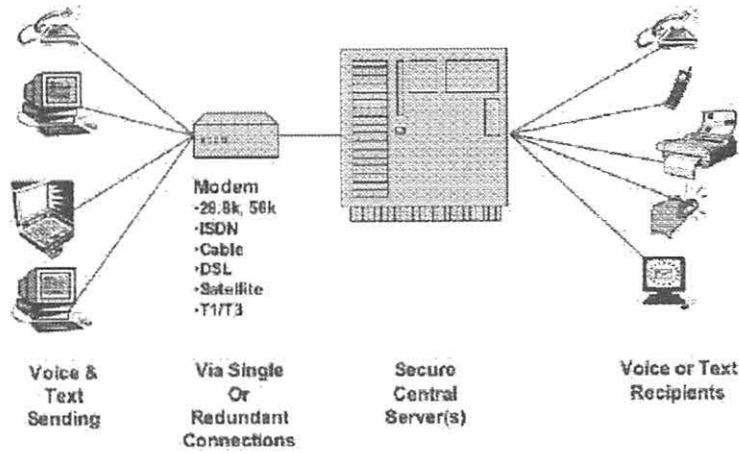
1. Issues simultaneous voice messages to every single agency instantly, by geographic or jurisdictional parameters, via phone, cellular, beeper, pager, wireless, WAP, fax and email.
2. Affordably allows instant and pinpointed public notification to all citizens with phones, using a pre-determined grid and mapped database of a town, city, metro or county area; or by exact latitudinal and longitudinal coordinates to ESRI-based GIS/GEO mapping.
3. Is fully portable, operationally flexible, with calling from either a central command, or from a field office or mobile location, or via multiple back-up installations wherever you specify.
4. Operates across every major communication protocol – phone, digital, cellular, pager, wireless (WAP), fax, email; and is accessible using any connection method available: dial-up, ISDN, T1, T3, DSL, cable, wireless, satellite, or other.
5. Sends Voice, Text and Fax from the same interface, based on your contact group needs.

W.A.R.N. Calling employs proven communication technology & proprietary applications to react to new threats and everyday public safety needs.

W.A.R.N. makes rapid and coordinated intra-agency and inter-agency or public response for:

- Catastrophic weather or natural events
- Biological, chemical or radiation release or attack
- Attacks or threats to bridges, dams, buildings, malls
- Nuclear management safety & waste facilities
- Hostage, lost child, riot, or "in progress" activity
- Protection for vital manufacturing, distribution, & storage systems
- Water, power, air, communication & food interruptions
- Health or disease communication and response

W.A.R.N. System Process



Immediate Advantages with the W.A.R.N. system:

1. No new hardware purchase
2. No unit purchase or rentals
3. No new wiring or installation
4. No extended servicing
5. No equipment maintenance fees
6. No reconfiguring of your existing system
7. Use of W.A.R.N. can begin in 2 weeks after budget deposit.

8. Training and Certification requires just 4-8 hours, according to the number of trainees.

9. System is fully database-driven, using your existing or newly-configured databases. You can import or create full "inter-agency and intra-agency" data management specifications, and update regularly, as normally in your agency regimen.

10. Databases for all general public residential phones can be loaded into your system, and may be updated automatically from the source, each 30-day period.

11. Real-time call logs, and detailed reports generated by system. Ongoing operation costs diminish in the 2nd year and all subsequent years; call budgets are flexible and determined by monthly analysis of your first year's use.

12. Ongoing operation costs diminish in the 2nd year and all subsequent years; call budgets are flexible and determined by monthly analysis of your first year's use.

Server & Connection Overview:

- Separate data/calling centers located in three different states
- Multiple OC3 communication circuits and carrier routes
- Redundant database and communication servers
- Fully secured data center access in all locations
- Biometric authentication under 24x7 surveillance



Charlotte Holly

From: "Charlotte Holly" <cholly@zoomnet.net>
To: "David R. Neal" <fcoesdrn@verizon.net>
Cc: "Matthew D. Wender" <mwender@cwv.net>; "Kenneth Eskew" <kennethsq@charter.net>
Sent: Tuesday, August 29, 2006 1:05 PM
Subject: W.A.R.N. calling services

David--
Butch Evans with Software Computer Group is scheduled on the Commission's Sept. 15 agenda at 1 PM to discuss W.A.R.N. Calling services; please attend that meeting.
Thanks--
Charlotte

Charlotte Holly

From: "Matthew D. Wender" <mwender@cwv.net>
To: "Diane Morris" <dianemorris@wvdhhr.org>; "Amanda Skaggs" <amandaskaggs@wvdhhr.org>
Cc: "Bill Laird" <wrlairdiv@charter.net>; "Bill Laird" <wrlairdiv@fayettesheriff.net>; "Ken Eskew" <kennethsq@charter.net>; "Charlotte Holly" <cholly@zoomnet.net>; "David Neal" <fcoesdm@verizon.net>; "Steve M. Cruikshank" <fcoessmc@verizon.net>; "Steve Cruikshank" <yoda1901@verizon.net>
Sent: Thursday, September 14, 2006 12:58 PM
Subject: Presentation at Commission Meeting

Diane, Amanda,

Just want to send a reminder that tomorrow at 1 PM, Butch Evans will be giving a presentation on "reverse 911" at the Fayette County Commission meeting.

I believe there are many applications of the "reverse 911" concept that would be of great importance to the possible flu pandemic as well as many emergency situations.

The reverse 911" concept enables the 911 center to initiate calls to certain geographic areas or groups predesignated. The calls can be made to 1000's of phones simultaneously.

The best example I can think of was the floods of July 2001. Had that event been at nighttime, how many people would not have known what was happening and would not have gotten out of harms way? With a "reverse 911" every individual with a phone in any targeted location could have been called with a message concerning the flood potential. I see applications that can be used to notify people in areas with a high incidence of Avian Flu where school may be canceled or advising people on short notice about vaccinations, etc.

Please join us for this important discussion. You may invite any others who would like to hear the discussion.
Thanks,
Matt

Charlotte Holly

From: "Matthew D. Wender" <mwender@cwv.net>
To: "Diane Morris" <dianemorris@wvdhhr.org>
Cc: "Doc Newell, Jr." <doc1newell@charter.net>; "Charlotte Holly" <cholly@zoomnet.net>; "Ken Eskew" <kennethsq@charter.net>
Sent: Monday, August 07, 2006 4:50 PM
Attach: WARN Services Menu June 2006.pdf
Subject: Fw: Follow up from the WV County Commisssoners Conference in Huntington

Diane,
 Below is an email from Butch Evans. The company he represents sells a program (software) that makes "reverse 911" possible. In years past, David Neal (Fayette 911 Director) has been reluctant to utilize the "reverse 911" concept.

I believe it is time to revisit the issue given the possibility of its use in helping to manage timely pandemic information. There will not be any decisions made the day of Mr. Evans presentation. I invite you and others from the Health Department join us for his presentation, and soon thereafter provide your feedback on the applicability for pandemic matters.

Also I would ask that you get on the agenda for the same day to provide the Commission with an update on state and county pandemic preparations. Thanks

Matt Wender

— Original Message —

From: Butch Evans

To: mwender@cwv.net

Sent: Sunday, August 06, 2006 7:06 PM

Subject: Follow up from the WV County Commisssoners Conference in Huntington

Matt,

It was a pleasure meeting you at the conference and discussing your public emergency notification needs. As you suggested, I called Jackie Hickman and got on the agenda for the September 15th commissioner meeting at 10:00am. Jackie asked that I fax her an overview of our presentation. I have attached a one page blip on our complete product line. I will be discussing public notification (reverse 911) and the ability to utilize GIS to launch the calls. I will fax her a scaled down version of what I am send to you. I also noted that you wished for her to assure that your 911 director be present at that commission meeting.

I am looking forward to visiting you folks in September.

Butch Evans, President

Software Computer Group Incorporated

Voice 304-343-6480 Fax 304-343-6489

<http://www.swcg-inc.com>

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8/8/2006

Center



We're all about I.T.





A distribution center for rapid emergency notification and related Continuity of Operations and Continuity of Government crisis management tools; utilizing all major U.S. networks, running secure distributed applications over highly redundant IT / IP / Telephony infrastructure in 33 U.S. and International cities.

W.A.R.N. Services are:

The Only Provider in the U.S. with 5 Separate Powerful Call Applications and Networks:

W.A.R.N. Broadcast – Map & Click Public Notification

W.A.R.N. Critical – Multi-Device Crisis & Recovery Calling

W.A.R.N. Command – Federal & Military Grade Mobilization Platform

W.A.R.N. Alert – Multi-Device or Multi-Agency Interoperability Manager

W.A.R.N. Continuity – Complete “Plan, Drill, Execute” Platform for COOP / COG
(Continuity of Operations & Continuity of Government)

W.A.R.N. NetFlash – Network-Centric PC Pop-Up Alerting over your entire network

W.A.R.N. GIS – ArcView ESRI Integrated & Distributed GIS Mapping Solution

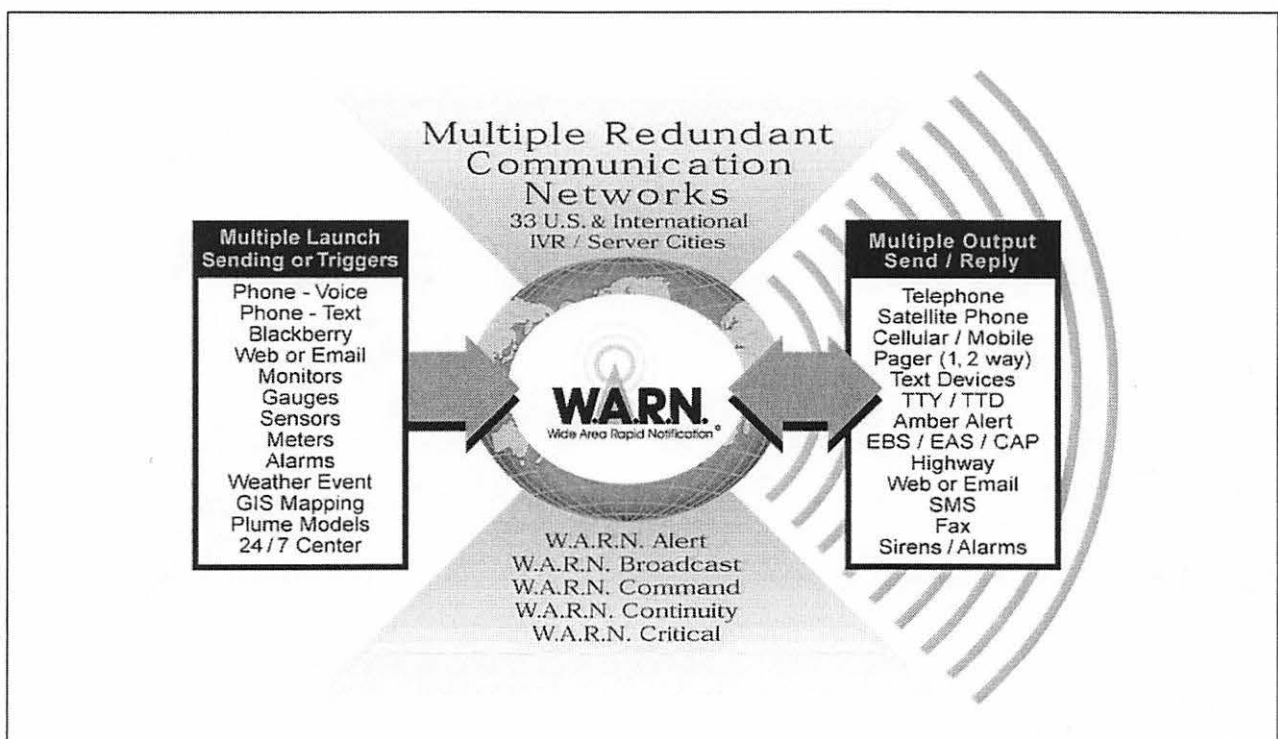
W.A.R.N. Weather – 24 / 7 Site-Specific Weather Analysis and Tracking

W.A.R.N. Vault – Remote Permission-Based Storage for Full Disaster Recovery

W.A.R.N. 24 / 7 – Round the Clock Support for any Contracted W.A.R.N. Services

W.A.R.N. Schools – Parental Information and Incident Management

W.A.R.N. Care Calls – Elderly & Handicapped Daily Check-Ins



WARN

Sign In Sheet

Please be sure to enter you cell phone number clearly

First Name	Last Name	County	Cell Phone #	Email Address
DAVE	COTTRELL	KAN.	543-3473	
Dee	COTTRELL	✓		
BRENDA	HUGHES	Fayette	877-2610	HEHughes@ charter.net
Linda	Shieler	Fayette	673-2906	linda.shieler@ wvdhhr.org
Diane	Morris	Fayette	673-5385	dianemorris@ wvdhhr.org
BONNIE FERNITE		FAYETTE		bonniefernite@ wvdhhr.org
Phyllis	Farley	Fayette	553-3104	pfarley@ wvdep.org
DAVID	NEAL	Fayette 911	574-3590	FD025DN@ verizon.net
Steve Cruikshank	Cruikshank	Fayette OES	574-1610	fcrossmc@ verizon.net
HOWARD	HUGHES	FAYETTE		@CHARTER THE HUGHES
HENRY	MERENTH	FAYETTE		DASYNAC@ CHARTER.NET
PERRY WENCKER	KELLER	KANAWHA	552-1243	perry.keller@ delish.usa
Susan	Williams	Fayette	—	—
MATT	WENCKER	"	573-5980	mwenger@ net
KEN	ESKEL	"	574-0034	KESKEL@ WVDEP.OES
John	LOPEZ	"	552-3018	
Bill WENCKER	Laird	Fayette		
Charlotte Hally	Hally	Fayette	574-4228	challyezoom.net
Jackie	Hickman	Fayette	574-4290	
Matt	Hill	Raleigh	—	—

System with an ultimate goal of making recommendations back to the Commission. Commissioner Lopez seconded. Unanimous.

James Lagos with the Division of Highways appeared on behalf of Governor Joe Manchin before the Commission to present a deed to the Commission for the Upper Paint Creek Scenic Trail.

Present were James Reid, Phyllis Farley, Karen Allen, Dave Cottrell, Henry and Brenda Meredith and Senator Randy White.

Howard Hughes told the Commissioners he received from the Raleigh County Commission a matching fund of \$5,000 for the Handicap Accessible fishing pier, roadside park, hiking trail, and the overlooks.

Dave Cottrell thanked the Commissioners, the Division of Highways and Senator Randy White and the Delegates for all their assistance and support.

Larry Dotson, Glenda Probst, Executive Director, CPA, CTP, and Kara Brewer, Chief Financial Officer, CPA, MBA of the Office of Treasurer to discuss County's investing funds with their office.

Ms. Holly informed the representative from the Office of Treasurer that the County does invest their funds with their office.

Ms. Holly informed the Commissioners that the West Virginia County Records Management and Preservation Grants Program are accepting applications for Fiscal Year 2007-2008 Projects. Ms. Holly told the Commissioners she forwarded copies of application to Dave Pollard, County Resource Coordinator, Kelvin Holliday, County Clerk, Daniel Wright, Circuit Clerk, Sheriff William Laird, Carl Harris, Prosecuting Attorney and Eddie Young, Assessor.

The Commissioners signed letters to Captain Carl Dancy, Lieutenants Gary Reed and Steve Kessler, Corporals Mark Webb, Steve Gray, Eddie Gilkerson, James Dempsey and Sergeants Deanna Sexton and James Fitzwater congratulating them on their promotions in the Fayette County Sheriff's Department.

The commissioners signed Request for Reimbursement to the West Virginia Division of Criminal Justice Services for the Community Corrections Grant, amount \$6,206.16.

The Commissioners received and reviewed a letter from Sheriff William Laird informing that effective September 1, 2006 William Keith McGraw and William Kevin Willis will be employed in the positions of deputy sheriffs within the Fayette County Sheriff's Department.

The Commissioners received and reviewed a letter from Sheriff William Laird informing that on August 1, 2006 Deputy Steven Yarber has completed his one (1) year probation period. The pay increase for completing the probation period is \$100.00 per month.

The Commissioners signed invoices to the Fayette County Board of Education for rent for the use of the Memorial Building for the months of July, August, September and October, amount \$11,666.64.

The Commissioners received and reviewed a letter from Senator Donald T. Caruth advising of programs administered through the West Virginia Division of Highways which provide Transportation Enhancement Program and/or Recreational Trails Program utilizing reimbursement from the Federal Highway Administrator.

The Commissioners received and reviewed a letter from the Pendleton County Commission requesting financial support to help fund

the West Virginia Predator Control Program.

The Commissioners received and reviewed a letter from the Office of Economic Opportunity to Multi-Cap Board of Directors regarding the Governor's Office of Economic Opportunity Position Paper.

The Commissioners received and reviewed a letter from the U. S. Environmental Protection Agency informing that the Financial Status Report submitted June 22, 2006 regarding the close-out of Assistance Agreement X-983981-01 has been completed and the grant paid in full.

The Commissioners received and reviewed several correspondences from the West Virginia Association of Counties and the County Commissioner's Association of West Virginia.

The Commissioners received and reviewed several correspondences from BrickStreet Insurance regarding Workers' Compensation claims.

The Commissioners received and reviewed a copy of a letter from Tim Richardson, Zoning Officer to Page-Kincaid Public Service District regarding the Fayette County Planning Commission administration decision concerning the water pumping facility, located on Open Fork.

The Commissioners received and reviewed an invoice from the West Virginia Regional Jail and Correctional Facility Authority, amount \$70,955.50 for the month of August.

The Commissioners received and reviewed a letter from the Natural Resources Conservation Service informing that a Dunlop Creek Watershed Project Scoping Workshop is schedule for Wednesday, September 20, 2006 from 4:00 p.m. to 7:00 p.m.

The Commissioners received and reviewed a letter from Brownfields West Virginia informing that AWMA, Marshall University WVU, WVDEP,

NICS, and WVDO will hold a joint conference titled "Brownfields WV: Risks and Rewards" on September 26, 2006 at the Charleston Marriott.

The Commissioners received and reviewed a letter from Watch Me Grow Fayette Starting Points thanking the Commission for their contribution to their Center.

The Commissioners received and reviewed an invitation from the Gauley River Public Service District inviting the Commission to a dedication ceremony and luncheon dedicating their water extension to the Twentymile Route 39 and Peterscreek area, Tuesday, October 17, 2006 at 10:00 a.m.

The Commissioners received and reviewed a copy of a letter to Governor Joe Manchin thanking the Governor for support from his office as well as that of several state agencies, the Fayette County Urban Renewal Authority was able to award a contract August 25, 2006 on our Wolf Creek Park 1,000-acre used business park.

The Commissioners received and reviewed a Monthly Statistical Summary from the Fayette County Community Corrections for th month of July.

The Commissioners received and reviewed from SunTrust Bank securities pledged to the Fayette County Commission as of August 31, 2006.

The Commissioners received and reviewed from the Bank of New York Cash Statement and Asset List for the month of August 31, 2006.

The Commissioners received and reviewed a letter from Branch Banking and Trust informing that as of August 31, 2006 a list of securities held as collateral to secure the deposits of Fayette County

Commission.

The Commissioners received and reviewed a Remittance by the Assessors to the State Treasurer's Office for the Courthouse Facilities Improvement Fund, amount \$138.00 for the month of August.

The Commissioners received and reviewed a letter to the West Virginia Development Office informing that Craigsville, Falls View, and Mount Hope are three communities that desire to help their citizens and communities prepare for the future and recognize this is through training their citizens in skills that will enable them to gain self sufficiency and sustainability.

The Commissioners received and reviewed a notice from the U. S. Bankruptcy for the Southern District regarding Multi-Cap County Community Action Against Poverty, Inc.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of September 1 to September 7, 2006, amount \$125 and the week of September 8 to September 14, 2006, amount \$165.00.

The Commissioners received and reviewed a letter to Jim Lively Insurance asking the insurance to advise them of the current property protection coverage on the Fayette County Courthouse plus the applicable inflation factor for Fiscal Year 2007.

The Commissioners received and reviewed an invitation from the Southern Conservation District inviting the Commission to their Annual Awards Banquet being held October 10, 2006 at the Raleigh County Armory.

The Commissioners received and reviewed an invitation from the

Summit inviting the Commission to their Community Wellness Day celebrating National Assisted Living Week, Tuesday, September 12, 2006.

The Commissioners received and reviewed a memo from Sheriff William Laird requesting that meals and lodging be paid for Deputy Steve Gray to attend the Swat Training in Ohio from September 10 through September 15, 2006, amount \$633.50 to be paid out of his training fund.

The Commissioners received and reviewed the obituary of Donald E. Tate Father of Deborah Tate, WVU Extension Agent.

The Commissioners received and reviewed checks for Franchise Fees from Charter Communications, amount \$1,817.46; Alarm Fees, amount \$5,976.00; 911 Fees from Mountaineer Telecommunications, amount \$2,009.84, CityNet, amount \$15.52, Citizens Communications, amount \$54.32; Soldiers and Sailors Wall of Honor, amount \$125.00; City of Beckley reimbursement, amount \$1,773.69; City of Beckley reimbursement, amount \$592.86; 911 Fund (Kirk Patrick Law Office) reimbursement, amount \$100.00; Women's Resource Center rents, amount \$2,700.00 and WV Development Office-HUD-SCBG-Elevator Project, amount \$3,159.00.

The meeting was adjourned at 2:40 p.m. The next scheduled meeting is September 29, 2006.



FAYETTE COUNTY COMMISSION
REGULAR SESSION
SEPTEMBER 29, 2006
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 29th day of September 2006.

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

Eddie Young, Assessor presented exonerations to the Commissioners to be approved and signed.

Commissioner Lopez offered a motion to approve and sign personal property tax for Kimberly Stump, Victor N. or Phyllis P. Randall, Viking Vending Services, LLC, Kathleen Louise Barley, Betty J. Wright, Tracey L. Spearen, Rodney F. Davis and James F. Fleshman.

Commissioner Eskew seconded. Unanimous.

Commissioner Eskew offered a motion to approve and sign real property tax for John Syner etux, Ricky Lee and Elaine K. Akers, Bertha Miller, Matthew David and Shannon Dean, Barry Wayne and Barry Aaron Whitt, Donald Ramsey, Heartwood Forrestland Fund, Larry M. and Majorie Rogers, Federal Home Loan Mortgage, Thomas C. Grose, George L. Johnson, Hrs., Shannon and Tami Lynn Langley. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve and sign refunds for Victor N. and Phyllis P. Randall (\$252.32), Donald Ramsey (\$495.42) and Phillip J. and Sandra Samples (\$807.71P).

Commissioner Wender offered a motion to approve minutes of June 21 and June 30, 2006. Commissioner Eskew seconded. Unanimous.

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

Commissioner Eskew offered a motion to approve overtime for Debbie Berry, Debbie Aliff, James Perdue. Commissioner Lopez seconded.

Barbara Painter, Coordinator Fayette County Weatherization Program appeared before the Commission to take a picture of the Commissioners for the Energy Star: Change a Light Day being held October 5, 2006.

Ms. Painter also presented a copy of a Press Release regarding the Department of Energy's Weatherization Assistance Program to the Commissioners.

Ms. Holly informed the Commissioners she received a letter from J. Dan Snead and Associates informing he received one (1) bid for the Window Replacement Project-Phase III from Talbott Glass/Builders Group, Inc. and recommends that Talbott Glass/Builders complete the project.

Ms. Holly informed the Commissioners that Mr. Snead recommendation is made without reservation because Talbott Glass has completed Phase 1 and Phase 2 of the window replacement work on the courthouse and their work has been exemplary.

Mr. Snead informed the Commissioners that since the submitted bid amount is so close to the budget value of \$100,000.00 he recommends that a contract be awarded for the full bid, amount \$102,575.00.

Mr. Snead informed the Commissioners that this will finalize the

window replacement program and will complete the installation of all courthouse building windows.

Commissioner Eskew offered a motion to approve the recommendation of Dan Snead on the Window Replacement Project-Phase 3 and award the contract to Talbott Glass/Builders Group, Inc., amount \$102,575.00. Commissioner Lopez seconded. Unanimous.

Commissioner Wender informed that above the front porch is a round opening, Commissioner Wender suggested including this in the Window Replacement Project-Phase 3.

Commissioner Wender asked the Commissioners permission to have Mr. Snead look at the louvre on the front porch.

Commissioner Eskew offered a motion to allow Dan Snead to complete the louvre work. Commissioner Lopez seconded. Unanimous.

The Commissioners approved for Kelvin Holliday, County Clerk, the use of the Commission room for early voting.

Commissioner Lopez offered a motion to approve a new lease for the Fraternal Order of Police for the Fayette County Community Corrections Center. Commissioner Eskew seconded. Unanimous.

Commissioner Lopez offered a motion to approve the Ben Argento Basketball League the use of the Memorial Building for the upcoming basketball season pending no conflict of the schedule, the rental fee is waived, garbage and custodian fees are waived with the understanding that Richard Meadows is to supervise the clean-up of the building and grounds and be responsible for locking and unlocking the building; the League will be directly responsible for the clean-up and security of the facility. The Commissioners will monitor this

situation and if they receive any complaints, they will withdraw the waiver. Commissioner Eskew seconded. Unanimous.

Commissioner Lopez offered a motion to approve SS Peter and Paul Catholic School the use of the Memorial Building for the upcoming basketball season pending no conflict of the schedule, the rental fee is waived. The requirements of the garbage and custodian fees are waived with the understanding that Theresa D'Angelo of the SS Peter and Catholic School shall be responsible for the clean-up and security of the building and grounds after each game; you will be directly responsible for the clean-up and security of the facility. The Commissioners will monitor this situation and if they receive any complaints, they will withdraw the waiver. Commissioner Eskew seconded. Unanimous.

The Commissioners informed they would have to schedule this with Okey Skidmore, Manager of the Fayette County Memorial Building.

Commissioner Eskew offered a motion to approve permission for the New River Mountain Guides to use the front entrance of the Courthouse to register participants for the Sterling Rope Women's Climbing Weekend on the morning of Saturday, October 28 and Sunday, October 29, 206 from 8:00 a.m. to 10:00 a.m. Commissioner Lopez seconded. Unanimous.

Commissioner Eskew offered a motion for the WVU Extension Office to set up a table and hang wreath on the front door of the Courthouse for the month of October for Breast Cancer Awareness. Commissioner Lopez seconded. Unanimous.

Commissioner Eskew offered a motion to approve the request of the

Fayette Fairs and Festivals Committee, the use of the Memorial Building for the purpose of having a Winter Carnival to be held by the Junior Women's Club. The rental fee and the custodial and trash service fees will be waived. All other rules are applicable, including the insurance requirement. Commissioner Lopez seconded. Unanimous.

Commissioner Eskew offered a motion to approve the request of the Fayetteville Midget League Cheerleaders to use the Memorial Building for cheerleading practice, and the rental fee, custodial and trash service fees will be waived. All other rules are applicable including the insurance requirements. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from the Fayetteville Elementary School requesting the use of the Fayette County Memorial Building as a temporary location for the students to report to if there is a bomb threat, fire or other emergency.

Commissioner Wender offered a motion to approve the Fayetteville Elementary School to designate the Fayette County Memorial Building as a temporary location for the students to report to if there is a bomb threat, fire or other emergency. Commissioner Lopez seconded. Unanimous.

David Gay appeared before the Commission to give them an update on the prince Depot.

Commissioner Wender asked Mr. Gay if the Commission could pursue after the first of the year. Commissioner informed that Cal Hite is retiring the end of December.

Commissioner Wender suggested discussing scheduling a meeting in

January to discuss the Prince Depot and invite the National Park Service, Daniel Wright with the Landmark Commission, David Gay and Paul Gonzalez of Nick Rahall's Office to attend.

Commissioner Wender suggested setting the agenda for January at the December 15th Commission meeting.

David Neal, E911 Coordinator appeared before the Commission to discuss the Wireless Tower Access Assistance Fund Grant Application.

Mr. Neal told the Commissioners that the 911 Center can apply for this grant, but they have no immediate plan. No cell phone companies have expressed interest.

Mr. Neal told the Commissioners that they have completed construction to put the tower in Valley and putting towers down Route 60.

Mr. Neal told the Commissioners they will have a tower in the Lookout area and the Montgomery area. There would be no tower in the Gauley Bridge area.

Commissioner Wender asked Mr. Neal who should they contact. Mr. Neal replied he would contact Matt Gravely and send Matt information to contact Tom Atar to possibly set up a meeting.

Mr. Neal informed the Commissioners about the Gauley Mountain Tower site access road. Mr. Neal told the Commissioners he received a call today that the State is getting ready to do test on the statewide infrastructure on Gauley Mountain prior to Bridge Day.

Commissioner Wender asked Mr. Neal about the status of the transfer panel.

Carl Harris, Prosecuting Attorney told the Commissioners he has

one of his assistants working on Appalachian Power Company.

Commissioner Wender asked Mr. Neal what's the timeline on the mapping/addressing project.

Tom Williams (former 911 Director with Verizon retired), Michael Baker, Jr. And Andrea Griffith appeared before the Commission to give an update regarding the current state of the West Virginia Statewide Addressing and Mapping Board Project.

Mr. Williams told the Commissioners the Board have two(2) missions to complete.

First, aerial mapping the entire state and, Second, to take photo/digital maps and give to second contractors for addressing.

Mr. Williams told the Commissioners they have hired project management Michael Baker, Inc. firm with expertise to oversee contractors.

Mr. Williams told the Commissioners that \$5.5 million was spent on aerial mapping and went great, however, second part MicroData dissolved settlement in June with MicroData.

Mr. Williams told the Commissioners that 60% is complete and they exchanged data from MicroData.

Mr. Williams told the Commissioners they have been in limbo for the last three months, told counties not to do anything but name road and gather data.

Mr. Williams told the Commissioners that the Board and contractor fault that counties not making progress.

The Board looked at the plan and said the plan was good, not hiring a new contractor, ISC in Charleston upgraded so counties can

utilize.

Mr. Williams told the Commissioners that the Counties must do some local work and asking the Commission to help fund some things in order to make happen to complete final tasks, i.e., personnel, computers, use of Assessor's staff, conversion lists at post office, conversion lists at the telephone companies, perpetual maintenance to system is essential.

Mr. Williams told the Commissioners that the funds leftover from MicroData Contract is to be divided among the counties based on criteria approximately \$2.7 million, approximately \$50,000 per County. The Counties must pick up and do work not done by MicroData.

Mr. Williams told the Commissioners that he thinks Fayette County can be down in a year should have tools on the computer within the next 60 days for Fayette County to use.

Commissioner Wender asked how much money it would take to finish this project Mr. Neal replied he has no idea.

Mr. Neal told the Commissioners the maps would be the biggest cost, good shape equipment wise, probably could use another vehicle.

Commissioner Wender asked Mr. Neal to keep the Commission abreast to the cost of this project.

Mr. Neal told the Commissioners he would e-mail day to day or whenever they needed an update on the project.

Mr. Neal told the Commissioners the next step is to assign addresses to digital maps.

Andrea Griffith told the Commissioners that Fayette County is far ahead of many counties.

Commissioner Wender told Mr. Neal he expects him to communicate to the Commission on the progress of this project.

Allen Ballard, Earl Pauley, and James Perdue appeared before the Commission to discuss the HAVA Project.

Discuss was held regarding paving. Commissioner Wender asked that they check on a paving machine and come back with a list.

The Commissioners asked that they focus on Clifftop Community Center access into the building

Ms. Holly presented to the Commissioner the list of Polling Places for the General Election.

Commissioner Lopez offered a motion to approve Polling Places for the General Election. Commissioner Eskew seconded. Unanimous.

The Commissioners received and reviewed a letter from Kelvin Holliday, County Clerk informing that inspection of the iVotronics has been scheduled for Wednesday, October 11, 2006 at 9:00 a.m.

Commissioner Wender requests that Mr. Holliday would call the Fayette Tribune and change date of inspection to Friday, October 13, 2006 for the test.

The Commissioners asked Mr. Holliday to inform them when Linda Johnson gets idea of time for test to contact Jackie Hickman to schedule time to discuss October 31 next Commission meeting.

Pete Hobbs, Mayor Town of Ansted appeared before the Commission to discuss the Brushy Fork Institute.

Mr. Hobbs informed the Commissioners that he had nine (9) citizens from the Town of Ansted two (2) were students to attend the workshop.

Mr. Hobbs introduced Kendall Atha, Jessica Chapman, Gretchen Kramer, Steve Fridenmaker, and LaDonna Fridenmaker to the Commissioners

Each person gave a brief summary of their experience at the Brushy Fork Institute.

Mr. Hobbs thanked the Commission for their support.

Sheriff Laird presented the revised lease for the Fraternal Order of Police for the Fayette County Community Corrections Center to the Commissioners.

Sheriff Laird told the Commissioners that the grant includes money for utilities \$7,128.00 and \$1,320 for telephones/fax expense. Sheriff Laird told the Commissioners the Lease has been revised to include telephone lessees to pay with money from the grant.

Commissioner Eskew offered a motion to accept the revised copy of the Lease for the Fraternal Order of Police for the Fayette County Community Corrections Center. Commissioner Lopez seconded. Unanimous.

Attorney James Blankenship and Billy Preast appeared before the Commission to discuss expanding the boundaries of the Kanawha Falls Public Service District to the River Ridge area.

Mr. Blankenship told the Commissioners that Gosh Engineering is doing the mapping and he will bring the petition to enlarge boundaries at the next month Commission meeting.

Commissioner Lopez offered a motion to approve the petition to combine or divide and segregate land for William E. Crump, Jr. 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 October.

The Commissioners received and reviewed a letter from the West Virginia Development Office Grant Agreement for FOOTMAD, amount \$2,500.00. Ms. Holly told the Commissioners that the Resolution has already been signed.

The Commissioners signed a letter to the West Virginia Development Office requesting first and final drawdown for the Upper Kanawha Valley Little League, amount \$4,000.00

The Commissioners signed a letter to the West Virginia Development Office requesting first drawdown for the Fayette County Watch Me Grow, amount \$500.80.

The Commissioners signed a letter to the West Virginia Development Office requesting first and final drawdown for the Fayette County Courthouse Jail Museum, amount \$10,000.00.

The Commissioners received and reviewed a letter from the Department of Military Affairs and Public Safety congratulating the Commission on their awarded Homeland Security Sub-grant and enclosing the grant award documents, debarment certification, additional Special Condition and Assurance-Page 17, NIMS Certification and finalized budget pages, amount \$38,400.00. The Commissioners signed.

The Commissioners received and reviewed a letter from the Upper paint Creek Watershed requesting the \$3,000.00 that was pledged by the Commission for the matching funds required for the grant.

The Commissioners received and reviewed from Steve Cruikshank,

OES Director Pumper Replacement allocation for 2006-2007 for Danese, Fayetteville, Meadow Bridge, Gauley River, Oak Hill and Nuttall, amount \$71,062.00.

Mr. Cruikshank told the Commissioners that no money was allocated last year. This year's amount reflects first and second year. The third year amount would be half this amount plus an inflation factor to be determined before the end of current fiscal year.

Ms. Holly informed the Commissioners that she sent a list of the vendors to the newspaper.

Ms. Holly presented an invoice from Pat Ford, amount \$705.00 to the Commissioners.

Ms. Holly informed the Commissioners that she received the WVU Extension Office advertisement for a secretarial position. Ms. Holly told the Commissioners that Carl Harris, Prosecuting Attorney is going to make some changes.

The Commissioners approved request of Chief Deputy Stave Kessler to pay for the paneling and trim for the Family Law Court Security Improvements, amount \$539.70.

Ms. Holly informed the Commissioners that a few weeks ago you had told her to ask Beth Gardner how many signs are needed and what size to use at the Oak Hill Rail Trail. Ms. Holly told the Commissioners she has not heard back from Ms. Gardner.

Ms. Holly told the Commissioners she sent an e-mail to Susan Gee regarding the insurance coverage. She have not received any response?

The Commissioners received and reviewed an e-mail from the Secretary of State informing that updated Canvassing and Early Voting

Manuals are posted on their website for review.

The Commissioners received and reviewed an e-mail from the Secretary of State informing that in preparing for utilizing the central count M650 optical scanning it is important that you designate a sufficient number of teams for election night.

Commissioner Wender informed the Commissioners that the gas line at the Fayette County Park has three right-of-ways and Pocahontas Properties is not looking at the property.

Ms. Holly informed the Commissioners she has not received a response from Steve Cruikshank, OES Director regarding the status of the FEMA reimbursements.

Commissioner Wender asked Ms. Holly to ask Earl Pauley, Park Superintendent to send a written update on the Skeet Range.

Commissioner Wender asked Ms. Holly to give Mr. Pauley copy of the specs on the skeet machines.

The Commissioners approved check to pay \$733.20 on the telephone audit with Gene Watkins and Associates.

The Commissioners asked Carl Harris, Prosecuting Attorney to write a letter to Gene Watkins and Associates regarding the telephone invoice.

Commissioner Lopez told the Commission that the Kimberly Community Center is about to close due to loss of Multi-Cap funding. Commissioner Lopez asked the Commission if they would fund the Center for the next three months \$3,000 to keep the Kimberly Community Center open for the month of October.

Commissioner Lopez offered a motion to approve \$3,000 to keep the

Kimberly Community Center open for the next three months.

Commissioner Eskew seconded. Unanimous.

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

The Commissioners received and reviewed correspondences from BrickStreet Insurance regarding Workers' Compensation claims.

The Commissioners received and reviewed several checks for 911 Fees from IDT Corporation, amount \$62.00, Cleartel Telecommunications, Inc., amount \$14.00, Granite Telecommunications, LLC, amount \$148.00, AT&T Communications, amount \$1,364.00, Verizon, amount \$32,434.10 and Mountaineer Telecommunications, amount \$1,907.02; Franchise Fees from Bradley Communications, amount \$850.82; WVEDA-Wolf Creek, amount \$164,118.50; Travelers Insurance, amount \$2,000.00; WVDO-SALS Grant, amount \$5,000.00; Supreme Court -FLM rent, \$2,025.00; Wall of Honor, amount \$50.00.

The Commissioners approved to pay an invoice from Verizon to update auto attendant messages, amount \$380.00.

The Commissioners received and reviewed Certificate of Membership from the County Commissioners' Association of West Virginia 2006-2007.

The Commissioners received and reviewed a letter from the Governor's Office informing the 2006 application to the Local Economic Development Assistance Program has been approved in the amount of \$2,500.00.

The Commissioners received and reviewed from the Fayette County Community Corrections Program Day Report Center Utilities Payment for

the months of August and September.

The Commissioners received and reviewed from Forward Southern West Virginia a letter thanking the Commission for meeting with them to consider the development of a Grand Lodge to be associated with the New River gorge National River.

The Commissioners received and reviewed Current Earnings Report of Law Enforcement Office for the pay period ending July 30, 2006.

The Commissioners received and reviewed a letter to Jim Lively Insurance asking that they advise the Fayette County Commission of the current property protection coverage on the Fayette County Courthouse plus the applicable inflation factor for Fiscal Year 2007.

The Commissioners received and reviewed a thank-you card from the Pollocks and Young Families.

The Commissioners received and reviewed a letter from Tim Richardson, Zoning Officer requesting that a refund of fees (\$100.00) of a special use permit application be refunded to Peggy Lewis.

The Commissioners received and reviewed a letter from the West Virginia Division of Labor, a Public Notice regarding the statute to "investigate and determine the prevailing hourly rate of wages in the localities in this state."

The Commissioners signed a letter of support for the West Virginia University Community Design Work.

The Commissioners received and reviewed a fax from Region 4 Planning and Development Council informing that the Southern WV Brownfield Assistance Center's has scheduled a Brownfields Forum: Unlocking Land Re-Use Potential, Monday, October 9, 2006 at 9:15 a.m.

to 2:30 p.m. at the Tamarack conference Center.

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

The Commissioners received and reviewed a memo from Chief Deputy Steve Kessler informing that Deputy Matt Kessler is resigning from the Fayette County Sheriff's Department effective September 23, 2006.

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

The Commissioners received and reviewed a letter from Travelers Insurance informing that claim #220ADV3B9362R remains open.

The Commissioners received and reviewed a letter from Travelers Insurance informing that claim #220ADV3B9362R has been closed.

The Commissioners approved reimburse to Kelvin Holliday, County Clerk for \$42.39 for McAfee Virus Scan for Voter's Registration laptop.

The Commissioners received and reviewed a letter from St. Paul Travelers regarding the claim for the Memorial Building has been concluded-Claim #GP0931280709T015 (Elmer White).

The Commissioners received and reviewed a letter from the Public Service Commission to Violet Aldridge regarding request for new water service to the community of "Hilton Village" near Rainelle, WV in Fayette County.

The Commissioners received and reviewed a letter from Senator Robert Byrd thanking the Commission for informing him of the voluntary buyout program for residents in the Dunloup Creek Watershed.

The Commissioners received and reviewed a letter from PEIA

informing that premiums for the month of August have not been paid, amount \$1,494.89.

The Commissioners received and reviewed Monthly Statistical Summary from the Fayette County Community Corrections for the month of August.

The Commissioners received and reviewed a letter from the City of Oak Hill to the Fayette County Urban Renewal Authority thanking the Commission for their letter of September 6, 2006 regarding the proposed Annexation of Wolf Creek Park.

The Commissioners received and reviewed a letter from the City of Montgomery asking the Commission to join them for their Annual Christmas Parade being held Friday, December 1, 2006 at 7:00 p.m.

The Commissioners received and reviewed a letter from Rapid Cable regarding Rapid Communication upgrade of Cable Television System.

The Commissioners received and reviewed a letter from Earl Pauley, Park Superintendent informing that as of September 30, 2006 Peggy Bennett and Noella Jewell salaries will change due to the pool closing for the summer. Noella (Tina) Jewell will go to \$5.15 per hour and Peggy Bennett will go back to her regular full-time salary.

The Commissioners received and reviewed a letter from Workforce West Virginia informing that the Fayette County Commission has been selected to participate in the Occupational Employment Survey.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS the Weekly Fees Collected for the week of September 15 to September 21, 2006, amount \$285.00.

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

informing the Commission that Kelvin Holliday, County Clerk called and informed her that the ballots for the General Election have been delivered and he needs the ballot room unlocked as soon as possible.

The Commissioners received and reviewed an e-mail from the Office of the State Treasurer informing that the August Limited Video Lottery proceeds will be directly deposited on September 26, 2006, amount \$5,870.30.

The meeting was adjourned. The next scheduled meeting is October 11, 2006.

